

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

1993 SESSION

(in two Volumes)

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

VOLUME I

(Comprising the period 5th March - 28th June, 1993)

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

GOVERNMENT MEMBERS

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

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Third Official Member Responsible for Finance and Development

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

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

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

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

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

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

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

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

MR. GILBERT ALLAN McLEAN
Second Elected Member for the Third Electoral District of Cayman Brac and Little Cayman

MR. ROY BODDEN
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MR. ANTHONY SAMUEL EDEN, JP
Second Elected Member for the Fourth Electoral District of Bodden Town

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

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

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Mrs. Wendy Lauer Ebanks
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Mr. Cline Astor Glidden
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Miss Nanna Bothwell
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Clerical Officer

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

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FRIDAY
5TH MARCH, 1993
9:41 A.M.

THE SPEAKER: I will invite the Reverend Stanwyck Myles to say Prayers.

PRAYERS

REV. STANWYCK MYLES: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.
The Legislative Assembly is in Session.

PROCLAMATION NO. 2 OF 1993

PROCLAMATION SUMMONING THE NEW SESSION OF THE LEGISLATURE

CLERK: By His Excellency Michael Edward John Gore Commander of the Most Excellent Order of the British Empire Governor of the Cayman Islands.

"WHEREAS, Section 46(1) of the Constitution provides that a Session of the Legislative Assembly shall be held at such place and begin at such time as the Governor may, from time to time, by Proclamation appoint;

NOW THEREFORE I, the Governor, acting in accordance with Section 46(1) of the Constitution do proclaim that a Session of the Legislative Assembly of the Cayman Islands shall be held in the Legislative Assembly Building in George Town, Grand Cayman, at 10:00 in the morning on Friday the 5th day of March, One Thousand Nine Hundred and Ninety-Three.

Given under my hand and the Public Seal of the Cayman Islands at George Town this 20th day of January in the year of our Lord, One Thousand Nine Hundred and Ninety-Three in the forty-first year of the Reign of Her Majesty Queen Elizabeth II.

God Save the Queen.".

THE SPEAKER: I call on the Honourable Elected Member, Leader of Government Business.

MOTION TO ARISE AND AWAIT HIS EXCELLENCY THE GOVERNOR

HON THOMAS C. JEFFERSON: Madam Speaker, I propose that this House do rise to await His Excellency the Governor, and reassemble upon his arrival to receive a gracious message from the Throne.

THE SPEAKER: I shall put the question. Those in favour please say Aye....those against No.

AYES.

THE SPEAKER: The Ayes have it.

AGREED. THAT THIS HOUSE DO RISE TO AWAIT HIS EXCELLENCY THE GOVERNOR AND REASSEMBLE, UPON HIS ARRIVAL, TO RECEIVE A GRACIOUS MESSAGE FROM THE THRONE.

HOUSE SUSPENDED AT 9:48 A.M.

HOUSE RESUMED AT 10:00 A.M.

ARRIVAL OF HIS EXCELLENCY THE GOVERNOR

The Governor's ADC gives three knocks on the Chamber doors which are opened by Staff of the Legislative Assembly.

The Serjeant-At-Arms, heading the procession announces: "His Excellency the Governor."

Procession:

The Serjeant-At-Arms
The Speaker
His Excellency the Governor
Mrs Gore
The Governor's ADC
The Clerk of the Legislative Assembly
The Deputy Clerk

As the Procession makes its first steps into the Chamber, all stand.

On reaching the Speaker's Dais, His Excellency the Governor moves to the Speaker's Chair, Madam Speaker takes a seat on His Excellency's right and Mrs Gore and ADC to the left.

His Excellency the Governor bows to the right and left and takes his seat.

THE SPEAKER: I have the honour to invite you, Sir, to address this Honourable Legislative Assembly.

THE THRONE SPEECH

AS DELIVERED BY HIS EXCELLENCY THE GOVERNOR MR. MICHAEL EDWARD JAMES GORE, CBE

HIS EXCELLENCY THE GOVERNOR: Madam Speaker, Honourable Members of the Legislative Assembly. It is with great honour and humility that I present my first speech from the Throne.

A year ago my predecessor spoke of the economic problems then facing the region and the Cayman Islands. I am afraid that I must repeat that message this year. We are not alone in having to face economic problems. I do not think there is any country in the world which has not been adversely affected by the recession. But Cayman enjoyed exceptional growth in the 1980s, and it has taken a while for us to realise how necessary it is to keep Government spending within the resources now available to us. These resources have increased by 26% since 1989 despite the recession - we have been fortunate in this respect - but spending has increased by 54%, so we are worse off now than we were in 1989.

These are unpalatable facts which the Government is having to face. Restraint in expenditure in 1993 and beyond is essential if we are to balance the books. A start will shortly be made to reduce the number of Government Departments, which will result in some savings in administrative costs without reduction in service to the people.

Such a reduction is overdue: Australia has 18 Departments - Cayman 37. The first move in this respect will occur later this month when the Natural Resources Unit, the Mosquito Research and Control Unit and the Environmental Health Department will be merged into the new Department of the Environment. Other such mergers will follow during the year. Staff will be consulted at all stages during the planning period to ensure that minimal hardship occurs. There will, however, be a necessary cutback in staff amounting to seven and a half per cent overall, and it has been necessary to initiate a moratorium on new recruitment into the Civil Service except for a few essential posts which will be looked at on a case by case basis. Staff affected by cutbacks will, whenever possible, be moved to other Departments but there will inevitably be some redundancies. Every effort will be made to assist those affected to find employment in the private sector.

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

Let me now proceed to report on the activities and intentions of the various Portfolios and Departments.

THE JUDICIARY

There have been a number of changes in the Judiciary and Magistracy very recently. Following the retirement of Sir Denis Malone at the end of February, Mr. George Harre, a Judge of the Grand Court, was appointed Chief Justice. His Honour Mr. Geoffrey Ramsay also retired as Magistrate at the end of February, and his place has been taken by Mr. Peter Jackson, the former Clerk of the Courts.

The work of the Courts continues to make very high demands on the time of our Judges, Magistrates, Justices of the Peace and Court staff. It would greatly help efficiency and the proper administration of justice if an extension were built to the Court House to provide for two Summary Courtrooms and one courtroom for Juvenile Court, a larger library and expanded space for staff. I regret, however, that in the present financial climate this capital project will have to be shelved for the time being.

THE PUBLIC SERVICE COMMISSION

My predecessor mentioned in the Throne Speech in 1992 that the Public Service Commission would be presenting a Report for the first time. This will be laid on the table at this opening session, and now, that the format has been worked out, future reports should be produced on an annual basis.

The Commission will continue its efforts, wherever possible, to fill posts in the Public Service with Caymanians or persons with Caymanian Status while maintaining a high level of efficiency. For the time being, however, recruitment must, of necessity, be kept to a minimum.

THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

THE ROYAL CAYMAN ISLANDS POLICE FORCE

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

It is important to maintain some perspective on these problems; the incidence of burglary and the continuing use of illicit drugs are obvious matters of concern. On the other hand, the level of violence in Cayman is very low, and residents and visitors can move about freely with minimal risk of being molested in any way. Put simply, the Cayman Islands remain an attractive venue in which to live or visit.

The Royal Cayman Islands Police are dedicated in their efforts to preserve the safety of these Islands, and it is incumbent on everyone to lend what assistance they can to their efforts.

The Caribbean Radar Network: The Caribbean Basin Radar Network station, developed principally for anti-narcotics intelligence gathering, was dedicated in January, 1993 and is now operational.

THE PRISON DEPARTMENT

The Prison Service will continue to give priority to maintaining and improving high standards of operational efficiency, to ensure the secure and humane custody of the diverse prison population.

Given approved funding, the major capital project during 1993 will be construction of major extensions to the Special Block providing 65 additional places, which will make possible a rebalancing of the prison population and reduce the negative effects of overcrowding.

The Department will continue to make efficient use of existing resources and best management practice to preserve, and in some areas further expand regime activity, particularly in the areas of the education and drug counselling programme and the horticultural and livestock enterprise, where production figures achieved record levels in 1992. The successful involvement of prisoners in community projects during 1992 will be reflected in 1993, with special emphasis on the needs of the National Trust and on environmental cleanliness.

THE DEPARTMENT OF IMMIGRATION

After four years of review, including public discussion, The Caymanian Protection Law, 1984 was replaced by The Immigration Law on 15 October 1992, and this was followed by the Immigration Regulations on 14 December, 1992. As a result, the Caymanian Protection Board has ceased to exist, and a new Immigration Board has assumed many of its functions and responsibilities. Although the new legislation is similar in concept, there are two changes that are particularly noteworthy. One is that the new Board must give brief reasons for refusing any application, a step that should be welcome to those affected. The other is that the requirements to be met by those seeking work permits have been enhanced to reduce the likelihood of Caymanians being unreasonably denied employment.

Some amendments have also been made to The Trade and Business Licensing Law and The Local Companies (Control) Law in an effort to afford greater protection to the local

business community. The Department, which now also accommodates the Passport Office, is housed in expanded and renovated accommodation.

GOVERNMENT INFORMATION SERVICES

Plans for 1993 include development of mutually agreed media policies and of programmes to assist top managers in media relations. This has assumed greater importance with the recent expansion of the local press in the field of television, and the consequent need for more direct interaction with the media at departmental level. Within the Government Information Services, officers have been assigned to specific portfolios and departments, and greater emphasis is being placed on behind-the-scenes assistance in press contacts, press briefings and press conferences.

A highlight in 1992 was the first-time in-house "camera-ready" production of the Annual Report, which was the largest ever, with a 25 percent increase in content. Of particular note during 1992 was the record number of bills, laws and regulations produced "camera-ready" for meetings of the Legislative Assembly. The Unit's ability to reproduce these supplements to the "Gazette", often at short notice, was a major factor in meeting statutory requirements for gazettal.

DISTRICT ADMINISTRATION

The prosperity, economic and physical growth and development of the Sister Islands remain dependent upon similar factors operating in Grand Cayman. With Government continuing to be the major employer, the financial input to the islands continues to be high per capita compared with Grand Cayman. From the private sector, tourism has experienced a consistently satisfactory occupancy level, and will enjoy an increase in rooms with the opening of the nearly completed hotel in Little Cayman.

It is felt that the Sister Islands could benefit by the inclusion of small cruise ships making a monthly stop. It is anticipated that, with a major focus now being placed on the concept of ECO-TOURISM, due consideration will be given to including the Sister Islands in this overall process.

LITTLE CAYMAN

A sanitary landfill was completed and officially opened last month; the old site will be landscaped.

CAYMAN BRAC

Site preparation and access roads were completed for the addition to Faith Hospital. On completion, the facility will accommodate 18 beds. It is hoped that, with a comparatively strong infrastructure in place, some companies and other professional organizations may consider relocating and/or establishing satellite offices in Cayman Brac. The scale of economy would be smaller, but there could be significant savings in operational and administrative costs.

PERSONNEL, TRAINING, MANAGEMENT AND COMPUTER SERVICES

Demands for the services of all sections of the Personnel and Management Services Department continued to increase in 1992, and this will continue throughout 1993. By the end of 1992, Computer Services had provided every Government department with access to the central computer systems, the first of many microcomputer networks had been installed and significant steps had been taken to ensure the continued availability of computer facilities in the event of a major accident or disaster affecting one or more Government buildings.

Building on this, early in 1993 Computer Services will implement two major systems which were developed over the previous year; a Lands Information System computerising the storage, editing and printing of all cadastral maps produced by the Lands and Survey Department and potentially forming the core of many other Government systems, and a Public Works Support System to assist that Department with cost control and project management tools.

There is a heavy programme of activity for the Training Unit scheduled for 1993, with in-house training courses and direct advice and assistance for Departments and Civil Servants. Training programmes will be provided for all levels throughout the Civil Service, with the emphasis on improving communication and writing skills for Advanced Clerical Officers, Executive and Higher Executive Officers; an introduction to Government Finance for those in the Executive and Higher Executive Officer grades; appraisal skills for reporting officers; supervisory management; time management and improving customer services.

The Personnel Section has, in 1992, designed an Orientation Programme for all new public servants and an Individual Performance Appraisal System for implementation in 1993. Already top civil servants have been trained in appraisal techniques and objective setting for individual public servants.

THE LEGISLATIVE ASSEMBLY

In 1992 the Legislative Assembly met for 44 days compared with 60 in 1991. The Standing and Select Committees, as well as Finance Committee, accounted for 16 days. As a result of recommendations from the Select Committee in 1991 on possible Constitutional amendments, an amendment to the Constitution was made by Her Majesty the Queen for three additional members to the Legislature. Consequential amendments were made by the Legislature to the Elections Law. The allocation was:-

(i) West Bay 1 (making a total of 4);
(ii) George Town 1 (making a total of 4); and
(iii) Bodden Town 1 (making a total of 3).

The November 18th Election was actively contested with 44 candidates. Voter turnout was high at 88% and voting arrangements immaculately ordered. Twelve Members of the National Team won seats, and three independent members were elected. Four members of the National Team were elected to Executive Council:- the Honourable W. McKeeva Bush, the Honourable Thomas C. Jefferson, the Honourable Truman M. Bodden and the Honourable John McLean. The Honourable Thomas C. Jefferson was subsequently appointed by me as Leader of Government Business. Madam Speaker, Mrs Sybil McLaughlin, was returned for a second term.

The officers in the Legislative Department are attempting to bring the Hansards up to date. The last edited Hansard was for the year 1989. Members of the Legislature, however, are always supplied with unedited versions shortly after sittings of the House.

THE PORTFOLIO OF LEGAL ADMINISTRATION

In November, 1992 the new Attorney-General, the Honourable Richard Coles, arrived in Grand Cayman to continue what had already been a very busy year in the Attorney-General's Chambers. The demands upon the Portfolio are unceasing, and there will be many challenges to be met during 1993. The 1990/1991 edition of the Cayman Islands Law Reports will be published during the year.

THE LAW SCHOOL

The second year of operation of the University of Liverpool's Bachelor of Laws (Honours) degree was marked in 1992, with the Cayman Islands Law School admitting a further eight new students onto this full-time programme. Also in 1992, three students graduated from the Attorney-at-Law Course with a fourth graduate receiving the Bachelor of Laws degree with distinction. Furthermore, for the first time, in 1992 a non-Liverpool University graduate successfully completed the local Professional Qualification Course offered by the Law School.

The Law School currently has an enrollment of 46 students, with nine students on the five-year Attorney-at-Law course, 22 on the three-year Honours Degree programme and 15 on the Diploma in Legal Studies course. In 1993, it is anticipated that five further students will graduate from the Attorney-at-Law Course, bringing to 29 the total number of graduates since the first Graduation Ceremony in 1987 from this programme and the Bachelor of Law degree programme.

THE LEGAL DEPARTMENT

The Solicitor General's Department coped admirably during 1992 with a restricted number of staff. A lengthy and involved extradition proceeding which began in 1987, was concluded in July with the return of the fugitive offender to plead to an extradition charge. The department also presented indictments in a number of serious trials including two murder cases and a number of complex fraud trials. In addition, the department continued to assist the Chief Justice in dealing with requests from the United States under the Mutual Legal Assistance Treaty. The close cooperation between the United States and Cayman arising from this treaty has resulted in an increasing number of requests for assistance.

THE PORTFOLIO OF FINANCE AND DEVELOPMENT

The year 1992 saw the retirement of The Honourable Thomas Jefferson from the post of Financial Secretary in March, after ten years in the post, and the subsequent appointment of The Honourable George McCarthy. In May the Cayman Islands was host of the 22nd Annual General Meeting of the Board of Governors of the Caribbean Development Bank.

The 1992 budget projected a modest accumulated surplus of $0.4 million; however, preliminary figures from the Treasury indicate that 1992 will end with an accumulated deficit of approximately $8 million. The factors responsible for this will be dealt with in The Hon Financial Secretary's Budget Address. The main areas of focus for 1993 will be:-

(i) The pursuit of measures necessary to correct the accumulated budget deficit within the shortest possible time frame;

(ii) The development and implementation of an expanded budget monitoring system;

(iii) The implementation of an integrated approach to the overseas promotion of the Cayman Islands as a reputable and efficient international financial services centre; and
(iv) The review of the Financial and Stores Regulations, 1986.

THE CURRENCY BOARD AND PENSIONS BOARD

The Currency Board is committed to the following in 1993:-

(i) The implementation of a currency sorting system for the retail banks;
(ii) The establishment of a clearing account with the US Federal Reserve;
(iii) A comprehensive review of legislation covering the Currency Board's operations, to ensure that it meets the needs of the banking sector;
(iv) To increase the exposure of the Cayman Islands and its coinage on the international numismatic market; and
(v) The withdrawal of the "A" series of banknotes from circulation, including the demonetisation of the $40 bill.

In respect of the Civil Service Pensions Board, in 1993 a formal organisational structure will be put in place, with the required staffing, training and systems. The Pensions Fund will officially be put out to tender after the related actuarial review has been conducted.

THE ECONOMIC DEVELOPMENT UNIT

In 1993 the Unit will continue to provide project appraisal services; develop and implement a project monitoring system in collaboration with the Public Works Department and provide technical assistance to departments submitting capital projects for consideration. The publication of the Quarterly Economic and Financial Review will continue.

Several research projects on aspects of the economy are planned for 1993. These include construction of leading macro-economic indicators for the Cayman economy and a composite index of such indicators. The amalgamation of this Unit with the Statistics Office is under consideration.

THE INTERNAL AUDIT UNIT

The Unit carried out 40 audits in 1992. In 1993, the Unit will complete an internal audit plan based on quantitative assessment of audit needs and systems and value-for-money audits.

BANKING SUPERVISION

The Cayman Islands' banking industry has continued in good health, and Cayman has maintained its reputation as a leading offshore financial centre. A combination of demanding local entry standards and various rationalisations within the international banking industry led to a consolidation of the Cayman register in 1992, with the issuance of 22 new licences and the cancellation of 34.

Cayman continues to subscribe to the high international standards of supervision set out by the BASLE Committee. 1992 saw the continued commitment to cooperation among bank supervisory authorities; the further technical training of staff; and the review of the Banks and Trust Companies Law. These activities can only strengthen our existing high standards.

The main goal for 1993 is to achieve further improvements in the quality and depth of supervision in accordance with international standards. In addition, it is proposed that the Banking Supervision Department assume responsibility for companies management, previously under the Registrar General's office, and for mutual funds regulation.

THE CUSTOMS DEPARTMENT

The Department exceeded its 1991 gross revenue figure by 20%, by bringing in approximately $53 million in 1992. This achievement was largely attributable to duty increases in late 1991 on alcohol, tobacco and diesel fuel. The revenue target for 1993 is a modest 6% increase over 1992. The computerised customs import and export system, the first phase of which was implemented in July 1991, progressed to phase two in 1992, with complete cooperation from importers and customs brokers. The third and final phase, involving bonded warehouse stocktaking and the gathering of accurate information from airport passenger arrivals, should be completed in 1993.

The Department will continue to be vigilant in the area of prohibited imports such as narcotics and firearms. The Department also aims for closer cooperation with other law enforcement agencies in the investigation of commercial fraud. Training of officers in all these areas will continue.

THE INSURANCE DEPARTMENT

The Cayman Islands maintained their position as the No. 2 offshore domicile in 1992. Twenty-four new captive licences were issued in 1992 and 19 surrendered, giving a net gain of 5 and bringing the total number of registered captives to 372.

The formation of the Health Care Insurance Commission, with the Superintendent of Insurance as chairman, and the continued energetic promotion of Cayman as an offshore insurance domicile were the main areas of activity in 1992. For 1993, the Department will concentrate on the satisfactory implementation of the Health Care Insurance Law, promotional activities to encourage more companies to choose Cayman as their base, and staff training to ensure that Cayman provides the very best service.

THE MARINE SURVEY DEPARTMENT

The year 1992 saw a major consolidation of the 1987 Applicable Conventions Law, embracing primary legislation drawn from the Merchant Shipping Acts of 1894, 1970 and 1988. In addition, the law relating to demise chartering of ships, designed to provide more flexibility for shipowners, was implemented, and the 1988 Merchant Shipping Act amended to reflect the latest developments in European Community Law affecting the ownership of Cayman Islands' registered ships.

The Department also promoted the registry at five overseas conferences in 1992, but gross revenue of approximately $65,000 was disappointing, and the future of the Cayman Registry is now under review.

THE REGISTRAR GENERAL'S DEPARTMENT

During 1992, the Companies Register grew by 5.68%, or 1,347 new companies. This brought the total number of registered companies to 25,047. Revenue collected by the Department amounted to approximately $12.8 million. The Registry's main objective for 1993 is to improve efficiency in order to decrease the processing time for company registrations to three days, from the current turn-around time of four to five days. The target growth increase in new company registrations for 1993 is 6%.

THE STATISTICS OFFICE

All planned projects for 1992 were accomplished, with the exception of two surveys which were not, in the end, required. The major staff change in 1992 was the return of Penny Basset to Statistics Canada and the appointment of Brian Boxhill as the successor to the post of Chief Statistician. During 1993 the following new projects are proposed:

(i) Compilation and publication of a report on statistics covering the tourism sector;
(ii) Production of a publication on housing in the Cayman Islands, to be based on the results of the 1991 household income and expenditure survey; and
(iii) Commencement of work on full balance of payments statistics.

THE TREASURY DEPARTMENT

The Treasury continues to consolidate improvements designed to maintain or further secure, where necessary, the highest possible standards of accountability for budgeted revenue and expenditure.

The Treasury's main projects for 1993 include:-

(i) completion of transition to a computerised expenditure commitment system;
(ii) refinements to debt collection, monitoring and management systems; and
(iii) implementation of a government-wide cash to bank system.

THE PORTFOLIO OF TOURISM, ENVIRONMENT AND PLANNING

The end of 1992 saw major changes in the Portfolio, as the sphere of responsibilities increased with new subjects added, linking tourism with the environment and planning. The Ten-Year Tourism Development Plan was completed and submitted for implementation. The formation of the Tourism Development Board, a committee intended to actively assist with the implementation of the Plan, involves members from a cross section of the community.

THE LABOUR OFFICE

During 1992, 226 formal and numerous informal complaints were investigated and resolved by the Labour Office. The Labour Office registered 393 job seekers during the year. While many of these were placed in jobs, it should be noted that the number of job applicants greatly outnumbered the job vacancies registered by employers. As part of a re-organisation, labour will become the responsibility of the Portfolio of Health and Human Services.

THE PORT AUTHORITY

In May 1992, the Port Authority formally opened the new $4 million Berkeley Bush Cargo Distribution Centre located in the Airport Industrial Park. As was anticipated, the operations of this new distribution centre have already resulted in faster handling of cargo. Also in 1992, the Port Authority commenced two new projects which will be completed in 1993. The first was to develop a Port Master Development Plan. This plan will provide the Port Authority with the necessary strategies to meet the challenges of the next decade. The consultants' report is scheduled to be completed in June, 1993.

The second was the signing of a $900,000 agreement for the construction of another cruise ship launch landing facility on the south side of Hog Sty Bay. This project will include the construction of a 155-foot dock, along with a rotunda to accommodate inward- and outward- bound passengers. Completion is planned for June 1993.

THE PLANNING DEPARTMENT

As an economic indicator, the number and value of applications that were granted planning permission shows that there was some improvement in the economy during 1992. There were 765 applications that were granted planning permission, or 26.5% more than 1991. The value also increased to $174.5 million, a large 73.8% increase over 1991.

A review of the 1977 Development Plan is now in progress, and will continue through 1993. Public meetings began in the latter part of 1992 in an attempt to solicit planning concerns from the general public, and these are continuing. A draft plan will be submitted to the Central Planning Authority by mid-year.

THE FIRE SERVICES DEPARTMENT

During 1992, the Fire Department attended 513 calls for assistance. These included structural fires, car fires, bush fires, traffic accidents and aircraft-related incidents where lives and property were at risk.

Six officers attended specialized courses in the United Kingdom, and Command and Control courses were carried out at our local training facility. With the assistance of the Marine Survey Department, approximately 60% of the staff did familiarization tours of freight ships using our ports.

The Department, working in close cooperation with the Central Planning Authority and the Hotel and Liquor Licensing Boards, continued to take steps to ensure that all licensed premises, as well as new and existing buildings, met with all basic fire requirements. The year 1993 will see the continuation of Fire Prevention and Training Programmes.

THE NATIONAL TRUST

In 1993, the Government will maintain its cooperative relationship with the National Trust, both with financial assistance and through jointly-sponsored national projects.

The National Botanic Park, being developed on land owned by Government and the Trust, is moving steadily towards completion. The first phase of the loop trail, an eight-foot wide path nearly a mile long, which encloses the central woodland of the park, was completed in 1993. Much of the progress has been as a result of community support for the project, and this is to be commended.

The Trust hopes that, by late 1993, the Park will be able to open for the enjoyment of local residents and visitors alike, although it will take years for the project to be finally completed. The Trust will continue to play an active role in serving on Government's and historical Pedro Castle's restoration programmes, the Blow Holes project and other historic and environmental tourist attractions. Additionally, the Trust anticipates that several of its own small scale projects will be completed this year, namely, the Savannah Schoolhouse and Watler Cemetery.

Government's donation of three parcels of Crown land, located in the Mountain, helped the Trust to kick off its ambitious Land Reserve Programme, which is dedicated to preserving the flora and fauna of the Cayman Islands, but will have the wider benefit of preserving the quality of life for present and future generations. This will be done by protecting the integrity of the environment and providing further opportunities for the development of eco-tourism.

The Trust continues to work closely with young people through its historic and environmental educational programmes, and the National Trust Fair, its premier educational event, has now become an annual event.

THE NATURAL RESOURCES UNIT

Concern and interest continues with regard to the protection of Cayman's fragile and all-important natural environment. At the forefront of Government's environmental concern, is the Natural Resources Unit, shortly to be merged with the Mosquito Research and Control Unit and the Environmental Health Department to form a new Department of the Environment, charged with protection and conservation of the natural resources of the three islands and their territorial waters.

The Unit, which will become one of three sections in this new Department, continues to maintain well over 200 permanent public moorings throughout the three islands. These moorings allow boats to have access to the reefs for fishing and diving while avoiding the damage which would otherwise be inevitable due to anchoring in the coral. Another 100 or so buoys demarcate the boundaries of the Marine Parks. The Unit will continue to monitor inshore fishery, with regular annual surveys of the conch and grouper populations.

The Unit is also responsible for the administration of the Coastal Works Advisory Committee and the Marine Conservation Board. As a result of the creation of the new Department of the Environment, 1993 will see a greater emphasis on protection of all aspects of our environment, as well as proper conservation and management of our natural resources for our own benefit and for that of future generations.

THE MOSQUITO RESEARCH AND CONTROL UNIT

A very successful programme of larviciding with the insect juvenile hormone Altosid was carried out in 1992, covering all the mangrove between West Bay and George Town. The many problems encountered with this method in the last few years have been overcome, and MRCU now has a workable alternative to conventional insecticides. However, because of the very high cost of this product (the only one of its kind available), it is still not feasible to extend the method to the eastern half of the Island, or to the Sister Islands. MRCU is presently researching methods of developing a larvicide locally at much reduced cost.

The programme of ditching the mangrove swamps between the main canals is progressing, with Barkers completed and the Salt Creek mangrove swamps now nearing completion. In addition, an isolated arm of mangrove adjacent to Willy Farrington Drive is being canalised and ditched. This should permanently reduce mosquito breeding in these areas.

All arriving ships and planes continue to be sprayed, but in spite of this, several small infestations of the yellow fever/dengue mosquito were detected in 1992. Surveys and trapping for this mosquito have been upgraded as far as manpower and equipment allow.

TOURISM

Hard on the heels of 1991, which was one of the worst years for Caribbean tourism in recent times, the global recession continued into 1992, but showed positive signs of recovery during the last quarter of the year. Despite these economic problems, especially in our major market of the USA, our air arrivals in 1992 amounted to 241,843, a 2% increase over the previous year. However, despite this small increase, our arrivals still lag slightly behind 1990, a record year in tourism. Cruise ship passenger arrivals continued to grow, totalling 613,470 in 1992, and representing a 29% annual increase.

The most significant project of the year was the publication of the Ten-Year Tourism Development Plan. This plan is now being studied to determine how best to develop our tourism sector.

While the USA continues to be the main objective, increased efforts are being made to attract tourists from the United Kingdom, the rest of Europe and Japan. New public relations and advertising agencies have been appointed for the European market. In November, United Airlines inaugurated daily jet service between Miami and Grand Cayman, and American Airlines added daily service from Raleigh/Durham in December.

The three-year moratorium on Hotel construction along the Seven Mile Beach area is due to be reviewed in June. In view of pressure on the infrastructure, it is likely that this will be extended.

The Cayman Islands will host the Third Annual Caribbean Tourism Organisation's Eco-Tourism Conference in May. This will have as its theme "Protecting the Caribbean Sea, Our Heritage, Our Future." It is expected that some 300-400 delegates will attend, and that the conference will attract much regional and international publicity for the Cayman Islands as a leader in environmentally sensitive tourism development.

In line with our continuing efforts to broaden our market base and reduce the effects of seasonality, the Department of Tourism will be scheduling a promotional tour of Spain and Germany in 1993. This tour will involve presentations to the travel trade, press conferences, and meetings with travel wholesalers and airlines.

THE PORTFOLIO OF HEALTH AND HUMAN SERVICES

HEALTH

The Government is reviewing the policies and procedures of the Health Services Authority. Government has taken a policy decision to have the health services revert to departmental status as soon as possible, while retaining management boards for the hospitals in George Town and Cayman Brac.

I have initiated a Commission of Enquiry to examine the Dr. Hortor Memorial Hospital Project, which has been cancelled. Government also intends to review the Health Insurance Law and Regulations, as well as the cost of health care.

The mental health needs of the community will be assessed, and appropriate programmes will be developed.

ENVIRONMENTAL HEALTH UNIT

As I have already reported the Environmental Health Department will form part of the Department of the Environment later this month. Once the Department is in being, it is planned that those functions most closely related to public health will revert to the Portfolio of Health and Human Services. The public is now beginning to understand what Environmental Health is about. It recognizes its importance, and demands the highest standards of service, but more needs to be done to stop illegal dumping in rural areas and the careless scattering of roadside litter.

In an effort to provide a wider range of services, the Environmental Health Section will dedicate one day per week in 1993 to the collection of roadside litter, collection of recyclables and the clean-up of illegal dump sites. The collection of household garbage will be reduced from three times a week to twice a week, but residents may request a third service for the disposal of bulky items. Thus the Unit will continue to provide a full range of services to the public while reducing operating costs significantly by $178,000 per annum.

A sanitary survey of all premises will be conducted during 1993. Data collected will be used to develop policies and programmes to improve the standard of environmental health.

The Grand Cayman Solid Waste Plan is now being considered by Government, and a decision will shortly be made on the siting of the new processing facility. Consideration is being given to the feasibility of privatising some elements of the Solid Waste Management Plan. The Cayman Brac Landfill Project has been approved by the Brac Development Board, and construction is expected to commence on May 1st.

SPORTS

Your Government recognizes the importance of sports in the development of these Islands. Recognising the value of sports both to health and to social development, a theme of 'Sports for All' has been adopted. Accordingly, it is the intention to provide or improve sporting facilities, to adequately cater to the needs of the population.

For 1993, it is proposed that playing fields will be constructed at both Bodden Town and East End. Also planned is the provision, at the Ed Bush Playing Field, of permanent seating, part of which will be covered, with changing room facilities. It is also proposed to vigorously explore (in collaboration with the Portfolio for Tourism) the link between sports and tourism. Grants will be provided to sports associations to assist with the development of their respective sports.

SOCIAL SERVICES DEPARTMENT

Various services which fall under the Portfolio of Health and Human Services have recently been amalgamated, to ensure a more coordinated approach to the delivery of these services while reducing areas of overlap. The Director of the Department of Social Services now has the responsibility for Social Services in Cayman Brac, the Cayman Counselling Centre, and adoptions. Social Services will focus on services to juveniles. To achieve this, plans are in hand for comprehensive work on new juvenile legislation, provision of a remand facility for juveniles and improvement in treatment services both residential and non-residential.

All services covered by the Portfolio will be looked at critically to ensure that they are cost effective, while at the same time meeting the needs of the community. The Government will investigate the feasibility of introducing something along the lines of a national youth service or cadet corps.

Added pressure has been placed on the Department of Social Services and, indeed, on other departments, by the arrival recently of more than 100 distressed persons from Cuba, who are having to be housed and fed. A total of 159 such persons are now in Cayman, placing great strain on our Services. It is hoped that the United States Government will be prepared to accept these people, all of whom were intending to migrate to the United States in the wake of many others who have been accepted there after fleeing from Cuba.

The Portfolio intends to lay greater emphasis on the role of the organisation "Cayman Against Substance Abuse" (CASA) in the fight against drug abuse, especially in further supporting their work with young people.

THE HOUSING DEVELOPMENT CORPORATION

The Housing Development Corporation will undertake a housing demand survey, with a view to accurately targeting the socioeconomic groups that can best benefit from its services. The objective will be to make the Corporation's loans more accessible to a wider segment of low-to-middle income Caymanians. The Corporation will also seek new sources of capital with a view to reducing the costs of funds, and to improving the competitiveness of its lending rates.

THE WATER AUTHORITY

The commencement and conclusion of the third and final phase of the Pease Bay Water Supply Project is scheduled for 1993. With this completed, the Water Authority will have a piped service from the south end of Seven Mile Beach, eastward to Midland Acres.

The water supply to West Bay, which commenced in early 1992, should be completed by the Cayman Water Company in 1993. With this project completed, Cayman Water Company will have a piped water supply service along the whole of West Bay Road and the district of West Bay. The possibility of expanding supplies to East End and North Side will be examined later this year.

THE PORTFOLIO OF EDUCATION AND CULTURE, AND AVIATION

EDUCATION

In the area of Education, a new policy document will be developed with the input of teachers, parents and the public. This will include strategic planning in the short, medium and long term. The Education Department will be reorganised to include an inspectorate section, and to strengthen the curriculum development, which has already begun under the Education Plan.

The additional year of secondary education will be retained, but a proper analysis to determine its effect on the students as well as the business community will be carried out before it is determined at what point the extra year will be added. In consultation with principals, teachers, parent/teacher organisations and the staff of the Department of Education, Government has decided to suspend the restructuring of the two secondary schools for at least one year.

In September 1993, all students leaving government primary schools will enter the George Hicks High School.

Students in George Hicks who have completed Grade 9 will join their Year 10 classmates at the John Gray High School; Grade 6 students will remain in the Primary Schools, and, for the present time, the Reception Class will remain in the private sector. Students presently studying for the CXC examinations will continue. However, a further study will be made of the suitability of other examining boards to the needs of the Caymanian school system, as the CXC examination does not cover as wide a level of ability as the former GCSE.

Further Education: The Community College continues to grow from strength to strength, largely due to its well furnished and equipped campus, which provides an identity which previously was lacking.

During the last academic year, 94 students were enrolled in the full-time Business Studies, Technical Studies and Hospitality Studies programme. Fifty-eight students were enrolled in the Accounting Technicians programme, and 74 (an increase of more than 100%) in the Banking programme. There were thus 226 persons enrolled in full-time programmes at the college.

Course registration in the Extension Services Department increased from 599 to 898, an increase of more than 50%. Enrollment in the Cayman Brac centre of the college also increased to 89.

Scholarships: The Education Council granted 34 scholarships to overseas institutions in 1992, and a joint scholarship with ESSO was awarded. The Cayman Islands also participated in the Commonwealth Scholarship Scheme, and two serving teachers were awarded scholarships and commenced studies abroad. This year, 11 scholarships have so far been offered under the scheme, and currently nine nominations are being processed.

The Cultural Foundation: The new Cayman National Cultural Foundation Law will be brought into effect, which will enable the Board to mount a membership drive and to hold elections by June. The Government looks forward to continued development of cultural activities, with greater participation by a cross-section of the community.

THE NATIONAL MUSEUM

The major goal of the National Museum in 1993 is to establish an objects conservation laboratory and a storage facility to house the Museum's stored collections. These two areas will mark important advances in caring for the collections. A publicity campaign programme is being designed to increase awareness of what the Museum has to offer and to add to the membership. The museum continues to be a prime tourist attraction with 16,544 visitors in 1992.

THE PUBLIC LIBRARY

The Public Library continues to be an important part of our community life. It is proposed during 1993 to open a reading room for newspapers and periodicals in the small building adjacent to the library. This will provide some additional comfort to our regular adult readers, and free valuable space in the main hall for additional displays and programmes. Very necessary liaison with the school librarians will also be established, and the librarians will assist with the setting up of the new Cayman Brac Library.

THE NATIONAL ARCHIVE

In 1992, the National Archive spent its first full year of operation in the new facility off Thomas Russell Way. Staff have been able to pursue the work of the Archive more effectively as a result, and progress has been made both in records management and in acquiring, preserving and cataloguing archives, as well as the Memory Bank - the oral history aspect of the Archive's work.

It has been gratifying to see an increasing number of

researchers using the National Archive. This has resulted in the publication of the first book based almost entirely on the Archive's resources, "The Lawless Caymanas", by Brian Kieran, and in the publication of the first volume of the Archive's own series, "Our Islands' Past", which describes life in Cayman 200 years ago. Rapid sales of these books, as well as the Archive's reprint of "A History of the Cayman Islands", shows the interest there is in Cayman's past.

Scheduled for 1993, are:- the publication of a second volume of "Our Islands' Past"; a reprint of "Hirst's Notes on the History of the Cayman Islands"; and a volume on the 1932 hurricane, largely compiled from information obtained from the Memory Bank.

CAYMAN AIRWAYS

The Board of Directors of Cayman Airways, in consultation with Government, has decided to reduce the size of its fleet from five aircraft to two or three aircraft. By mid-year, the fleet will be reduced to three aircraft, namely two B737-200's and one B737-400. The Board has also decided that it is necessary to reduce the number of routes which Cayman Airways presently flies. A start on this has been made with the announcement of the cessation of the New York - Cayman route.

Problems remain with the fleet of aircraft which past agreements have created. Under the June 1992 agreement with Guiness Peat Aviation, Cayman Airways returned two aircraft, having decided to lease from another company. The Airline is nevertheless committed to pay Guiness Peat Aviation US$6.1 million. Unfortunately, however, under this agreement, two 737-400's are subject to an option, whereby Guiness Peat Aviation can insist that Cayman Airways takes two aircraft back in 1994 for three years at a total cost of US$21 million. These two 737-400's were the cause of much of Cayman Airways' heavy losses which, in 1991, reached US$15 million, before Government subsidy. Should Cayman Airways be forced to take back the 737-400's, the airline will face an even more serious financial crisis.

Cayman Airways' service to the Sister Islands has long been a matter of concern. The Board and Government consider that the provision of a convenient and reliable service to Cayman Brac and Little Cayman is essential, and a study to find ways and means of improving the service is now being carried out.

CIVIL AVIATION

The past two-and-a-half years have seen major development and refurbishment of the facilities at the Owen Roberts International Airport. In February of this year the rehabilitation of the runway, three taxiways and two parking aprons were completed. The Caribbean Development Bank financed much of the $9 million project.

Other improvements include:- a facility to extend general aviation parking; a National Weather Service; and the installation of a new navigational beacon and strip improvements at the Gerrard Smith Airport on Cayman Brac.

BROADCASTING

Radio Cayman, with a staff of 20, provides Cayman with some 8,600 hours of quality programming a year. In 1992 it contributed $530,000 to General Revenue. The centralisation of transmitting equipment at the Northward site will be continued in 1993, and every effort will be made to develop more local programmes.

The Cayman Brac service will be upgraded so that the people of Cayman Brac and Little Cayman will be able to receive two high-quality FM broadcast services. The AM broadcast will be phased out, providing a more cost effective and improved service, and there will be an additional FM frequency for Cayman Brac.

TELEVISION

Two television companies, CITV and CITN, have been licensed for public broadcasting on UHF channels and are now in operation. Three companies have been given approval in-principle for MMDS cable broadcasts. A fourth company, Cayman Christian Television has been approved to re-broadcast religious programmes, also on a UHF channel.

Government will closely monitor the television stations to ensure that the public are protected from any untoward effects of this highly influential medium. At the same time, the public look forward to a continuation of the high standard of local news and special programmes which have already been established.

THE PORTFOLIO OF AGRICULTURE, COMMUNICATIONS AND WORKS

As a result of the restructuring of the Portfolios following the 1992 General Elections, the Portfolio's responsibilities now include the Department of Agriculture, Public Works, Vehicle and Equipment Services, Postal Services, Telecommunications and the Agricultural and Industrial Development Board.

It is the intention of the Portfolio to continue its support of the major projects, including the Five-Year Agricultural Development Plan and the 20 Year Postal Plan scheduled for

implementation in 1993.

THE DEPARTMENT OF AGRICULTURE

The Five-Year Agricultural Development Plan, encouraged by the report of a National Income Survey published in June 1992, shows agriculture as being the fastest growing sector.

The Department continues to develop and regulate the sector, and provides advisory and technical services in crop and livestock husbandry. The hiring of an Extension Officer in 1992 has enabled the Department's technical team to have further impact on improvements in the fields of technology and production of local farming.

In 1993 the Department will continue to ensure that the Five-Year Development Plan reflects the needs of the sector. Emphasis will be placed on the completion of the extension to the Farmers' Market, to ensure that it is well-equipped and suitably staffed in order to effectively carry out its pivotal marketing function. Efforts will continue to purchase suitable land for agricultural production.

The Department will seek the necessary funds for the central slaughter facility and satellite butcher shops, which are vital to improved livestock production in the Cayman Islands. The target for commencement of construction is August 1993.

Other activities include continued infrastructural development and improvement in Grand Cayman and Cayman Brac. Efforts will continue to be made to bring about consumer awareness of the quality and value of locally produced food.

THE POSTAL DEPARTMENT

A 20-Year Postal Development Plan was completed by the British Postal Consultancy Service in 1992. Implementation of the plan will begin in 1993, with emphasis being placed on personnel training, computerisation of the Registered Post Services and Philatelic Bureau. Additionally, attention will be given to upgrading the George Town Post Office. Government will endeavour to ensure that the public will benefit from further improvements in the Postal Service.

THE PUBLIC WORKS DEPARTMENT

The Public Works Department will continue to pursue its dual roles of maintaining existing buildings and roads, and planning and implementing improvements. Particular emphasis is being directed towards maintenance, as many of the facilities put in place during the past 10-15 years are beginning to run down, thus creating higher demands on resources. The Department hopes to implement computer-based maintenance management systems for both buildings and roads within the next 12-18 months.

THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

During the year, the AIDB will be exploring the possibility of obtaining funds at more competitive rates than the Board has so far been able to obtain from the Caribbean Development Bank. It is hoped that these will result in a significant reduction in the Board's cost of funds. This reduction would be passed on to the Board's clients in the agricultural, tourism and industrial sectors in the form of lower lending rates.

Government will continue to provide the Board with the capital needed to fund its lending programme for Caymanian students who wish to pursue tertiary level courses overseas.

TELECOMMUNICATIONS

The telecommunication system supplied by Motorola in 1990 was formally accepted by Government in August last year. The new system is now operating well and is under warranty until August.

In May last year, the communications tower was completed at Northward. The new, self-supporting tower is rated to withstand hurricane winds up to 200 miles per hour. This should ensure that our communications continue to be operational even in the most adverse weather conditions.

Honourable Members, as I conclude my first Speech from the Throne, I should like to record how, almost daily since I took up office five months ago, I have been impressed by the sophistication of these small islands. I wish to express my gratitude and congratulations to the members and officials who provided the material to assist me in the preparation of this speech. Without doubt, the level and quality of work produced by your Civil Service is of the first class. You can be proud of them.

My predecessor last year spoke on this occasion about the proposals for Constitutional change. It was clear to me from the outcome of the November Election that the people of the Islands do not wish to have major constitutional changes or a new Constitution. Following discussions with the Elected Members of the Executive Council, I have discussed with the Foreign and Commonwealth Office in London, a number of amendments to the existing Constitution which will bring it more up to date, taking into account developments which have occurred over the past 20 years. I take this opportunity to say that these do not envisage the creation of the post of Chief Minister or indeed any of the more contentious issues which were the subject of debate before the Election. The proposed amendments are now being examined by the Legal Advisers

in London and I expect soon to receive from them the suggested draft wording of the amendments. These will be laid before the Legislative Assembly for debate. It will be up to you, Honourable Members, to decide whether or not you want these amendments to your Constitution.

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

DEPARTURE OF HIS EXCELLENCY THE GOVERNOR

Serjeant-At-Arms (Carrying the Mace)
The Speaker
His Excellency the Governor
Mrs Gore
Chief Justice
ADC
Minister

THE SPEAKER'S PROCESSION AND RESUMPTION OF THE SITTING OF THE ASSEMBLY 11:19 A.M.

THE SPEAKER: Proceedings are resumed in the Legislative Assembly.

I now call upon the Honourable Elected Member of Executive Council, Leader of Government Business to move the Motion for the Deferral of the Debate on the Throne Speech.

MOTION FOR THE DEFERRAL OF THE DEBATE ON THE THRONE SPEECH

HON. THOMAS C. JEFFERSON: Madam Speaker, I am delighted to move the following Motion to thank His Excellency the Governor for ably delivering the Throne Speech although, as I understand, he is suffering from the flu.

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

BE IT FURTHER RESOLVED that debate on the Address delivered by His Excellency the Governor be deferred until Wednesday, 10th of March, 1993.

THE SPEAKER: The Motion before the House is as has been read out by the Honourable Leader of Government Business and is open for debate.

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

AYES.

THE SPEAKER: The Ayes have it.

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

AND FURTHER THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR BE DEFERRED UNTIL WEDNESDAY, 10TH MARCH, 1993.

PRESENTATION OF PAPERS AND REPORTS

THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE CAYMAN ISLANDS FOR THE YEAR 1993

THE SPEAKER: The Honourable the Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure of the Cayman Islands Government for the year ending 31st December, 1992.

THE SPEAKER: So ordered.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE APPROPRIATION BILL, 1993

CLERK: The Appropriation Bill, 1993.

THE SPEAKER: The Appropriation Bill, 1993, is deemed to have been read a first time and is set down for its Second Reading.

SECOND READING

THE APPROPRIATION BILL, 1993

CLERK: The Appropriation Bill, 1993.

THE SPEAKER: The Second Reading of The Appropriation Bill, 1993. The Honourable Third Official Member, Financial Secretary.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move the Second Reading of The Appropriation Bill, 1993.

THE BUDGET ADDRESS
AS PRESENTED BY THE HON. GEORGE A. McCARTHY, JP., FINANCIAL SECRETARY

Madam Speaker, and Honourable Members of the Legislative Assembly, in this my first Budget Address, I would like to commence by offering my congratulations to my predecessor who has been elected to the high office of Executive Council, and to also acknowledge his stewardship and distinguished service when he was Financial Secretary.

In presenting the new Government's first Budget, like all Members of this Honourable House, I am very conscious of our Islands' accomplishments over the past 30 years. Our economic and financial growth and social stability have been the foundation for the relatively high standard of living and material prosperity which we now enjoy. It is not just that wages and salaries have dramatically increased; but also that our standard of housing, health care, education and general social welfare have dramatically improved as well.

Madam Speaker, while continued growth and prosperity in these islands must be the Government's number one public policy priority, we must also be aware of the challenges that we must face. The external economic and financial environment that directly influences our own economic and financial progress here at home has changed over the past 5 to 10 years, is constantly changing, and therefore remains unpredictable. The priorities and aspirations of our people are also changing, and as resources become more and more difficult to find, the demands become greater and greater. Therefore, it must be recognized that the task of development has been made much more challenging than even five years ago.

Madam Speaker, I am sure every Caymanian has a vision of where he or she wants these Islands to be 5, 10, or 15 years down the line, as well as some notion as to what must be done to get there. Having a vision of where we want to be 5 to 15 years from now is a necessary but not a sufficient condition to successfully arrive at our destination; it is only a first step. In addition, we must undertake a realistic appraisal of our actual and potential resources, as well as recognize the limits of those resources necessary to transform that vision into reality. This is necessary, because, although we may have a bold and lofty vision, that vision could be unrealistic in terms of both the adequacy of current, and the availability of future resources. In short, our visions and aspirations may be bold and lofty, but in terms of resources and priorities, we have to "cut our suit to fit our cloth".

This means, above all, ensuring that the growth of public expenditure in real terms is in step, and remains in step with the rate of economic growth, and more importantly, with the rate of growth of local revenue. To this end, we will have to develop a credible strategy to effectively place limits on growth in public expenditure, without seriously impairing the effectiveness of public sector programs. We cannot, and will not achieve in one year or four years, all we would like to achieve; therefore, we must determine priorities, order them, and make choices that are realistic and achievable. Some of these choices will be difficult and may turn out to be unpopular as well. The Government will continue to seek the hand of the people in making these choices, fully aware that a Government that walks hand-in-hand with the people, will find the people walking hand-in-hand with them.

Madam Speaker, I shall start with a very short review of the current and future outlook in the world economy and what that may mean for us. This will be followed by a review of the 1992 performance of the local economy. I shall then turn to the 1992 revenue and expenditure performance of the Government sector. Finally, I shall present the Draft Estimates of Revenue and Expenditure for 1993.

INTERNATIONAL ECONOMIC BACKGROUND: A SUMMARY

Global economic recovery remains sluggish, but overall, growth is heading in the right direction:

Madam Speaker, economic recovery appears to be underway in most of the main industrial countries, but the pace is not as brisk as everybody was hoping for. Growth was between 1.0% and 1.5% in real terms in 1992, and is expected to be between 2.1% and 3.5% for 1993. Nevertheless, this could mean a much brighter prospect in 1993 than in 1992 for our tourism and financial industries in particular.

Current and future conditions of the U.S. economy are of primary importance to us, mainly because the general performance of the U.S. economy directly affects our own economic performance. After what was described as unexpectedly weak growth during most of last year, there is evidence that strong growth is underway in the U.S. economy. If this outlook proves accurate, it would bode well for stronger overall growth in our own economy.

However, we must be cognizant of the increasing number of countries within the region that are either intensifying their efforts to expand into offshore financial business or to offer a wider range of offshore financial services. For us, this means that competition is on the increase. This, therefore, suggests that we should never become complacent, and in addition, we have to be very careful how we continue to tax these services as a means of raising additional revenue.

The marketing of their tourism products by a number of these countries is also being pursued with vigorous and aggressive initiatives. These countries have recognized that one of the best ways of increasing their market share is by containing cost. One implication of these developments for us, is that the Government, hoteliers, water sport operators, restaurateurs, taxi drivers, duty free store operators, and in fact, every citizen of the Cayman Islands must work together to ensure that every tourist who visits our shores will think of the Cayman Islands as the best place to spend a vacation.

THE ECONOMY: 1992 PERFORMANCE

Madam Speaker, the performance of the financial, construction, import, and tourism sectors and the labour market during last year is indicative of how well the economy performed overall during that time, and how it could perform during 1993.

FINANCIAL SECTOR PERFORMANCE

The financial sector did better last year than the previous year, and remains buoyant. Loans and advances made locally were $620 million in the Third Quarter of 1992, 11% higher than the same period in 1991. This reflects creditors' and borrowers' strong confidence in the current and future financial health of the economy.

Total depositing activity also rose and was 10% higher than the Third Quarter of 1991. Private savings amounted to 30% of total deposits and increased by 2.9% in the Third Quarter. It appears that the fall in interest rates did not discourage private savings completely as this grew from $45.1 million in the First Quarter to almost $50 million in the Third Quarter, a savings performance that was significantly above that of the same period the previous year. These developments indicate strong confidence in the future of the local economy and could mean stronger growth in the financial sector in 1993.

INFLATION

In 1992 inflation dropped to 2.4%:

In 1991, inflation averaged 6%, but in 1992 this average dropped to 2.4%. Lower inflation means higher real incomes. Therefore, most people were able to make their monthly pay cheques much more in 1992 than they were able to in 1991. The overall effect was a higher level of consumer spending which is generally good for the economy.

TOURISM

1993 may be a better year for tourism:

In contrast to the First and Second Quarters in 1992, air arrivals showed positive growth during the Third Quarter, and much stronger growth during the Fourth Quarter. There were 10.9%, or 5,913 more stay-over visitors arriving by air in the Fourth Quarter compared to the same period last year. Air arrivals in the Fourth Quarter were 6,538, or 11.7% up over the Third Quarter.

However, the average length of stay remained at approximately 5 days. Average occupancy rates rose by 2 percentage points to 56% compared to the same period last year.

Cruise ship arrivals also increased in 1992 over 1991. Fourth Quarter cruise ship arrivals were 27,900, or 20% higher than in the corresponding period last year, and are growing significantly faster than air arrivals.

The slight improvement in the number of stay-over visitor arrivals and occupancy rates, if sustained, are both positive signs of the 1993 growth prospects in the tourism industry. The strong growth that is reported to be currently underway in the US economy, should contribute to a brighter future for tourism in the short-term at least.

CONSTRUCTION

Total planned building activity showed strong growth:

In the Fourth Quarter, $47.1m of planned new construction investment was approved, which was significantly higher than the amount approved in the same period in 1991. That was the fourth consecutive quarter of strong positive growth in total planned new construction spending during last year.

The growth in demand for new construction was concentrated mainly in the commercial sector. However, there was a big increase in the subdivision of large plots of land into smaller housing plots which caused an increase in the demand for planning permits. This appears to indicate that land owners and developers anticipate an increase in the demand for residential properties in the near future.

Government's planned building activity also contributed to the overall pickup in the construction sector. In the Third Quarter, Government received approval to proceed with $4.1M of construction, which was $2.8M above Government's planned level of construction expenditure for the same period in 1991.

Overall, prospects for future construction activity look fairly bright. The current expansion of planned investment in new construction reflects confidence that individuals and firms planning to build have in the Cayman Islands economy.

LABOUR MARKET

The private sector sought more workers in 1992 than in 1991:

Construction workers were in the greatest demand in the Third Quarter: 105 new construction workers were required, 176% more than in the Second Quarter and 123% more than in the Third Quarter of 1991. The financial, transportation/communication and utilities sectors also showed a comparatively greater need for new workers in 1992 than they did in 1991.

However, the tourism, wholesale/retail and Government sectors did not show a significant increase in the demand for new workers. In fact, the need for new workers in these sectors, particularly the Government sector, showed an overall decline. This perhaps reflected the effect of the freeze on filling vacancies in the public sector. However, on balance, the private sector appears to have generated more new job openings in 1992 than in 1991.

IMPORT SECTOR

The import sector did much better in 1992 than in 1991:

Madam Speaker, imported goods reached $76.6M (excluding oil and liquor) in the Fourth Quarter last year. This marked a significant 42.6% increase over the Fourth Quarter of the previous year, and a 44.7% increase over the Third Quarter 1992.

A rising demand for imports is a signal that large wholesalers and retailers as well as smaller scale business people expect an increase in spending. Increased spending in the economy is what boosts growth. Much more, it is also a strong vote of confidence in the future prospects of the economy.

ECONOMIC OUTLOOK

With the exception of the tourism sector, there was strong evidence throughout much of 1992 that the economy had rebounded from the less prosperous growth period of 1991.

Given that economic growth in the US is expected to be much stronger this year, the tourism sector is expected to perform better than last year. This should add momentum to the resurgence of steady upward growth in the economy.

Madam Speaker, based on the performance information at hand, (of which I have given only a summary), I think it is reasonable to say that the overall 1993 outlook for the local economy appears bright.

THE GOVERNMENT SECTOR

GOVERNMENT'S OPERATING PHILOSOPHY

The policy of our Government has always been based on the philosophy that the public sector should be kept as small as possible without jeopardising the effectiveness of its operations. Inherent in this philosophy is that if all governmental functions including central government and statutory authorities are guided by the principles governing efficient allocation of resources, waste and

extravagance would be avoided, and the cost to our society, which is required to pay for such services, would be minimized.

We are aware, however, that as our standard of living improves, and we become more sophisticated in our habits or wants, we often develop the tendency to demand that certain services be provided, without often times considering the cost. It is from this point of view that any Government of the day must respond primarily to the needs, and not necessarily the wants of our Society, because the greater we strive to satisfy our wants, the closer we come to crossing the threshold from indirect to direct taxation.

FINANCIAL PERFORMANCE – 1992

REVENUE

Although the economy rebounded in 1992, revenue performance was generally mixed

Based on economic projections that were made, total revenue anticipated in 1992 from local sources was estimated to be $124.6 million. The amount actually collected as at the end of December was $120.4 million, which means that we fell short of our expectation by $4.2 million.

Underlying revenue performance in 1992 are the mixed results of the new revenue measures implemented during that year. Madam Speaker, you will recall that last year the Government put in place new revenue enhancement measures designed to raise approximately $10.4 million in additional revenues from increases in company registration fees, duty on diesel fuel, alcohol, cigarettes and tobacco, and planning permit fees. We raised more revenue than we estimated from diesel fuel and cigarettes and tobacco, but fell below our target on company registration fees, alcohol and planning permit fees.

EXPENDITURE

Actual recurrent and statutory expenditure continues to outpace actual recurrent revenue, resulting in an increasing of the deficit.

As in 1991, 1992 proved to be another year when local revenues raised were essentially used to fund recurrent and statutory expenditure, without any contribution being made to capital expenditure. For 1992, recurrent and statutory expenditure amounted to $124.6M, exceeding recurrent revenue by $4.2M, as previously noted. Capital Expenditure amounted to $16.9M. The recurrent deficit of $4.2M when added to capital expenditure of $16.9M meant that the cumulated deficit for the year, before accounting for financing of $13.2M amounted to CI$21.1M. The net cumulated deficit carried forward into 1993 was $8.0M.

Madam Speaker, when we look back at 1991, we see an almost similar situation where the deficit amounted to $15.4M before financing. In that year, while recurrent revenue exceeded recurrent and statutory expenditure by $2M, the capital programme funding requirements of $17.2M were achieved by the inclusion of borrowings amounting to $14.1M.

The results for 1992 and 1991, are indications that we should stop and make an assessment of where we are going. If we were to select a point in time to be noted as when actual expenditure began to seriously outpace actual revenue, we would definitely have to choose 1990, when the cumulated deficit for that year amounted to $14.9M before financing. This development in Government's fiscal position was also observed and highlighted in the 1992 Budget Address in this Honourable House.

Madam Speaker to put the Government's financial position into perspective, for the past three years, between 1st January 1990 to 31st December 1992, local revenue raised amounted to $335.4M. Total recurrent, statutory, and capital expenditure amounted to $386.8m resulting in a cumulated deficit before financing of $51.4M. Total capital expenditure of $47.8M over this period was funded by borrowings of $20.2M plus drawdowns from General Reserves and the Accumulated Surplus and Deficit Account.

GENERAL RESERVES

The balance in General Reserves at the commencement of 1992 amounted to $13M. Interest earned during the year and transfers out of General Reserves were $0.5M and $3.5M, respectively. The closing balance as at 31st December, 1992 was approximately $10.0M.

In dealing with the accumulated deficit balance carried forward into 1993, the Government has taken the decision that the approval of the Legislative Assembly will be sought to transfer $8M from General Reserves as an offset to this item. This will avoid having to devise means of allocating a portion of the revenue for 1993, and for subsequent years, to the financing of this deficit.

PUBLIC DEBT

The public sector debt position, excluding contingent liabilities, at the beginning of 1992 was $38.8M. The balance as at the end of December 1992 amounted to $40.8M, reflecting an increase of $2.0M. This increase comprises a $3.5M drawdown from the Caribbean Development Bank on behalf of the Civil Aviation Authority, and $1.4M of unspent proceeds from the $14.1M approved for the funding of capital expenditure in 1991, less repayment of $2.9M during the year.

PENSION FUND

The Pension Fund balance as at 31st December, 1992 amounted to $6.2M (inclusive of accrued interest and receivables). Contributions into this account during the course of the year amounted to $2.5M.

For 1993, the Board of Trustees authorized that measures be pursued for obtaining an assessment of the Civil Service Pension liability. A preliminary actuarial assessment carried out in 1992, estimated that the liability as at January, 1989 amounted to $32.4m.

1993 - MEASURES FOR CONSIDERATION AND IMPLEMENTATION

Because of the financial position which obtained as at 31st December, 1992, the Government has taken the decision that expenditure must be contained, commencing in 1993. No longer will recurrent and statutory expenditure consume 100% of recurrent revenue without any contribution being made to financing the cost of capital programmes! No longer will departments of Government continue to mushroom in growth by providing services, which, if deferred, will not impair the effectiveness of Government! No longer will statutory authorities be held to less stringent standards of accountability than line departments of Central Government!

Madam Speaker, while time would not permit for an all inclusive budget document to be developed for the 1993 financial year, commencing in 1994 the Budget will reflect not only the requirements of Central Government, but the budgets of all the authorities with particular attention being given to their capital expansion programmes. The only budgets that will be excluded will be those of Cayman Airways, Cayman Islands Turtle Farm, and the Housing Development Corporation. This is because these entities are best described as trading rather than service orientated concerns. However, each will be requested to submit its budget for Government's scrutiny. Particular attention will be paid to Cayman Airways, and the Managing Director will be called upon to present a detailed budget setting out realistic and attainable expectations, while being made to account for the performance of the Airline in 1993.

Madam Speaker, the days of providing incomplete information by Managers of Governmental departments and statutory authorities will no longer be the normal way of doing business, and the reason for the services that these entities are called upon to provide, and the cost of providing such services will continue to be examined for usefulness, relevance and cost-effectiveness as part of the measures currently underway to contain costs, the Governor, in consultation with Executive Council, has established a Committee to effect certain retrenchments throughout the entire Civil Service, where such cutbacks will not impair the effectiveness of the Service. The overall goal will be to attempt to reduce the size of the Civil Service by 7.5% and thus the cost. It follows, Madam Speaker, that a reduction in Personal Emoluments will also achieve reduction in other operating costs as well. It also means that some departments presently housed in rented premises are likely to be accommodated in premises vacated through such retrenchment. It should be noted, however, that the full impact of expenditure reduction from these increases will not be seen before 1994.

Madam Speaker, staff retrenchment and streamlining the overall operations of the public service will not achieve the desired reduction in spending, unless it is also recognized that, if we reduce spending in one area, and then spend the amount reduced in another area, it does not result in savings; it is merely a reassignment of expenditure, with no reduction in the previous level of spending.

Therefore, critical to the success of these and other measures to narrow the gap between budgeted and actual expenditure and again, between actual expenditure and revenue, is an understanding of some of the main underlying institutional causes of the continued divergence between spending and revenue in the first place, as well as a consideration of reforms to address these causes. Failing this, we may end up addressing symptoms, instead of causes.

The Government has observed that one of the main causes, if, indeed, not the main cause, has been the too frequent use of Supplementary Appropriations over the past three years. To avoid misunderstanding, let me hasten to say that the need for the use of supplementary appropriations stems from three reasons. First, it is one of the principles of legislative control that amounts in the approved Budget should be spent only for the purposes for which they have been voted or approved. Therefore, as new needs arise requiring expenditures, these expenditures must be approved by the Legislature even if funds are available from the previously approved budget. Second, some departments do not always have the details required for full submission of the financial requirements for their programmer projects. However, where political decisions have been made in favor of these programmes or projects in principle, only token amounts are shown in the Budget for legislative approval and later during the year when full details are available, Supplementary Appropriations are sought from the Legislature. Third, supplementary appropriations are also sought when the amounts voted initially in the approved Budget proved to be inadequate.

Madam Speaker, there may be nothing wrong at first sight, with these practices governing the use of supplementary appropriations. However, while supplementary appropriations are a necessary backup mechanism, and may be inevitable in many cases, reliance on, and too frequent a use of this mechanism undermines the discipline necessary to restore budgetary balance and fiscal stability. To make this point more strongly, Madam Speaker, reliance on supplementary appropriations not only tends to encourage fiscal indiscipline in planning and preparing budgetary submissions, but together with too frequent a use of supplementary appropriations, these practices must be considered "concealed time bombs" that threaten restoration of budgetary balance and ultimately fiscal stability.

Madam Speaker, some of the current practices that govern the use of supplementary appropriations are not the only causes of continued budgetary imbalance. The level of

subsidies -- particularly to entities that have the potential to be self-financing but because of the subsidies, have not had the incentive to advance their self-financing potential -- needs to be critically examined with the view to achieving the phasing out of the subsidies.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE – 1993

REVENUE

Madam Speaker, the gross receipts appearing in the Budget, amount to $153.3 million. However, after adjusting for the loan proceeds of $18 million: being the unspent $15 million for the recapitalisation of Cayman Airways, $1 million for the Health Services Authority capital works, and $2 million for Civil Aviation Authority, the net recurrent revenue is then shown as $135.3 million. A further observation to be made is that after deducting $124.8 million for recurrent and statutory expenditure, (excluding on-lending to agencies) the current surplus remaining amounts to $10.5 million. This balance represents 8% of recurrent revenue, and will be sufficient to fund the Capital Expenditure programmes of $10.2 million, with a positive balance of $0.3 million remaining in the Surplus and Deficit account.

It should be pointed out, that while no new measures are being proposed the Government is considering bringing legislation on Mutual Funds at the next meeting in June. This legislation is, and will continue to be developed in close consultation with the financial services industry.

TOTAL EXPENDITURE

Madam Speaker, I am pleased to present to this Honourable House the 1993 Budget seeking authorization for an overall expenditure level of $152.9 million. However, as mentioned earlier, I should hasten to point out, that $18 million of this sum relates to commitments entered into prior to 1993: namely $15 million out of the $16 million loan approved in July 1992 for the recapitalization of Cayman Airways; $1 million approved in 1990 for the Health Services Authority, and $2 million balance on a Caribbean Development Bank loan approved in 1991 for the resurfacing of the Owen Roberts International Airport Runway. The 1993 net total expenditure budget, after adjustment for this on-lending to agencies, is $134.9 million. This amount is approximately $2.9 million or 2% less than the 1992 net total expenditure of $137.8 million. The 1992 net total expenditure figure of $137.8 reflects an adjustment of $3.8 million in on-lending to the Civil Aviation Authority and the Community College.

Of this total expenditure of $134.9 million, Recurrent Expenditure as shown in the Budget Summary, is $116.6 million or $100,000 below the 1992 Recurrent Expenditure of $116.7 million. Statutory Expenditure, is $8.2 million or $0.3 million (4%) above the 1992 level of $7.9 million. Capital expenditure, however, is targeted at $10.5 million, a reduction of $6.8 million or 23% below the actual of adjusted $13.1 million ($16.9 million minus $3.8 million) for 1992. The major capital projects that are to be implemented during 1993 include the following areas: Roads ($2.0 million); School Buildings ($2.1 million); Administrative Infrastructure ($1.2 million); Sports Facilities ($0.9 million); and Agriculture ($0.4 million).

Madam Speaker, in achieving these levels of expenditure, the Government has had to take some very difficult and fundamental decisions which will help restrict expenditure growth over the longer term. These include:

(a) selective reductions in Civil Service, and statutory boards and corporations' staffing levels through amalgamation and/or down-sizing of agencies and departments, starting in 1993;

(b) the establishment of targets for contributions to General Revenue from revenue-earning statutory boards and corporations;

(c) extensive screening of all Capital Acquisitions and Capital Development projects with the priority being placed on the completion of on-going projects and on the most essential and critical new projects;

(d) significant reductions in selective subsidies and grants to less essential public and private sector organizations; and

(e) across-the-board reductions of up to 50% in operating expenditures such as: overseas travel and subsistence costs, office supplies and materials costs; overtime costs; and professional fees.

It is not expected that the full effects of these measures will be felt during 1993 and the Government's overall policy of rationalizing services is expected to be implemented over the medium term, 1993-1995. In this regard, the Government will present to this Honourable House in the 1994 Budget Meeting, a draft medium-term financial strategy document. This document will "flesh out" these and other measures which will be necessary over the medium-term to put our Country back on a sound financial footing.

Madam Speaker, I recommend the Appropriations (1993) Bill 1993, proposing an estimated sum for Recurrent and Capital Expenditures of $144,800,810. Not included are the Statutory Provisions for loan repayment, pensions and gratuities, amounting to $8,147,659.

The total expenditure is $152,948,469.

Before I conclude I would like to take this opportunity to thank the staff of Finance and Development, particularly the Assistant Financial Secretary, for the sleepless days and sleepless nights that he has put into the Budget exercise. I would also like to thank the other staff members who have worked assiduously along with him. I would like to thank the staff of the Economic Development Unit. I would like to especially thank the elected Members of Executive Council as they have put in quite a number of hours. In addition I would like to thank the official Members as well and, overall, to thank the Civil Service for their cooperation in getting this Budget document completed.

Thank you, Madam Speaker.

At this point Madam Speaker, I would like to move the following Motion:

MOTION FOR DEFERRAL OF THE DEBATE ON THE BUDGET ADDRESS

"BE IT RESOLVED that the debate on the Budget Address be deferred until Wednesday the 10th of March, 1993 and that the debate on the Throne Speech and the Budget Address be taken together."

THE SPEAKER: The question before this Honourable House is that the debate on the Second Reading of the Appropriation Bill 1993, be deferred until Wednesday the 10th of March, 1993, together with the debate on the Throne Speech.

The Motion is open for debate.

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

AYES.

THE SPEAKER: The Ayes have it.

AGREED. THAT THE DEBATE ON THE BUDGET ADDRESS BE DEFERRED UNTIL WEDNESDAY, 10TH MARCH, 1993;

AND FURTHER RESOLVED THAT THE THRONE AND BUDGET ADDRESSES BE DEBATED SIMULTANEOUSLY.

THE SPEAKER: I shall now ask for a Motion for the adjournment of the House.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10:00 A.M. Wednesday, the 10th of March, 1993.

THE SPEAKER: The question is that this Honourable House do now adjourn until 10:00 A.M., Wednesday, the 10th of March, 1993. If there is no debate I shall put the question. Those in favour please say Aye, those against No.

AYES.

THE SPEAKER: The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10 o'clock.

AT 12:01 THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 10TH MARCH, 1993.

WEDNESDAY
10TH MARCH, 1993
10:03 A.M.

THE SPEAKER: I will ask the Honourable Member for Tourism, Environment and Planning, Leader of Government Business to say Prayers.

PRAYERS

HON. THOMAS C. JEFFERSON: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings in the Legislative Assembly are now resumed.

READING OF MESSAGES AND ANNOUNCEMENTS BY THE PRESIDING OFFICER

THE SPEAKER: Monday the 8th, was Commonwealth Day. Throughout the Commonwealth the President of the Commonwealth Parliamentary Association took the opportunity of reading the Commonwealth Day Message in the Legislature. Unfortunately this is a bit late since there was no sitting of the House on Monday. Nevertheless, I will read the Commonwealth Day Message from Her Majesty the Queen.

COMMONWEALTH DAY MESSAGE 1993
FROM
HER MAJESTY THE QUEEN, HEAD OF THE COMMONWEALTH

"This year on Commonwealth Day, I am asking you all to think about human values. I know from the many letters I receive from young people that their generation cares deeply about the rights of the individual, about the sufferings of others and about making a better world for us all to live in. I believe the youth of the Commonwealth is well placed to give a lead in showing how human values can be improved.

"We share the same world but we do not share the same opportunities. Everyone wants to be free from poverty and hunger, disease and discrimination, to have access to education and to live in a safe environment. People everywhere want to be able to play a full part in the democratic government of their countries and to live in freedom, protected by just laws. These aspirations were endorsed by all the Heads of Government of the Commonwealth when they met in Harare in 1991, and much more has been achieved since then in fulfilling them.

"In societies where constitutional rights are assured, cooperation between all citizens becomes more natural and more fruitful in tackling the major problems we face. The achievement of one human value can help to achieve others. We should all aspire to raise the standards of life in our countries, to achieve a more prosperous and equitable society and to exercise a powerful influence for peace within and between nations.

"None of this is easy to bring about because the establishment of human values implies duties as well as rights. If we want to exercise and enlarge our rights and opportunities, we have to safeguard the rights and opportunities of others. We should look for chances to give service just as eagerly as we look for benefits for ourselves.

"The young people of the Commonwealth have the future in their hands. May they keep their vision of human values alive and their determination to achieve them undiminished. And may our fifty nations, sharing our experience and working together to enhance the quality of life, send an example to the rest of the world.

ELIZABETH R.
8TH MARCH, 1993.".

PRESENTATION OF PAPERS AND REPORTS

THE SPEAKER: Presentation of Papers.
The Honourable the First Official Member responsible for Internal and External Affairs.

REPORT OF THE CAYMAN ISLANDS MANAGEMENT SERVICE UNIT - 1991

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to lay on the Table of this Honourable House the Annual Report of the Cayman Islands Management Services Unit for the year 1991.

THE SPEAKER: So ordered.
The Honourable the First Official Member responsible for Internal and External Affairs.

REPORT OF THE WORK AND THE ACTIVITIES OF THE CAYMAN ISLANDS PRISON SERVICE FOR THE YEAR ENDED 31ST DECEMBER, 1991.

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to lay on the Table of this Honourable House the Report on the Works and Activities of the Cayman Island's Prison Service for the year 1991.

THE SPEAKER: So ordered.
We next move to Item 4, Questions to Honourable Members.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 1

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 1: (a) How many complaints were made against police officers during the period September 1992 to January 1993?
(b) what were the nature of those complaints; and
(c) how many resulted in the officers being disciplined?

HON. J. LEMUEL HURLSTON:

(a) During the period September 1992 to January 1993, there were 16 complaints made against the Police.
(b) The nature of these complaints were as follows:

Discourteous behaviour	4
Improper Police action	3
Abusive conduct	3
Assault by Police	2
Improper Police action and discourteous behaviour	1
Improper Police action and damage to prisoner's property	1
Abuse of authority and threats by Police	1
Harassment by Police	1
Total:	**16**

(c) Of the 16 complaints received:-

3 were substantiated;
7 were unsubstantiated;
6 are still under investigation.

The three substantiated complaints were as follows:-

Improper Police Action and Discourteous Behaviour

The complainant stated that he was unable to get a reply from Central Police Station when he telephoned twice at ten minute intervals with a non-emergency enquiry. He eventually got through on 911. The Officer who eventually answered his call was discourteous and abrupt when dealing with his enquiry about bail for a person who had been arrested earlier and also later made improper remarks about the person arrested in the presence of a doctor.

The complaint was investigated and substantiated. The Officer concerned was seen by her Chief Superintendent, warned about her conduct and given advice and guidance. A letter of apology was sent to the complainant.

Abuse of Authority and Threats by Police

The complainant stated that an off-duty Police Officer attempted to gain entry to a football match at a reduced fee, claiming that she was a member of the football club. She was unable to produce a membership card to the complainant who was on gate duty, although she was subsequently identified as a member of a recognized club by another member and allowed into the ground at the reduced fee. The complainant stated that in the course of the argument the Office told him that she was a Police Officer and threatened to give him a traffic ticket any time she found him breaking the law. He took her remarks seriously.

The complaint was investigated and substantiated. The Officer admitted making the remarks, but she said she made them jokingly and did not mean them to be taken seriously. She was seen by her Superintendent and cautioned about making such remarks, whether in jest or otherwise. A letter of apology was sent to the complainant.

Improper Action by Police

The complainant stated that whilst the Police were carrying out an operation, her 14 year old son was stopped whilst riding his bicycle and accused of warning persons in the area of the presence of the Police. He was told to lie down and not move and an Officer pointed a firearm at him. When his mother approached the Officer pointed the firearm at her and told her to keep back.

The complaint was investigated and substantiated. The Officer's Force Firearms Permit was withdrawn and he was ordered to undergo further firearms training before the permit is re-issued. He was also seen by his Chief Superintendent and reprimanded concerning the incident.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. In the cases of a fault by the Police, I wonder if the Honourable Member is in a position to say whether a complaint made by one Mr. Martin McLaughlin, of assault by the Police is one of those cases which is currently being investigated?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, I could not confirm that. But, if the Honorable Member will pass the name across to me I will certainly check and let him know.

THE SPEAKER: The First Elected Member for Bodden Town

MR. ROY BODDEN: Thank you, Madam Speaker. I would also like to know from the Honourable Member if in those cases where police used excessive force if any kind of counselling, psychological or otherwise, or if any assessment is made on the police officers to see how well they cope under stress?

HON. J. LEMUEL HURLSTON: To the extent that the Force through its Senior Officers have considerable experience in counseling, yes. However, the Force does not have the benefit of any professional psychologist on staff.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member would give an undertaking to discuss this with the Police High Command and to report to the House at some subsequent stage as to the disposition of the Police High Command regarding the availability of stress

counseling for Police Officers?

HON. J. LEMUEL HURLSTON: I will discuss it with the Commissioner of Police.

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

QUESTION NO. 2

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 2: (a) How many police vehicles have been involved in serious accidents during the past twelve (12) months;
(b) what were the costs to repair these vehicles or the amount of loss, if written off; and
(c) who assumed liability in each of the accidents?

HON. J. LEMUEL HURLSTON:

(a) Four Police vehicles have been involved in such accidents in the last 12 months.

(b) Vehicle	Cost of Report
Motorcycle #41168	Write-off ($6,665) (estimated value)
Nissan motorcar #44175	Write-off ($3,500) (estimated value)
Crown Victoria M/C #43702	Repaired ($6,364)
Ford Taurus M/C #42528	Repaired ($6,953)

(c) (i) The motorcycle was ridden by PS 10 Elliott, who is still off sick, having sustained a broken neck and leg injuries. The driver of the other vehicle has been charged with careless driving.
(ii) PC 132 K Evans charged with careless driving.
(iii) No further action in case involving Sergeant 20 E D Ebanks
(iv) The Ford Taurus was driven by WPC 148 Hutchinson - the other driver involved is to be charged with dangerous driving.

Costs of repairs of write-offs are recovered from the insurers.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. In those cases where liability for the accident is determined to be the Officer's, what provisions are made for the replacement or repair of the vehicle from the Officers involved?

HON. J. LEMUEL HURLSTON: The Financial and Stores Regulations provides for any public officer in those cases to be surcharged and in the past that has been done in appropriate cases.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say if the accident in which the Officer assumed liability if this Officer is compensating the Government for the loss or repair of the vehicle?

HON. J. LEMUEL HURLSTON: When the case has been finally determined and all charges have been settled, the question of surcharging will be dealt with.

THE SPEAKER: If there are no further supplements, the next question is No. 3, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 3

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 3: What are the names, nationalities and occupation of members of the Cayman Islands Gun Club and types of firearms owned?

HON. J. LEMUEL HURLSTON: The Cayman Islands Gun Club is privately owned and also operated as a limited liability company. The Royal Cayman Islands Police do not have any say in the day-to-day running of this Club and the only occasions when it is necessary to seek information from Club officials is to ascertain that applicants for firearms users (restricted) licences for handguns are bona fide paid-up members of the Club. New firearms users (restricted) licences for handguns are only issued to members of the Club.

The Cayman Islands Gun Club Committee has advised that as of the 31st December, 1992, the Club had 109 members. The Royal Cayman Islands Police do not have any details of the nationalities or occupations of these members. From a security and crime prevention aspect, however, it is felt inadvisable by both Police and the Cayman Islands Gun Club to make public the names of members of the Club as the information may be used by criminal elements seeking to steal firearms and ammunition.

SUPPLEMENTARIES:

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

MR. ROY BODDEN: Thank you Madam Speaker. I wonder if the Honourable Member could say who assumed responsibility for the regulation and ensuring that gun club members comply with the laws of the country and the Firearm Regulations of the country?

HON. J. LEMUEL HURLSTON: All holders of firearms licences are liable and accountable to the police for the proper licensing custody and storage of all firearms in their possession.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say whether Gun Club members have a more favourable advantage of obtaining licences over private citizens including legitimate business people?

HON. J. LEMUEL HURLSTON: No, Madam Speaker.

THE SPEAKER: Supplementary, the Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, could the Member say why the requirements for giving a licence to a member of the Gun Club are more lax than the ones for private citizens? What I am asking is that the answer has said that the police do not know the occupation of these people, all they know is that they belong to the Gun Club. If a private citizen applied, he would have to say he is a farmer, or a business owner, something. Why is it so lax? And if it is so lax, is it not possible for people who are unoccupied to get guns which they could use for robberies and so on?

HON. J. LEMUEL HURLSTON: All applications for firearms are considered on the basis of the purpose for which the application is made. If the application is made by a genuine sportsman, who is a legitimate paid-up member of a recognised Gun Club, the application is treated accordingly. If a person is a genuine farmer and is making application for a firearm user's licence to protect his farm from vermin, the application is dealt with on that basis and on the merit of that application. There is no discrimination in so far as the procedure is concerned.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Can the Member say what the requirements are for becoming a member of the Gun Club? Since his answer indicates that the main criterion for getting the licence is membership in the club?

HON. J. LEMUEL HURLSTON: I would imagine that among the qualifying criterion for membership in a privately owned Gun Club would be that one should be a genuine sports shooter and someone with that sort of hobby could certainly make an application.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I wonder if the Honourable Member could say if there are certain regulations that control the types of gun that are brought in as a few months back we saw in the paper where a whole armory of stuff got away? I assume it was a member of the Gun Club. Are there certain regulations on the types of guns that can be brought into the Island and the amount of ammunition and such?

HON. J. LEMUEL HURLSTON: I believe that the members of the Gun Club have a variety of guns, some used for pistol shooting some used for other types of sports shooting. There was a case some time ago when a member of a Gun Club had some weapons stolen from his home. I believe that those have

subsequently been recovered.

In the case of a private citizen, the type of firearm that would be licenced would very much depend upon the purpose for which the firearm was required. Historically, for example, farmers would require the use of a shotgun. Permits are no longer normally granted to private citizens for pistols or handguns.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member if he is in a position to say whether the Gun Club has an established headquarters from which it operates and from which information can be dispensed and inquiring persons can channel their complaints; if they have their own range since the Gun Club is privately owned and if the membership is open and unrestricted?

HON. J. LEMUEL HURLSTON: The club operates democratically and conducts elections of officers on an annual basis. They publish the names and addresses of their officers so that they can be contacted. They do operate on a range that was developed by the club, largely, on property made available to them by the Cayman Islands Government. They do offer certain training facilities at their range to members of the Royal Cayman Islands Police. As far as I am aware, membership is open to all genuine sports shooters.

THE SPEAKER: The last question, the Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I noticed that the last part of the original question has not been answered, that is, the type of firearm given to the members of the Gun Club. I would like to ask the Member if any club members are given licences for automatic or semi-automatic weapons?

HON. J. LEMUEL HURLSTON: I am very sorry, I do not have a detailed break-down of the types of weapons. I could certainly undertake to obtain that information and circulate it to Honourable Members.

THE SPEAKER: The next question is No. 4, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 4

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 4: What progress is being made with securing the $20 million for Cayman Airways Limited?

HON. GEORGE A. McCARTHY: At present there are a consortium of banks that are reviewing a request from the Government, with a view of arriving at a decision as to whether they are going to provide the financing being sought under "The Loan (Cayman Airways) Law, 1992" for the recapitalization of the Airline.

Recent communications with the lead bank indicated that satisfactory progress was being made and from this it could be concluded that a decision would soon be communicated to the Government. The Manager of the lead bank, at the time of our conversation a week ago requested, however, that every effort should be made to restrain publicity being given to developments up to that stage until a decision had been taken by his head office and, presumably, the head office of the other banks which have agreed to participate in the financing.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Would the Financial Secretary say if it is then the case that the $15 million which shows in the Budget as a recapitalisation for Cayman Airways is not money which has been received from a loan approved by the consortium of banks today?

HON. GEORGE A. McCARTHY: Yes, Madam Speaker, the Member is correct. It has not been approved as yet.

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

MR. GILBERT A. McLEAN: In the event that this is not approved would it then be the case that the money for Cayman Airways would come out of Government recurrent revenue?

HON. GEORGE A. McCARTHY: The way the information has been presented in the Budget it does not suggest that that would be the case. It has been put into the Budget in such a manner as to suggest that

it is a flow through of funds. If it is a question that the loan is not favourably considered that will require an adjustment and further discussions to take place in terms of the way forward by the Government.

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

MR. GILBERT A. McLEAN: Could the Member say if the banks are in any way being guided in their consideration of this loan by the action taken by Government regarding the hospital and its withdrawal there of its guarantee?

HON. GEORGE A. McCARTHY: I am not in a position to comment whether such is the case.

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

MR. GILBERT A. McLEAN: Would the Member, at this stage, be in a position to say which banks are looking at the possibility of making this loan?

HON. GEORGE A. McCARTHY: The last paragraph of the answer given to the question asked earlier suggested that a request has been made by the manager of the lead bank that this matter be handled with a certain amount of discretion at this point. For that reason I do not think it would be advisable to mention the name of the bank.

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

QUESTION NO. 5

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

NO. 5: Which lawyer and firm is responsible for the legal advice and contract preparation between Guiness Peat Aviation and Cayman Airways Ltd.?

HON. TRUMAN M. BODDEN: Two Law Firms and an English Counsel were consulted by the management of Cayman Airways Limited on the legal aspects of the draft lease agreements between Guiness Peat Aviation and Cayman Airways Limited, after negotiations between the parties had been completed. The specific lawyers involved in giving advice were Mr. Samuel A. Broadnax Jr. of Messrs Kelly Drye and Warren, a large international law practice based in Miami, Florida, Mr. C. S. Gill of C. S. Gill and Co, a local firm, and counsel Mr. Andrew Lydiard, aircraft counsel from Robert Webb, Q.C., Chambers in Temple, London, England.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Member say, is it then these persons who are responsible in guiding Cayman Airways in entering the contract of, I think it was, 15 or 12 years and is it this contract which has no break clause in it?

HON. TRUMAN M. BODDEN: Yes, Madam Speaker. I should mention that that was subsequently amended for the question is coming in relation to the put-option of the aircraft.

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

MR. GILBERT A. McLEAN: As this contractual arrangement has apparently placed Cayman Airways in a serious financial quandary, it is clear that it would seem that it was not good advice. Is Government taking any steps to inquire into any possible damages to Cayman Airways which was given on the advice of these law firms and lawyers?

HON. TRUMAN M. BODDEN: I have no knowledge that the advice given was not correct legal advice. As to whether or not it was prudent for management to enter into it, I do not have the answer to that either.

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

MR. GILBERT A. McLEAN: Is it correct and could the Member say that this contract then

between Guiness Peat and Cayman Airways Ltd. and thus, in fact, the Cayman Islands Government, remains intact as it was before with the liabilities which it brings upon it?

HON. TRUMAN M. BODDEN: No, Madam Speaker, this lease arrangement was subsequently altered by having damages paid, and this is actually in another question, of some $6.2 million (US) to Guiness Peat Aviation. They have what is termed a 'put-option' to put two 737 400's back with Cayman Airways this coming year. So there has been a variation of that original lease.

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

MR. GILBERT A. McLEAN: The Member mentioned an amount of $6 million, more or less, which, it is my understanding, last year would not be paid until some time this year. Has that amount been paid to get out of that contract, or is it yet pending to be paid?

HON. TRUMAN M. BODDEN: That arrangement began for payment in February of this year. We have paid, to the best of my knowledge, the first of those which is $.5 million.

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

QUESTION NO. 6

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

NO. 6: What is being done by Cayman Airlines and/or Government to give Cayman Brac and Little Cayman a dependable frequency of air service with aircraft suitable for both islands?

HON. TRUMAN M. BODDEN: A series of meetings are in progress involving Island Air and Cayman Airways Limited with a view to examining ways and means by which Island Air may be authorised, without Cayman Airways Limited's guarantee, to operate independently of Cayman Airways Limited to both Little Cayman and Cayman Brac using an upgraded aircraft such as Beechcraft or DH Twin Otter. Cayman Airways Limited, for its part, would continue to provide a jet service to Cayman Brac.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Member say (a) if there is any move afoot to improve the frequency of the jet service to Cayman Brac and Little Cayman; and (b) if the small aircraft envisaged for use by Island Air will there be any guarantee or assistance by Government in acquiring these or will it be left to the Island Air to acquire these aircraft?

HON. TRUMAN M. BODDEN: I have personally asked that a solution be found to the problem of the air links with the two Sister Islands and that request has gone in to the Board. In fact it is being worked on, I know, at this present time. While I do not have the details or any finalisation of any agreement with Island Air, I believe it would be better if Government was not involved with having to assist either through capital or recurrent expenditure in relation to that agreement. But it is still in the early stages of negotiation.

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

MR. GILBERT A. McLEAN: Could the Member say, then, if the intention is to allow the inter-island service largely to be offered or given by Island Air and, if so, are there any plans a foot to improve the airstrip in Little Cayman particularly in view of the fact that a 32 room hotel will soon be coming on line?

HON. TRUMAN M. BODDEN: Cayman Airways will continue to operate its air service to Cayman Brac notwithstanding reaching an agreement with Island Air on the smaller aircraft. In relation to the Little Cayman airport, with the problems within Government in the past three months I have not even had time to think about dealing with any upgrading or anything there. But I am happy to refer that on to the Director of the Civil Aviation for an opinion as to the quality and what alternatives he may see on it.

THE SPEAKER: The next question is No. 7, standing in the name of the Third Elected Member for West Bay.

QUESTION NO. 7

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THE SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION

No. 7: To provide the following information on the Cayman Islands Law School:

(a) what are the present requirements for admission; has this policy changed over the years;
(b) What is the present enrollment of the school broken down by (i) Caymanians and (ii) non-Caymanians;
(c) Is there a quota on the number of students who are enrolled in the school to study Law? If there is, what is it, how was it determined and by whom?

HON. RICHARD H. COLES: (a) The present admission requirements of the Cayman Islands Law School (as laid down in the Legal Practitioners (Students) Regulations 1991) are either:

(1) at least two passes at GCE Advanced Level and at least three GCSE passes (at Grade C or above) - the subjects to include English Language and one of:- Mathematics, a Natural Science Subject, Geography or Economics (the former representing the minimum requirements of the University of Liverpool);

or

(2) The American/Canadian equivalent to (1) above being: a Scholastic Aptitude Test score of at least 500 in subjects other than English; or two Advanced Placement Tests with grades 3, 4, or 5, the tests being those of the College Entrance Examination Board;

or

(3) In the case of students being over the age of 21 on 1st May in the year of entry, having passed the University of Liverpool Mature Students Entrance Test.

Prior to the academic year 1987-1988 the admission requirement was Ordinary Level passes only.

(b) The present enrollment of the Law School (all courses) is as follows:

Caymanians/Caymanian Status	36
Non Caymanians	8

These figures may be further broken down:-

LLB (Hons) degree (full-time)	22
LLB (Ord) degree (part-time)	9
Diploma in Legal Studies (part-time)	13
Total:	44

(c) No quota system is in operation at the Law School. A Working policy has been adopted (dictated by the size of the Law School's facilities and the present number of staff), to restrict the total intake in any one year to a maximum of 20 students.

Accordingly, if 20 qualified Caymanians apply to be enrolled to the Law School in one year the current practice is to offer places to all such applicants. Overseas students, in accordance with current practice, may only be admitted where places remain after all qualified Caymanians have taken up their offers.

SUPPLEMENTARY:

THE SPEAKER: Supplementary. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. Part (a) the question asked, has this policy changed over the years? It was my understanding that for the Law School to be established in the first place was to give an opportunity to Caymanians to be trained in the area of law. I have had a quick look at the answer here and I do not think that part of the question has been addressed.

HON. RICHARD COLES: I thought I had addressed that but I will do so again. The only change, as far as I am aware, is that prior to the academic year 1987-1988, the admission requirement was

Ordinary ("O") level passes only. Perhaps by way of explanation I can say that I believe this was because of the upgrading, subsequently, of this degree through Liverpool University.

THE SPEAKER: If there is no further supplementary then the last question is No. 8 standing in the name of the Third Elected Member for West Bay.

QUESTION NO. 6

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE THE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 8: To provide an update on plans to establish a Prison Pre-release Programme to train and assist prisoners upon being released from Prison with employment as agreed upon by the previous Government?

DEFERRAL OF QUESTION NO. 8
(Standing Order 23(5))

HON. J. LEMUEL HURLSTON: In accordance with the provision of Standing Order 23(5), I beg the leave of the House to defer answering Question No. 8 as the answer is not presently available.

THE SPEAKER: The Question is that the House be asked to approve the deferment of the question. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. QUESTION NO. 6 DEFERRED.

OBITUARIES

THE SPEAKER: Before we proceed to the next item which is Government Business, The Debate of the Throne Speech and Second Reading Debate of the Appropriation Bill, I think it appropriate that I, on behalf of Members of this House offer very sincere condolences to the Serjeant-at-Arms and his wife on the passing of her mother, his mother-in-law, last week and I am sure that Members will concur that as usual we would ask the Clerk to convey this in writing to the Serjeant-at-Arms and his wife.

GOVERNMENT BUSINESS

COMMENCEMENT OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING DEBATE ON THE APPROPRIATION BILL, 1993

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

MR. GILBERT A. McLEAN: Madam Speaker, it almost seems to me like I hear sighs of relief from the Chamber or perhaps someone saying, 'Hum, we heard he was going to do it, now we have him where we would like him to be.' However, Madam Speaker, whatever might be the case I take this opportunity once again to speak on the Budget and the Throne Speech in this Legislative Assembly.

I have had the opportunity of serving in this Legislature for four years and I have been returned for another four years by the good people of Cayman Brac and Little Cayman. The last words I used in this Legislative Assembly on the 19th of September, 1992 was - "it is not over until it is over", and today I think it is a fact that it has only just began.

I would like to welcome the new Members of the Legislative Assembly who have joined the membership here, all the Elected Members and the new Second Official Member in the person of the Attorney-General. The result of the last election saw a large majority of politicians returned at the polls, the group so calling itself the National Team. I personally was not a Member of that group, I ran as an independent and was elected as such, and I think it bears some sense for me to define my position here in the Legislature at this time.

I intend to do what I have always done, speak to the facts as they are known to me, offer my opinion where that is necessary and to at all times, do my best to speak the truth even though it may not find reception in the minds of other Legislators. My position basically amounts, in my opinion, to a Member of the Opposition. I do not know if there are other Opposition Members but certainly I see that as my role. You know, Madam Speaker, and I am sure that most of the Members of this House will know, that under the Westminster style of Parliamentary democracy there is normally a Government and an Opposition side, well recognised now over several hundred of years. In speaking of being an Opposition Member it should not be misconstrued or believed that that is someone, or has to be someone who opposes the Government, does or says for the sake of opposition and indeed that is not what my role will be.

In fact, I am sure that I will find lots of consensual agreement with things which are done by the Government, Bills which are proposed, however I also believe that there will be instances when I will have strong disagreement. So that it does not seem that I am crying from an unfounded fact, I would like to just read, briefly, from the Parliamentary Bible we call *Erskine May* to see that indeed there is such a structure in Parliament. On page 200 under the heading "The Official Opposition", I quote "The importance of the Opposition in the system of parliamentary government has long received practical recognitions in the procedure of Parliament. Even before the first Reform Act the phrase 'His Majesty's Opposition' had been coined by John Cam Hobhouse." It is here clearly defined as that section on page 200 of *Erskine May*. Also in the book, *The Commons Under Scrutiny*, by Michael Riley and Peter G. Richards, (page 100) this also recognises, "The existence of an opposition of the House is not a recent development. Party groupings, though not a party system, can be identified before the glorious revolution for 1688. At some stage in the 18th century Members opposed to one another began to sit on different sides of the House. His Majesty's Opposition was coined by John Hobhouse, later Lord Burton, in a speech in 1826 and the term has been employed ever since.".

I therefore, by choice and by purpose, believe that I fill that role here in the Legislative Assembly. Government has the right under British style democracy to propose as it sees fit and the Opposition, in turn, has the right to oppose directly, or to offer alternatives, or to seek to have the Government change its view, or its position, on a particular matter. I am sure that that will happen in the course of events in the next four years, however, my position should not be blurred by too much speculation. I think it is best that I should stay an Opposition from the very beginning. Having said that, I now wish to turn to the Budget Address and the Throne Speech and to comment on various sections of those two documents. They are to be debated, it is my understanding, together and so I may refer to a matter in one or the other without necessarily identifying it in speaking.

In any democratic civilized society, Madam Speaker, the Judiciary plays a major role and among the things it does is to give justice between contending parties that interpret the law; it metes out punishment between contending parties; it interprets the law; and it metes out punishment for breaches of the law. There are many other areas but these are some of the basic functions, I think. Our Judiciary, to the best of my knowledge and understanding of it, is said to function at a higher level of acceptability. There are known instances where there have been breakdowns in procedure, the way things were handled and all the rest of it. But, I think, generally, our Judiciary functions in an acceptable manner. What is very noticeable about it is that most of the legal professionals there are non-Caymanian. I believe that it is of the greatest importance for the country to look after correcting this situation. This can be done by training our own people in the area of law or, indeed, if there are specialised areas within the legal profession and within the courts that we clearly identify what those positions are and then train our people for them.

We know that on an ever increasing basis there are non-Caymanians in all areas and walks of life, professions, vocations, skilled areas, out-numbering our local population. The Judiciary, in my opinion, is an organisation which to the largest extent, while being totally guided by the law and the principles of the law, should reflect a certain indigenousness which, I think, we yet have to achieve. I am certainly very proud to know that there are a number of Caymanians now who are becoming lawyers and who are taking up some positions in this organisation.

I wonder, as well, whether more thought should not be given to the specialised courts, such as the Family Court, I know there is a Juvenile Court, and the development thereof in these specialised areas for the benefit which specialisation brings to this particular field. In the Governor's Throne Speech he noted that accommodation is necessary there for more courts. I believe that making the court's accommodation a priority would be the right thing to do to the setting aside of other areas where the Government has proposed to spend money.

One should not lose sight of the fact, be it in one's home or wherever, that working in close and cramped accommodation does not make for the most pleasant type of living and indeed performance can be affected by it. The accessibility to records can be affected by it and it is my understanding that having easy retrieval of records is a most essential work performance within the Judiciary. So I would certainly suggest that the Government, during the time that it takes in the Finance Committee and otherwise, should look very carefully at having money allocated for at least some work in creating more needed space and accommodation in the Courts.

Following closely on the Judiciary is the Police Force. We all know there is an extremely high incidence of crime in the Cayman Islands and, fortunately, it is not all violent. It seems to mostly stem from breaches of the law involving the use of elicit drugs. However, there have been incidents of violent crime. Burglaries are certainly increasing and anyone who reads a little will know that burglaries tend to, in many instances, cause incidences where there is the taking of a life, someone is caught and, in reacting, they kill someone. So we definitely have a problem in these islands with illicit drugs and the use thereof.

The Government needs to address the situation which exists in this country in finding ways to cope with the particular problem with drugs. Putting people in prison is definitely and clearly not the answer. And unless those people are the purveyors of drugs, the pushers, the suppliers from overseas and all the rest of it, those who use it seem to find little to no help whatsoever from being locked away. Once they are out of jail the drugs are there again, very much available.

Only last week I had occasion to give a ride to a young man that I have known from the time he was an infant. He has been in prison numerous times for drugs and other breaches of the law, attempting to get money to buy drugs. It was quite frightening for me, alarming, when he told me that the supply of cocaine had reached a point where it is so available that a kilo of cocaine now is $4,000. I have heard costs of that ranging from $25,000, $35,000, $40,000, but this young man would surely know what he is talking about. To my distress he went on to say that the greatest supplies of it are in some of the eastern districts and one

district, in particular, which has been the purest of Caymanian culture, unspoiled. Now, supposedly, it has become the centre of the drug supply and distribution. Why, or how, that is the case is where the question lies in regards to Police effectiveness.

In this House, about a year ago or a little more, I moved a motion asking for a review of the Royal Cayman Islands Police Force which was unanimously accepted. To date I have not heard a single sound as to what the past Government, or what the present Government, may propose to do in bringing about such a review.

One thing I disagree with is the attitude of any Government that reviewing its performance or the performance of any of its departments is an accusatory act. It is not. It is a sound management process that all good businesses look about to make sure that objectives are being followed and to check what the level of its achievements. I believe it is long overdue for a review to take place to identify areas of needs, to identify whatever problems there may be, to identify persons who are not performing as they should or persons who are performing in the way that might even be illegal.

From what I hear, and I hear many horror stories of things the Police supposedly do and do not do, if I am to believe one-tenth of them there are, indeed, some serious problems in the Police Force with some Officers. I do not believe, and I do not subscribe to the view, that all the Police in this country are persons who are not acting or performing in the way that they should. However, conditions have grown to a point where the public is reacting in an extremely wide, deep and high extent about what they perceive to be non-performance. Accusations are being made at, and about, the Police. What is a major problem is that, in the past, there were many instances of complaints regarding Police and, supposedly, investigations were made but inevitably it was always a rumour, or it was a misconception of the mind of the person who made the complaint. I believe that attitude and those things are what have caused serious damage to the Police Force of my country.

I do not know whether it will continue in the term of the present Government, I certainly hope it will not. But I feel sure that there will be incidents where there will be occasions for the Government to act and see that action has been taken to investigate complaints where there are instances of Police misconduct.

Police are accused of being connected with the drug trade in this country. Recent meetings by the Commissioner of Police and other Officers in different districts, this has come up time and again - a fear of giving the Police information. I must say that I receive certain information at certain times and I think a long time before I say anything about it to an Officer or Officers. When I do I have to make up my own mind that, yes, this will be safe and it will not be taken that Gilbert McLean, the politician, is complaining about the Police Force, watch him and the next time he is doing half a mile over the speed limit give him a ticket or chase him down or reprimand him, or whatever. It has to be taken in the light that as a responsible citizen, and as a Legislator, I bring this to their attention for them to do something about it. However, it has reached a point where it is absurd, ridiculous and abominable for the public to believe to the extent that Police are corrupt; that it is necessary to go to the extremes as I have seen in an article of the *Caymanian Compass* of Tuesday the 16th of February of this year.

This article, entitled "800 number for Crime Information", shows how this has reached a point so serious and so ridiculous, things are so out of hand where people who should not be involved in it are getting involved in this matter, for the sake of the spotlight. It is, in effect, accusing the Police Force of being filled with crooks and people who we must distrust. In this article, I will read a few excerpts from it, it says:

> "A confidential telephone line for the public to tip off police about criminals and crime is to be launched at the end of March by the Cayman Islands Chamber of Commerce to help the fight against crime. The system has used a Crime Stoppers 800 telephone number. The number will ensure absolute confidentiality for members of the public phoning tips to the Police.
>
> The telephone number is just part of a Crime Stoppers programme being launched by the Chamber of Commerce."
>
> It goes on to say:
>
> "Police Commissioner Alan Ratcliffe, answering a question from a member of the audience who asked about the proposed 800 number system, explained that calls would go to Miami Dade Police, who would relay the information back to Cayman."
>
> 'No one can know who called', he said.".

The article says that it is understood that the Cayman Islands Crime Stoppers programme is being developed with the help of the Miami, Dade Country, Crime Stoppers Programme.

Madam Speaker, any intelligent person reading that article has to realise that things in this country are absolutely out of control. Imagine any other country on the earth phoning a tip out of their country into a foreign country to be phoned back in and given to the same police to investigate who they are accusing of being crooked. What more can I say? It has reached the point of utter and absolute absurdity.

I think that the Chamber of Commerce should stay out of policing. It is into everything but at least it should get out of policing. That is a major insult to this country, it is a

situation which turns the attention of the world to say all of the things, all of the bad publicity by media across the world, has to be true. You hear what is happening, they are calling out tips into the United States to be called back in, or faxed back in, to Grand Cayman. That could not happen, I declare, in any other country on earth because, for one thing, the Government would react and stop it because it questions its national integrity overall. Madam Speaker, something needs to be done.

I believe a review can show weaknesses. I believe a review will show where there is need for training, whether external or local, or in what direction. I believe a review can show where there is need for, perhaps, more equipment; be it cars, be it surveillance equipment, be it whatever. But this type of absurdity needs to stop. This country will continue to suffer if we are not realistic in policing the country. Long gone are the days, as I can well remember, when I stood by Godfrey's Restaurant and looked across by the little jail-house (as a young guy going to school) and I used to see the prisoners, at the most maybe two, standing outside of the door with the padlock hanging. They were simply looking around the street, they did not run away. When they knew it was time that they should go back inside, they went back inside and pulled the door behind them. That is not a fictitious story, that is a fact. Long gone are those days, Madam Speaker. Also long gone is the time when anyone could even conceive of having police stations in North Side and East End and Bodden Town closed or unmanned for less than 24 hours.

It needs to be done and no excuses that are given by Government or the High Police Command can get away from that fact. If crime is being committed in these districts and we are not even stationing police there, is it not the case that it is implied that the Police are, in effect, sanctioning - well let it go on?

I do not believe there is a need for more Police. I believe there is a need for better deployment and Police who understand the seriousness of the job that they have to do and are trained in proper decorum so they do not react wrongly with the public, although there will always be instances of it. They will not be insulting, they will not use excessive force and so on. This has to be an ongoing process if this situation is to change. Training, I stress, is an immense need.

A few weeks ago I had the opportunity of visiting the new Radar Station and, for the life of me, I could not understand the grave secrecy which shrouded the mobile station when it was put at Beach Bay or, indeed, for that matter why the press could not have been allowed to walk around and have a look at things as I and several others did at the station. I was most impressed and it seems that this station has extremely wide capabilities of surveillance on drug flights around the Caribbean which I am very happy about. I wonder if it is not possible for the Government to seek to have such technology as is necessary to put in that it can also do surveillance on the sea, on boats. It might discourage some of the trade by boats which we hear goes on here quite regularly. I wish the Government would look into that aspect of things even though the suggestion may come from myself.

The Prison Department has become overloaded, overrun and its filled with young people and the majority of statistics prove they are there for drug related crimes. In the Governor's speech how sad it was for me to read that the major capital project for 1993 will be building more prisons, 65 new cells. It is something for all intelligent people in this country to be worried about. Jail term for drug abusers is not the answer, another answer has to be found. The people who go to jail should be those people who commit serious crimes and those people who burn their lungs up, smoking crack cocaine. Unless they commit murder or burglary or whatever, their crime is really being committed largely against themselves, in my opinion.

Instead of more prison cells, I believe that money should be spent to build a rehabilitation centre and to find appropriate staff who can man it in the way that it should be done. Putting these people in jail is but hiding the problem for awhile because they do it all over again. The people who should be in the jail are those people who, in my opinion, the Police can clearly see do not have the means of income for them to purchase the yards of gold chains which hang on them. The people, who the Police must have some idea might be in the big money that finances importation of drugs or the people whom they catch with hundreds of pounds of drugs, they should go there. It is not that we do not have enough severe laws because in the Misuse of Drugs Law, persons can get up to 30 years imprisonment for over two ounces of cocaine alone. So it seems that there needs to be enforcement, it involves the Judiciary, the Police, in the efforts and certainly putting people away in prison, in many of the instances that I have cited, is not the answer.

At the Prison, it does exist and there is need for counselling, lots of it. There is need for education and I believe that if there is such a thing as forcing education upon one then it should be forced upon one, or ones, or whoever goes in there who did not get the education they needed. It should not be a question of whether they want to attend educational classes. They should be told that is part of their being there, part of their learning process. I know some efforts are being made. I understand there is some degree of success. I am happy to hear that and do commend those who are doing so. But, again, I say when allocating funds in the Budget it should go for the real priorities and not for things which make for good political publicity.

THE SPEAKER: Could you take the suspension at this time, Honourable Member?

MR. GILBERT A. McLEAN: Yes, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:34 A. M.

PROCEEDINGS RESUMED AT 11:55 A. M.

THE SPEAKER: Please be seated.
The Second Elected Member for Cayman Brac and Little Cayman, continuing the debate.

MR. GILBERT A. McLEAN: Madam Speaker, when we took the break I was speaking on the matters relating to the Prison. I offered certain suggestions and ideas as to needs within it, counselling, education, training. I noted that there are persons there, the majority being younger people who were there in connection with drug abuse. This brings me back to the point that I made earlier about the incredible situation in this country of people phoning information of stories to the Dade County Police in the United States, which is supposed to be relayed back here.

There is a serious danger in that as well, and I would like to add that if someone in this country wanted to create mischief, they could call in to that number and give the name of any person here. There is no way that someone in the United States is going to know who they are talking to or if there is any truth to it, or whatever.

Let us take the scenario of a good and upright person, living here in this country who is going to the United States. Some evil-doer calls up and says, "So-and-so is a big dope dealer and he is coming to the United States on such-and-such a flight on Cayman Airways." Does anyone see, I wonder, in this scenario of the 800 number, the jeopardy to innocent people involved with this? Does anyone know that there are two categories of people the United States do not like immigrating into their country: namely, those associated with drugs, and those persons with certain diseases?

The extent of that really boggles the mind. But it is as a direct result of the Government of the day making the Chamber a quasi-government. At least that is what is reported in the press. The Chamber has been charged with representing other organisations in this country which, in turn, suggests that other organisations may not have the same access to the Government as does the Chamber of Commerce.

I do not think that anything I could say about the danger of that, the undesirability of it, could not be better put than by a reporter for *The New Caymanian*, Mrs. Mary Woodward. I would just like to read one or two comments from her article which appeared in *The New Caymanian*, for the week of 29th January to 4th February, where she is referring to the charging of the Chamber of Commerce, by the Government, to be the umbrella organisation that speaks to the people. She asks the questions:

> "What does it all mean? Is ExCo by-passing direct contact with the people by relying on Members of the Chamber of Commerce? Does it exempt Elected Members of the Legislative Assembly of the responsibility to keep in touch with their constituents and from really representing them?".

She also states:

> "Surely the people's representatives cannot be ignored at this stage; the country elected them to represent their wishes; they did not elect the members of the Chamber of Commerce.".

Another quote:

> "The Chamber of Commerce operates in the interest of the business community. Where does that leave the average man? Under every head of responsibility given the interest and well-being of the Chamber is at stake."

She also comments:

> "However, the interest of the business community is not necessarily the welfare of Government or of the people.".

Some very, relevant thoughts. I noticed she actually gave two articles on it and I really salute the lady. She sees the danger in what has happened here where any organisation, including the Chamber of Commerce, is going to equate or come to mean part and parcel of the Government elected by the people.

My statement to this Government is that it should clearly define the role of the Chamber of Commerce and the Government. They are really not one and the same and any attempt to make it that way must surely be prejudicial to the people at large.

I would like to comment next on the matter of immigration. It is one of the most encompassing subjects this country has to face. Immigration into the Cayman Islands has reached overwhelming proportions. Recent statistics show, for example, that of 16,000 working people, 10,000 were on work permits. That figure did not include the dependents of these persons.

Our economy is based, to a large extent, on tourism. Tourism is a people industry, a service industry, and so it needs large numbers of people. However, any Government that is realistic and living in the real world of the Cayman Islands must know that the population of this country, its indigenous population, is becoming uneasy, to say the least, about the ever increasing numbers.

I believe that the question of immigration has to be addressed

practically, firmly, and there have to be clear policies. One truth is that there are simply not enough Caymanians to fill all of the jobs that need to be filled. That is an inescapable truth. If we should say that we do not need any more people here on work permits then we, indeed, would be acting detrimentally against ourselves.

But there needs to be a clear condition that immigration will be allowed where there exists a need, not want. Again, there is a difference. Immigration takes in a wide spectrum of things including salaries and wages which are paid in this country. There are, undoubtedly, employers in this country who employ persons on work permits (non-Caymanians) simply because they can employ them at much, much lower prices than they can their own Caymanian.

This is depressing the true wages in this country that it takes for a Caymanian to work and earn sufficient money to live. It is creating a situation where non-nationals of this country find themselves huddled in substandard housing in various parts of the Island's community and it is promoting unfairness in the workplace.

Every job can have a true value attached to it, and I suggest that there is only one way to address this situation practically. That is, to put in place minimum wages by category. In that way, if a hotel wants to employ room maids, the Government, and they themselves, will know that they cannot pay less than a certain amount per hour. Caymanians would know that they are due to have that wage and if someone is brought here to work below that minimum wage then it is a breach of the law.

Beside this is the question of one national formula for the distribution of the gratuities. It is unrealistic and foolish for the Government of this country, through the Labour Office or wherever else, to try to watch and preside over about 10 or 12 different systems of distribution of gratuities. Over the years there have been hundreds of thousands of complaints about the question of distribution of gratuities which relate to people in the hospitality industry.

Some properties do not even try to hide the fact that they take some of the gratuities for their own use, although the law says otherwise. So much leniency is given in certain areas, such as this, and there is no enforcement against such entities. But the man on the street who does one mile over the speed limit ends up before the Judge; big deal!

That is the kind of society we have become. We have our priorities wrong. We had better get them right because trouble is on the horizon. I do not believe for one minute, although Caymanians can be the most unbelievably self-effacing people on earth, that the conditions here are going to continue on and on and there is not going to be a serious problem. I know there is.

I often hear people express statements about what they feel needs to be done to correct the situation and it breathes thoughts of violence. I do not encourage it, of course, but if I am being truthful I am compelled to say, "Well, you know, Mr. So-and-so from Timbuktu could not do it." Your own people, our own people, were not allowing these conditions to prevail.

The Immigration Board and the Immigration Department need to work in close collaboration with the Labour Office. For some odd reason, the Immigration Department and the Boards prior to that (the Caymanian Protection Board and so on) seem to not particularly want to hear the story from the Labour Office or Officers about the true situation. They seemed happier, or so it appeared to me, dealing with applications as they came in. Where the Board may have been so minded to grant permits freely they were, indeed, in a better position to say, "Oh, well, I did not know about that". There is a danger there. I believe that the Labour Office needs to be involved in it. It relates to labour, it relates to immigration.

I know of instances, at least in Cayman Brac, where the Labour Officers have done some unbelievable inspections in terms of analyzing the situation to its deepest extent, as I happen to know it as being more regularly related to it. I am aware that certain recommendations have been made to the Boards in the past and people who are dealing unfairly in wages and in the conditions of service and in treatment of employees, simply go on doing it and it seems, for all intents and purposes, to be ignored.

In the new Immigration Law there is a section dealing with understudies in the workplace. I am convinced that this has to be more than a phrase in the law. Every business in this country that employs non-Caymanians has to know, be told, and believe, that the Government is serious that there must be understudies; that someone in that office or that business who is a Caymanian must be earmarked for that particular job at some point in time, and they must be called upon to show that they are taking that seriously and that certain things are being done to train that Caymanian for eventually taking over that job.

I say that, and I also say that there are certain job categories here in this country where time and events have brought Caymanians to believe that they should not do that type of job anymore. If you cannot find Caymanians to do it, then one has to resort to finding someone elsewhere. Naturally those instances will occur. But it must be proven and should also be proven not to be because depressed wages are being offered.

Of course, there are also organisations here in this country that do business with three or four people in an office and they own the business. They are trading here. They really do not have any Caymanians employed, they are not necessarily ongoing businesses, or whatever the case may be, so there has to be discussion in each case. But each case must be proven.

The world has a major problem and that is the problem of refugees. These little Cayman Islands, these three little mountain tops in the Caribbean sea, have a major problem with it by sheer numbers from another Caribbean territory from which its citizens are fleeing. The human feeling must always be in place when dealing with other human beings. However, I believe, that the Cayman Islands were not designated by God to offer employment for all the peoples of the earth, nor to offer a place for all the peoples of the earth to live at their discretion.

In dealing with the situation of refugees, we have to deal with it very forthrightly and factually. I, as a citizen of this country, am outraged when I read in today's paper that there is

a bunch of Cuban nationals in Miami who are saying that the Cuban refugees are living in hell. By what I understand, that is where they came from. Certainly it is a blatant lie that these people are perpetrating on the Ceyman Islands and the Government should take every measure in the world to stop it, through the media that is spreading it in Miami, through diplomatic channels between the United Kingdom and the United States Government, wherever, it should be stopped because it is a blatant vicious lie.

I know there are people in these Islands who do not eat three meals a day. That is not true of the Cuban refugees. There are not any great concerns being put on by the Government executives or the political directorate about those who may not be eating three meals a day either. There are older people in this country who are getting $25 per month as financial assistance. I would guess that three meals a day would get very close to $25 a day for each refugee here. We have to stop pussyfooting around in situations like these and deal with the facts as they are and state our position clearly. And, on top of stating our position we have to make it known that while we would dearly love to help all of the people in Cuba who might have the desire to leave, we simply cannot do so without national detriment to ourselves.

A subject which is very near and dear to my heart is that of District Administration of the business of the Islands of Ceyman Brac and Little Cayman. Much has been achieved in Cayman Brac in the four years just past. I believe this was due to good representation on the part of Members who serve those two Islands, and also a sympathetic Government who tried to help the situation there, understanding what the situation was.

Considerable infrastructure has been put in place in Cayman Brac, and I am very happy about that, indeed. It was one of the main missions I set out upon in 1988 when I decided to stand as a candidate there. I believe that with developing the infrastructure as much as possible it will help the development of the Island which would mean employment for the people which, in turn, would mean less people having to leave their homes and families to come to Grand Cayman to live.

So a considerable part of my mission has been accomplished. I certainly do not intend to represent the people of Cayman Brac and Little Cayman any less in the four years ahead than I did in the four years past. At the top of the priorities for Cayman Brac and Little Cayman has to be a proper, suitable, reliable air service. I believe that the secret of success for Grand Cayman has been that we have the type of air service that brings people to this Island who spend money, invest and all the rest of it.

Cayman Brac will never see the development that it needs if it does not have the air service which it deserves. I have said before, and I say again, that flying Cayman Airways' aircraft to Baltimore or to Atlanta and New York, this place and the next place is one thing, but charity begins at home and if things are well in your home then one can go abroad and spread the good and welfare.

This Government needs to address the problem of air service to Little Cayman and Cayman Brac. The last Government did need to address that and the Government before that needed to address that but, to date, no Government has addressed it properly, simply because there is a general attitude of "they are over there". Cayman Brac and Little Cayman are not in the main stream so they become forgotten. That must not be. It is of benefit to us to stay together as one people, which I know is a very difficult thing for us as Caymanians to do. We need to seriously address this situation.

I look forward to seeing investments in Cayman Brac and Little Cayman in the months and years ahead and I trust that this Government will do what it should do to advertise the Islands properly, particularly in the area of tourism. Undoubtedly we can offer within the Cayman Islands three types of tourism. It is for the good of all for us to do so. There is no good reason why a person hearing about Grand Cayman should not know there is a Cayman Brac and Little Cayman and we should have an air service, as such, that persons can spend some time during one vacation in Grand Cayman, Cayman Brac and Little Cayman. It is the ideal situation and is not so frighteningly impossible to achieve. It can be achieved if there is a will to do so.

I trust that this Government will not believe that Cayman Brac has all it needs, as I have heard has been said, but that it continues to need. Any country or Island that stops its infrastructural development, stops. I certainly do not advocate any stoppage of what benefits it might derive. So Government needs to continue playing its role in some projects for example, the area of roads, where the roads are that also attract investment when people can reach property and so on, as the agriculture roads and so on have done, or the improved road surfaces in Little Cayman and Cayman Brac. I do trust that these will continue to be addressed. I will continue to keep them ever before the eyes of the Government.

Right now there is an effort being undertaken, or attempts are being made by Captain Harold Banks, a gentlemen who was involved with the oil transfer transhipment business in Cayman Brac in the late 70s to early 80s. He is again attempting to do something in that direction. I know he has circulated a request to all Members of Government because last Friday it was circulated on the desk of all here. As far as I can determine he says there is a company in the Scandinavian Country where there is a lot of money to be invested and they will invest, but they are seeking to get some word from the Government as to whether they would consider giving them an exclusive if they started it up for a certain period of time.

Now I can see nothing so earth-shattering or so bureaucratically overwhelming that the Government cannot sit down and look at that letter of proposal. The Executive Council could meet and say, "Yes, we can tell Captain Banks that he can tell his company that we are prepared to look upon this favourably, but we have to hear much more about it.". At least there is an indication.

My understanding is that this has yet to be accomplished and it has been in the works now for several weeks. In Cayman Brac and Little Cayman I am also very happy to see that Mr. Linton Tibbets has enough faith in those two Islands that he has, once again, invested a sum of money to build a hotel in Little Cayman. I wish him well and I think that the two Islands owe him considerable thanks for what he has done. By his investing in Cayman Brac and Little Cayman he has provided jobs for the people of these two Islands. Note was made of it in the Governor's Throne Speech, but no mention was made, apparently, regarding

Mr. Kent Rankine's hotel here in Grand Cayman. I think he is a Caymanian who also deserves a lot of credit for what he has done and, certainly, it seems to be a very big undertaking. It is good when Caymanians can be owning hotels as most of them are not so owned in these Islands. I, too, wish him success.

I have long called for efforts to be made through tourism for cruise ship calls in Cayman Brac and Little Cayman. One cruise ship a week would make a significant difference in these Islands. I was amazed to find that there are certain hoteliers there who do not want to see it happen. This is supposedly because it brings the type of tourist that do not spend a lot of money and they use facilities for the hotel guests that are staying for a week or whatever. I think that is not a good attitude or outlook for these Islands. The people who come to the Islands by cruise ship see the Islands and can return to the Islands and spend vacations, spend money, and invest. People who go on cruises are not necessarily the poorest people in the world. In fact, it is known that some of the richest people go on cruises.

There is no doubt in my mind that it can be done if there is the will to do so. There are smaller cruise ships than what come to Grand Cayman that can develop an interest in visiting those two Islands. I trust that the new Member for Tourism will take this into serious consideration and investigate all the probabilities of this.

Another matter I have taken into consideration is the question of so much supposed expenditure and cut backs on expenditure and so forth and so on. There is, at the Gerard Smith Airport, a huge room on the second floor which was supposed to be a restaurant. Why it was built there I do not know because the Government should have foreseen the difficulties of having a restaurant placed in an area of the airport other than in the departure area (which is right here in Grand Cayman) however, it is there. It is not being used. I believe that the Government could wisely use that space to provide accommodation for officials traveling to Cayman Brac. They could stay right at the Airport with easy access. All it would take would be some studs, sheet rock, a bit of wiring and, perhaps, a toilet being put in place. I intend to put this to the Government in writing as well as the question about the cruise ships.

Another thing, is ecology. There is a huge pond opposite the Coral Isle Club in Cayman Brac that becomes exceptionally foul during the summer months. Right now it is filled with mud and hundreds of thousands of beer bottles. It is owned by Government and I will be writing again to the relevant Member asking him to consider just walling off the end of that, cleaning the end of it, putting in some tanks there and taking some young turtles from the Farm in West Bay and giving the people of Cayman Brac the opportunity of having a miniature example of the Turtle Farm in West Bay.

I am happy to see that at long last the Social Services Department also heads Social Services in Cayman Brac. This type of organisational arrangement, I think, gives better opportunity for greater development in the area of Social Services.

What capital development Cayman Brac will get has been decided by the Government of the day without consultation with myself by any Elected Members of Executive Council. What is in there has been done, or chosen, by the Government. There is some, and I hope that it will be enough and that it will continue to be there for these Islands.

I want to comment next on the question of the Constitution. The only interest that I have in this matter is that until the British Government indicates, officially, to this country that it has departed from what it said should be the procedure relating to the review of the Cayman Islands Constitution, it should be followed.

I discovered, by chance, that the Government of the day has, allegedly, drafted certain amendments to our present Constitution and sent them to the United Kingdom Government seeking their approval for them. Indeed, the Governor said as much in his Throne Speech. I believe it is incumbent upon me to clarify my position very briefly by reiterating in this House what has been the British Government's stated position, request, and requirement concerning the Constitution.

I would first refer to a release of the 19th of June 1991, which is a letter from the Honourable Mark Lennox- Boyd, Parliamentary Under Secretary of State for Commonwealth Affairs which was received by His Excellency, the Governor (the former Governor that is) Mr. A. J. Scott. In this letter Mr. Boyd writes to the Governor and says:

> "The Constitutional Commissioners have submitted a report on their review of the Constitution of the Cayman Islands. In our view, the report constitutes a coherent and comprehensive approach, not only to the specific problems which gave rise to Government Motion 9/90, but also to the development of a Constitution which is appropriate to the Cayman Islands' current level of social and political development.
>
> We have no difficulties with any of the recommendations in the report and see much to commend them. However, Her Majesty's Government will wish to have the benefit of the reactions of the broadest possible cross section of the Cayman Islands community upon the report, and considered views of the Legislative Assembly, before deciding what steps should be taken.
>
> I therefore shall be grateful if the Government and the Legislative Assembly, through its Select Committee will ensure the widest public availability of the report, and encourage the fullest public debate upon its recommendation.".

We know that this Report came to the Cayman Islands (in booklet form) as a Proposed Draft New Constitution. This letter is significant. It goes on to say:

"In view of the expiry of the term of the present Legislative Assembly not later than the 23 of November 1992, Her Majesty's Government would not wish to delay unduly the next steps in arriving at decisions on the report's recommendations. It is in my view desirable that Her Majesty's Government should be in a position to take such decisions before the end of 1991.

I therefore look forward to receiving the views of the Legislative Assembly, presumably by way of a Motion upon the report of its Select Committee, not later than the 30 November 1991, together with the Minutes of the Select Committee and the representations made in writing, and orally, as taken by the Committee, or as may otherwise be expressed. Her Majesty's Government will then be in a position to consider what action should be taken on the recommendations of the report.".

That letter was distributed, the Select Committee met and it made certain recommendations. The next correspondence came to this Legislative Assembly, the Select Committee thereof, on the 4th of October 1991, from His Excellency (the Governor) Mr. A. J. Scott.

I will read sections of this, it reads "The Constitutional Commissioner's Report" and it was written to the Chairman of the Select Committee:

"During Gordon Baker's recent visit to Grand Cayman, the Select Committee of the Legislative Assembly considering the report of the Constitutional Commissioners said that they would welcome advice on the procedure for the implementation of any Constitutional changes which may be agreed. I have now received the following advice from London.".

A time table is set down in this and at (e) it says:

"(e) A General Election is expected to be held in November 1992 although constitutionally it could be earlier or a little later. If the Assembly recommends changes, then it will presumably also recommend which, if any, should be implemented before a General Election and which should be implemented after a General Election.".

A recommendation was made that the House should be increased by three seats, and this was done. It goes on further: 'No one can know who called', he said.".

"It would be wrong to prejudice the outcome of the Select Committee's Report. Their recommendations will be carefully considered by the Secretary of State. If in his view a significant proportion of the recommendation should not be implemented until after a General Election, then he will have to consider after the General Election how to proceed taking due account of the opinion of the newly elected members.

An Order in Council is the normal and appropriate method of implementing a new Constitution. I say "new" because a fresh document is likely to be more convenient than attempting to graft on additional material and amendments to the present Constitution.".

The Draft New Constitution was a whole booklet in itself. What we are hearing now is what the Governor of the day, acting under the direction of the United Kingdom Government, saw as not being done is what allegedly is now to be done.

On the 22 of July 1992, after the United Kingdom Government received the report of the Select Committee from this Legislature, in a letter to the Governor from Mr. Mark Lennox-Boyd, the Parliamentary Under Secretary of State, says, in part:

"Having given careful consideration to the report and the recommendations of the Select Committee, I have decided that it would be right to await the outcome of the further debate on constitutional change which will take place during the forthcoming General Election campaign before proceeding. After the election we would want to take into consideration the views of the new Cayman Islands Government before reaching any decision on the final form of the Constitution.

I enclose a preliminary draft of a possible new Constitution which should form the basis for discussion in the run-up to the elections in mid-November. Once the elections are over and the new Government has been formed there will, no doubt, need to be a debate on the new Constitution in the Legislative Assembly. I would like to have the recommendations of the new Assembly before coming to any final decision. This draft is therefore a discussion document which will need to be revised in due course.".

There I understand that the Under Secretary of State is saying he wants this draft new Constitution debated after the election and a new House is formed and recommendations made thereon. Nowhere in what I just read do I see anything which says that the elected Government would draft the Constitution and send to the United Kingdom Government to have them approve it.

The next correspondence is on 28 July 1992, this is from His Excellency the Governor and, again, in part it sets up the time table:

"The Secretary of State has asked that it be emphasized that apart from some minor non-controversial points, the Draft Constitution which has been forwarded to Cayman is based only upon the Report of the Constitutional Commissioners. The recommendations of the Select Committee of the Legislature, although duly noted by Ministers, have not been included.

The reason for this is to allow the new Legislature to re-submit the previous recommendations, to add to them, or to modify them as it may desire, and to forward its views to the Secretary of State following the November Election.

The Secretary of State believes that this approach will provide the opportunity for measured and deliberate consideration of any possible changes, which he believes to be the wish of the community and in the best interests of the community.".

Here again, one must take into account that the Draft Constitution which was sent to the Cayman Islands was a constitution drafted by the British Government which did not take into account the recommendations of the Select Committee, but those of the Commissioners. And, again, it is reconfirming that the desire of the United Kingdom Government is to have that document debated.

In September, a Private Member's Motion was moved by the now Member for Education and the now Member for Health. The "Whereas" in this Motion recognises, and I will read it: "AND WHEREAS the Secretary of the United Kingdom has indicated inter alia,

(a) that the draft constitution enclosed in his letter should be discussed from now through to the General Election, and

(b) that after the formation of the new Government, the new Legislative Assembly should debate the Draft Constitution and make recommendations to the Secretary of State who will then reply to the Legislative Assembly in early 1993, and thereafter the new constitution will be implemented.

NOW THEREFORE BE IT RESOLVED that this Honourable House take note of the said Draft Constitution and the documents mentioned in the recitals.".

There was never any doubt, I believe, in anybody's mind that the question of the Constitution was an ongoing question and that it would come back to the House to be debated by all Members of the Legislature. If there has been a change, I believe, it is incumbent upon the British Government to now say to the people of this country that they accept the four elected Members of the Executive Council, along with however many of their Backbench supporters, drafting a Constitution to be sent to England to have them approve it.

It also is clear, from what the Governor said, that he has made a determination on what part of the Constitution has been rejected by the populace. I am not saying that the British Government cannot require its Governor to do that, it can. But the people should know and if that determination has been made then that document should be made available to all the Members of this Legislature and all of the people of the Cayman Islands.

That continues to be my position. I believe that should be made available to the people of this country and that it is not the reserved right of any group of Members of this House to draft any constitution which is to be imposed upon this country without the people having firsthand knowledge and input into it. If a determination is to be made by His Excellency the Governor, fine. Let that be said just like it was clearly set down by the British Government prior to this. There is a responsibility of the British Government to the people of this country, to the United Nations, to the people in this Legislature, and that is all that I am asking for, and have asked for.

As far as I am concerned, with regards to the Constitution at this point in time, under the present Government, there should be no changes to the present constitution whatsoever. I believe that was the fundamental basis of the campaign of the present Government.

THE SPEAKER: The House will be suspended until 2:30 P.M.

PROCEEDINGS SUSPENDED AT 12:52 P.M.

PROCEEDINGS RESUMED AT 2:29 P.M.

THE SPEAKER: Please be seated.

APOLOGY AND OBITUARIES

THE SPEAKER: I have to make an apology for the absence of the Honourable Member for Health and Human Services who will be off from this afternoon, and returning on Monday. At the same time I understand that the Honourable Member's grandmother died over the weekend and I know that Members would wish to convey to him their sincere condolences. As usual, we would ask the Clerk to do this in writing.

Thank you.
The Second Elected Member for Cayman Brac and Little Cayman continuing the debate.

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND BUDGET ADDRESS

MR. GILBERT A. McLEAN: Madam Speaker, when we took the lunch break I was commenting on the Constitution. It was in regard to the progression of events that there recently appeared in the newspaper the claim that should there have been a change in the Constitution which included Ministers and Chief Ministers, that consultation with the latter would mean political interference. That, however, cannot be so because consultation and interference are two separate and different conditions. However, if that is the case then there must have been large scale political interference, for in the Financial Secretary's Address on page 13 in paragraph four it says:

> "4. As part of the measures currently underway to contain costs, the Governor, in consultation with Executive Council, has established a Committee to effect certain retrenchments throughout the entire Civil Service, where such cutbacks will not impair the effectiveness of the Service.".

Now, taking consultation here one person... (and of four I would figure it must be greater - and apparently it has because consulting with the Executive Council has caused a major retrenchment of 7.5 per cent of the Civil Service). This matter of the Civil Service is one which has always been close to me as I have been a civil servant for many years. I think the cutback of 7.5 per cent is extremely significant for this country. I know that as far back as 1979, when I was President of the Civil Service Association and we were fighting for fair wages (some of the present Members now in this House were Members then and Members of Executive Council) we discovered that when we look at one civil servant, in truth we are looking at about three people. That was the situation then and I dare say it is no less now.

I think that the method by which the Government has decided that the Civil Service must be cut is unacceptable. When times are as bad as we hear they are, then making people unemployed certainly does not help that situation. I have said on many occasions that I believe the Civil Service could be streamlined. There should be an exercise in job description, evaluation and classification. If a careful study were done, it would be proven that there are duplication of efforts in many areas and that cutbacks could be made thus creating savings which could provide money for the enhancement of those remaining civil servants. This should be done over a period of time.

I well recall (I think it was about 1989 or 1990) when a study was done of the Civil Service and recommendations were made for creating an Organisation and Management section. The advisor, or the consultant at the time, in speaking to Members on the changes said that it could be twofold in that that is the agency or the unit that specialises in determining effectiveness in the work place and examining jobs and all the rest of it. Moreover, it would be expatriate persons who really had no axes to grind and that he making the hard decisions about finding a job redundant, would be more acceptable than some of our own. One of the things that I really wonder about is the fact of why the people in that unit have not undertaken this exercise of cuts and retrenchments. I think it would have been proper for the Organisation and Management (O & M) Unit to have done these studies and it should have been done over a period of time so that the condition should never have reached to where it is now.

I also seriously wonder what is attempted to be accomplished here. If it is the case that the Government wanted to cut back by $4 or $5 million as the case may be, that is a different situation than saying cut out 7.5 per cent of the bodies. They could be simple jobs such as Clerical Officers, Assistant Clerical Officers, as the case may be, and that their being put out of a job is no great shakes. There is no great savings in it. So I truly wonder about the wisdom behind this whole situation particularly in that the Government gave great assurances during the campaign and so on, that they were championing the cause of the Civil Service. It is indeed a very strange way for this to come about.

What is more remarkable is what I said this morning about this country being the only one on the earth where you would call a complaint to police outside of the country into another country. I think this is the only country on earth where the President of a staff association has ever said that it was a good thing to see his fellow colleagues losing their jobs. It is most remarkable and I seriously wonder about what is happening in the Civil Service at this time or any staff association. Indeed, what is its function? Surely, one of its functions has to be looking after the welfare of the civil servants and this could surely not be considered such an act.

Again, in the Throne Speech it said that in the Civil Service there would be the combining of certain departments into large super departments. I am given to wondering what happens then if five departments are taken into one - if someone becomes the head, what happens to the other four who were heads? Are their jobs made redundant? Do they lose their jobs or do they simply continue on drawing the same salary (which is the standard procedure in the Civil Service) not being heads of departments? It has certainly not been clear what the process is and how it is expected that it will be carried out and I think for the benefit of the public and the people affected thereby, this is very much needed.

The Civil Service is the machine that makes Government work, it being the reason why Government goes on and on irrespective of which Government is in power. This is the reason why the Civil Service remains unchanged in its way and it is not dependent on going to the polls. It is on that basis that civil servants' existence is so very much circumscribed under Regulations.

I am concerned about the fact that civil servants are losing their jobs. I believe it is a matter that has to be handled extremely sensitively. I see it as something which has to be done where the people affected will be informed in proper and sufficient time. They should not simply be thrown out of their jobs. The Government has a responsibility to inform the Immigration Department that 50, 60, 100, 200 people, whatever the case may be, will be terminated by the Government. These persons with the skills in those categories should be carefully watched, and if there are any applications by businesses coming in to hire such people, we owe first and foremost to our own people the right of employment in the Cayman Islands.

I think too that it would be helpful if Government did a serious rethink of this whole exercise at this time. However, I suppose as time progresses it will become a bit clearer as to what is happening and how it is going to be effected. How many Heads of Departments are going to recommend the termination of their staff I am not sure, particularly where no study has been done to show that this is necessary.

I would like to next refer briefly to the Planning Department. It is a department which affects commerce and people's lives in a big way, and in more ways than one. I think that improvements can be made in that department by not making it so difficult in terms of requirements for building and development and so forth. We should not become lost in an effort to copy industrialised societies with certain requirements to be met which do not need to be put in place on an island, both in building and in other stringent instances. Not to say that I am advocating any slackness in terms of building. The Building Code came into being and certainly it makes good business for architects and quantity surveyors and all the rest of it. I do not believe it is really necessary to overbuild in the construction of a building needing steel or cement or whatever the case may be. We ought to realistically reach a position where we are certain about what is necessary for our conditions here.

Unlike years gone by when a young man of 16 or 17 years of age could go to sea and send back money to his family so that they could build his house for him room by room, or section by section then move into that section, leaving or abandoning the older house and keep adding on to it, the population is now put in a position where they must acquire large sums of money to build a house to be absolutely and totally finished before it can get something called a Certificate of Occupancy. Not to say that we have not moved beyond any condition where we would try to encourage slum dwelling or half finished houses, but we have a problem with some of the requirements and the demands by the Planning Department in areas such as building of homes. If Government is in the position to put these requirements in place it should be mindful of the other side of the coin where relief is necessary.

That brings me to the question of housing in the Cayman Islands and the Housing Development Corporation. I believe that is an agency which is serving a good purpose. Unfortunately I do not believe it has the capital required to make the type of impact needed. Perhaps it is time to look at making that equivalent to a bank or such financial institution which can accept large sums from investors, including overseas investors, who would put money there to be used for housing mortgages in the Cayman Islands where these mortgages would run for periods of time as long as is possible - 15, 20, 25 years as the case may be. I know there will be those who say that you cannot get money for that length of time, but we have a problem and we need to address it. Certainly, if we look at an average size house now we are looking at about $75,000, and requiring an average family or an average Caymanian to find one-third of that ($25,000) becomes very ridiculous. That is basically the trend in the commercial banks, and to some extent the Housing Development Cooperation. I understand that it can combine the house and the land to represent a certain amount and that it is now proceeding where with 10 per cent cash input by the person, they can make a loan. However, if one takes into account the overall position with housing in the Cayman Islands now, the costs involved, it is becoming more and more difficult, if not impossible, for a large sector of the Caymanian society to own a house.

I believe that the Government needs to look realistically at a policy whereby financial institutions can be encouraged where the average family is paying $600 or $700 in rent, or $1,000 as the case may be, that it is desirable for a mortgage that could fit that particular amount to be made available to such people. If they are paying a rental regularly then why would they not pay a mortgage payment? I do believe that the whole process of housing and gaining mortgages for housing needs to be seriously revamped in this country.

Nothing is really achieved in any society without education and education has become known to be something which is desirable for its sake alone. Right now I have certain concerns regarding the situation with education. It appears to me that the Government of the day is taking an attitude that education can and must sit on the back burner while priorities are given to other things. Sports is very necessary, helping the situation with housing is very necessary, but I suggest that to have an educated populace is the greatest thing that any society can achieve. No price is too high to pay because an educated individual in any society is a better citizen. They understand their laws better, they understand their human rights better and they are in a position to rationalise, even in very hard times.

The CXC examination was instituted in Cayman under the past Government and I believe that the CXC examination is one of the best examinations in the world. It equates to the GCE and the GCSE, and I trust that no child in this country, nor their parent, will be made to believe otherwise. I have taken time to speak to some teachers about it, people I know who would give an honest assessment, and there is one basic thing that has come out of the conversations; that is, that it is harder than the examinations it is replacing and that they like what was implemented and hope that the two year period would be allowed because of the greater depth of the studies necessary to bring the children to the level of the CXC examinations.

I understand that the Member for Education has decided that he will keep the Middle School the way it is and not allow it to be developed to another High School. I think this is a

mistake. It is not necessary because monies can be allocated, for example from some other sporting areas in the development of toilets and so on. One project alone is $340,000 to go towards upgrading the facilities in what is now called the George Hicks High School (the Middle School) and since last year that school has been largely functioning as the Middle School. In effect, it would function that way this year. It would take in those children from the Primary Schools and those who have reached the age in the Middle School would go on to the John Grey High School. Therefore it is not as if children coming out of the Primary School would need laboratories of the level in the John Gray High School. We heard that $5 million was the amount it would cost over a five year period. It is not that one has to spend $5 million on the Middle School.

I found it most interesting in a broadcast on the radio when the Member responsible said that the vast majority of the parents favoured leaving the school the way it is. I sincerely trust that no parent will be put in a position where their children will not benefit as they should, because, supposedly, the parents have now become educators to determine what school should be what and what level should be in existence. That is why there are educators. In recent days I read a letter to that effect, that some parents at least share that view and have stated as much to the Member responsible.

I will resist in every way possible seeing a dismantling or a wrecking of the CXC examinations in this country. They are necessary and they have been approved. It was the British Examination Council, in fact, that encouraged the development of that examination. That is on record in this Government as far back as 1982 when an education advisor made that point in a report to the Government that the Caribbean Examination Council's (CXC) examination was designed to replace the GCE 'O' level and 'A' level and the CSE with curricular and examinations more relevant to the Caribbean needs which was being assisted by British aid. So it is not that the Government does not know, it is what it intends to do.

I believe the Community College needs to be developed further. Particularly we need to set our sights on the training of our people in skilled areas; air-conditioning, electricity, welding, you name it. These are the areas where we seriously lack. As our society becomes more and more sophisticated we have more and more consumer products. We will have greater need, an increasing need, for persons with skills.

I believe that Radio Cayman can be used as a medium for teaching and training. Radio Cayman has been a most faithful friend and communicator over the years. Whether or not another Radio station should come on line, I think that the country should have, and rightly so, a feeling of patriotism towards Radio Cayman. It has done us well. I think the staff which is relatively small over the years, has done an extremely good job.

No doubt there is opportunity for programme development, for more variety and, certainly, I believe while many programmes, the BBC programmes particularly, are very informative and educational, we can develop more local content. I trust that now that this has been taken away from the Official Member responsible that the Elected Member will see to such innovations. There is one show on the radio called 'Open Line' which normally draws quite a lot of attention. Many such talk shows could be put on, civic awareness can be encouraged through that radio station and, as for reaching the ears of the public, I see no reason why it should not continue to do well in sales for advertisement.

As you would know there have been considerable extensions done to the building housing Radio Cayman. It has a studio area there and I believe that the Government should move to develop television services in a manner like the BBC television public broadcasting, beginning with that and moving on into other areas. I believe staff there would have an interest in it. I believe they have the capability to be developed, and it is not a case where it would have to run 24 hours or whatever, it could run for so many hours per day. Just to bring about that training and that innovation into this ambit of Government, so it is not left utterly and totally in the hands of the private enterprises, not that there is anything wrong with private and public working together.

Television on a whole at this time is in a controversial way. I believe that it is necessary that this extremely powerful medium have the clearest guidelines in which it should operate. Two stations are now operational. It is my understanding from the Throne Speech that there are to be four altogether, or there could be. There is also a condition where one company is now offering management to both. I wonder how good a thing that is; whether that is the intention of Government or whether that makes for the type of competition between the stations as it should.

It is also my understanding that the majority of shares in that company are really foreign owned. Is it the desire to have a foreign owned company in the country offer the management to both stations as the case may be? Does one get the best content and so on in that type of scenario? Undoubtedly training should play an essential role in the life of the broadcasting department for with the ever changing times and needs for specialisation staff should be trained and staff should be appointed to any vacancies which might exist.

In thinking of training I think of the Law School which has indeed been a blessing to these islands. I am extremely happy to know that it is producing many Caymanian Attorneys and its success rate is high. I have been approached in more instances than one by people who would like to join the Law School but are working people and they cannot. They have wondered (and I have wondered) why is it not possible to have the Law School offer night classes. If it would mean more staff then that should be offset by the fee which the students would pay. It is certainly my belief, I have not explored it, but the University of the West Indies and the Norman Manley School have an extra mural section (which has now changed the name, I think to Continued Adult Education). It is something which could be looked after for we have hardly reached the saturation point in having persons trained in the field of Law.

Unfortunately I understand that there are some elements within the legal world that do not really want to see more lawyers come into the field because (of course) it would create

competition and water down the extent of earnings. This, I think, is unfortunate because the fact that one earns a law degree does not have to mean being a lawyer practising in the Court. A law degree can be used in other professions quite effectively.

I think that the largest major occurrences in this country came about with the announcement on Christmas Eve that the new government hospital would have been stopped. The Governor made note of this in his speech and he also said that an Inquiry has been put in place. While I understand that the question of the hospital is sub judice, I hope that the Commissioner of Inquiry is not sub judice too because I want to say that I believe the only fair, reasonable, equitable just way for any Inquiry to function in this respect particularly, is for it to be as wide open to the public as is possible.

They call witnesses to cross-examine them, to have the witnesses cross-examined, whoever they may feel they need to. It should be wide open to the public. That was certainly the impression that was given to the world when the announcement of the stoppage was made. Let the accused have the right to answer their accuser and the accusers the right to accuse.

The whole matter that comes to mind is what one of my professors in Public Administration said in a lecture about Commissions of Inquiry, and that was that commissions of inquiry are one of the chief means employed by Governments to satisfy the public while killing the issue. I do not know if that could be applied in this case, but, indeed, that was his comment in one of the considerations of a public inquiry commission.

I have also seen in the newspapers that there is to be a review of the cost of health care. Now certain costs are presently in place for the delivery of health services at the Government Hospital. They have been arrived at through whatever means but they reflect at least some degree or component of cost. As I recall, the Public Accounts Committee found that the actual cost being charged did not correctly reflect the cost to the Government of delivering these services. In looking at the cost of health care at the Government Hospital, while it is desirable to reduce it, the question has to be asked; can it be done realistically? For if it is reduced below what it actually costs, someone is going to pay for it and it makes little sense for the Government to reduce it on one end and have to pay for it on the other.

One of the things that considerably disturbs me is the announcement that the National Health Insurance Scheme is in for a killing. It is quite clear that is going on the block as well. I know of no means whatsoever of delivering health care in any country except through some kind of insurance scheme, whether it is run by the state or not. And the thing that has struck me particularly about it is that when the present President of the United States was elected one of the three main reasons Americans elected President Bill Clinton was the fact that he said he was going to make health care available to all Americans, not leaving out the thirty-six million.

I have a book here which was written by Governor Bill Clinton and Senator Al Gore, entitled, *Putting People First*. On page 103 under 'Families' it has this to say under sub-title 'Guarantee Every Family the Right to Quality Affordable Health Care". Here is what it said:

> "Control cost, improve quality and cover everybody under a National Health Care Plan that requires insurers to offer a full benefit package including prenatal care and other important preventative treatments.
>
> Take on the insurance industry by simplifying financial and accounting procedures, banning on the written practices that waste billions trying to discover which patients are bad risks and prohibiting companies from denying coverage to individuals with pre-existing conditions. Stop drug price gouging by eliminating tax breaks for drug companies that raise their prices faster than American's improved income rises.".

This is the book that he and Senator Al Gore wrote which sets out the things that they stood for, that they were elected on.

In today's *Caymanian Compass* they are quoting President Bill Clinton's wife, First Lady Hillary Rodham-Clinton, she says: "The health care legislation is helping to draft would guarantee a 'core of benefits' for all Americans with an emphasis on preventative health care.". What amazes me is what they are trying to do in the great and powerful United States to legislate there. We have legislated in our little two by four country and the exercise at this time is to wreck that. That is not good government. There is no way, or nowhere, in the world, I believe, where for $45.00 a month (that is $22.50 for the employer and $22.50 for the employee) that insurance is offered that covers a complete 'core of benefits' package as the legislation intended to do. A gentleman from the United States, an actuary, was brought to Cayman as, I understand, he is one of the most qualified and it was his finding that the insurance could deliver it for that figure. It is my understanding that the insurance companies, some of them, had actually begun to offer it.

The wail that I heard from different persons in this House was that is was going to cost more. Now how they knew that the actuary said it could be done, I do not know. The insurance companies have people available to determine that too. The prices would go up and the scheme made provision for that to be reviewed within a two year period. It made provision where the insurance companies would not be able to say to somebody because they had a heart condition that we are not going to insure you. We had a scheme set up to work in Cayman and now the exercise is to wreck it, in my opinion.

A price can be affixed to any service or any product and I think it realistic to prescribe and cap cost for certain medical procedures that are given. I know that the insurance within the Government Hospital would cover each and every cost that there was including air ambulance if a person had to be taken to the United States. If someone is looking at health care cost and if the Government is realistically

looking to provide health care for all of the people of the Cayman Islands, then definitely doing away with the insurance scheme that has been put into place is not the answer. Improving on it, yes, but handing it over to the Chamber of Commerce and telling time must find a solution for it no. That is not the answer for they represent the interest of the insurance companies and we are talking about the people versus business. So the mediator in there has to be the Government, and a government looking after the interest of the people has to live with the realism of the conditions.

Cayman Airways in the budget is the largest single item within an amount coming up to $19,390,21 to go into what has proven to be the major sink hole of the Cayman Islands. And to accomplish this, among other things, Civil Servants are losing their jobs. One has to look carefully at the entity called Cayman Airways. To reduce the fleet I salute those who see the necessity. That is good sense. It has always been sense instead of getting ourselves into leases of millions of dollars a month, so that is good sense, I totally support and applaud it. Reducing the fleet to two or three aircraft again, that makes good sense if it is not those costly 737 - 400s. Reducing the routes, yes, I think that the routes that should be flown should be those which are proven to earn money. If we fly to Jamaica, to Miami or to Houston as we used to, or to Miami and Jamaica alone, then let us do that, if that can work for us. If that will keep us in a position where we can still say we have an airline and we do have it under control and access by air to and from these islands, let us do it. The madness needs to stop somewhere, so I totally support the idea of cutting back the number of aircraft and cutting back the number of staff.

Some cuts have been made I understand but, if I remember correctly, it was 320 people employed by Cayman Airways including all staff. Are we going to attempt to have two aircraft and still keep 320 people? It is my belief that it should be looked at having noted particularly that many of the staff are not even here in this country, so it is not a question of Caymanians losing their jobs it is simply relieving people in other countries of jobs for which their government should look after.

I seriously, however, question giving $19,000,000 more to Cayman Airways and paying $6.1 million to Guiness Peat Aviation - which today, in a question, we understood that some money has been paid, first payment or some amount - and finding ourselves in a position where Guiness Peat will say next year, "take these two ridiculous 737-400s back. U.S. Air, Continental, United do not want them because they know our price is ridiculous, but you take them back - we have so much money - you take them back and run them". If we do that we will have a further $21,000,000, according to the Governor's Throne Speech, to pay. Now if that is good economics I would certainly like to hear some more about it. Some hard decisions have to be made to get us out of the fix that we pay law firms and lawyers to put us into, real fast, and I am waiting to see who will be supporting this as a mighty idea because I know the people who did not support it prior to these times.

Cayman Airways is a problem of this country and we have got to fix it as fast as possible. I believe that we can have a scaled down version of what Cayman Airways has grown into that can properly serve our needs to the outside world and certainly to give some reasonable decent service between these islands, Grand Cayman, Cayman Brac and Little Cayman.

We have presented to us a Budget, by the Financial Secretary, of approximately $153,000,000, like each year it is the biggest ever. I take it that various juggling has gone on to get it to where it is at but I note with interest that the country could not have been bankrupt, as was the popular claim during the elections, if it had $10,000,000 in the reserve from which $8,000,000 is proposed to be taken to be put into this Budget so that it can be balanced.

I certainly am happy that the extent of the scare-mongering which went on in the election has proven not to be true and, indeed, my country is not in the absolutely financial derelict situation as it has been said it is. Wise handling of the financing of the country is essential to the welfare of all of us. If I am to believe and be guided by the protestation of the Government of the day, they will not see it sunk by Cayman Airways or any other such entity which calls upon the finances.

There are tremendous reassurances in the Budget Address concerning statutory expenditure and the mushrooming of departments of Government and that statutory authority will be held to no less stringent standards of accountability than line departments of central Government . I, myself, was not aware that statutory authorities were slack in their finances. I am all for seeing it tightened. In fact, I think that the statutory authorities, just about all of them, have worked very well indeed. The Port Authority, the Water Authority, Civil Aviation Authority, various authorities, it is my understanding, that have worked quite well. Unfortunately, the Government has not given the Health Services Authority an opportunity to work. That is being dismantled as well.

I think that, too, is a mistake for in the authority one has the benefit of bringing into the Authority, or the Board, professional people from the outside who are less burdened by Civil Service's bureaucracy and can make decisions quicker and easier than can be made in a department. There is no way under the sun, no way, that putting the Health Authority and the Hospital back as a department of Government that there is going to be an improvement in it. There is no way. It has always been one of the departments that Government has pumped large amounts of money in constantly subsidising it and it will grow worse. It is my opinion, particularly, that we are doing away with the health insurance, talking about reducing the cost in the hospital and replacing it with nothing and attempting to administer the department as it was before, will not show any improvements.

I am concerned, too, about the sudden, amazing writing, corresponding and communicating between doctors and the elected Member. Apparently, they no longer go via the Principal Secretary. That used to be frowned upon in terms of chain of command in the Civil Service. I seriously question how the doctors, nurses, whoever, are in a position to advise Government on its policy decision to scrap the health insurance. They are working in collaboration with the Chamber of Commerce to come up with a good one, and to scrap the Health Services Authority as well. I am truly amazed. Too much of anything cannot be good.

The Government Administration has certainly taken on some very new and pronounced changes. I do claim to know a little about the way this Government runs, and Government's generally. I will look with keen interest to see just how well it does and how well the reassurances that are given will, indeed, be.

I noticed in the Budget that there are no cuts in the cost of diesel, tobacco, alcohol or any of the areas where they would supposedly be cut. I wonder about that, too.

Strangely enough as well, the claim has been made now for several months that a Motion by Government to reverse Motion 3/90 would be brought to the House at the first meeting. So far I have not seen that on the Order Paper. I wonder what is happening? I have every wish and desire and, in fact, have a draft ready and prepared and I would just love to have a seconder to bring that Motion to reverse the Finance Committee. I will wait and see what happens with that reassurance, as well.

The Governor's Throne Speech touched on various points and raised some questions. But it was not very definitive in terms of what truly is going to be done and how it is going to be done. Time, perhaps will tell.

The Budget Address covers several areas of the finances of the country. I am pleased that it was not presented with too many economic statistics and so on which put me in somewhat of a quandary. This is much more understandable. Today I asked the Honourable Financial Secretary to explain a point or two in the Estimates which were not so clear to me. In dealing with the Budget in Finance Committee there will be opportunity to ask for details so I will not attempt to go into those details now.

Madam Speaker, I have had my say. Now I shall take my seat. Thank you.

THE SPEAKER: Thank you.

Perhaps the House would like to suspend for 15 minutes before the next speaker takes the stand.

PROCEEDINGS SUSPENDED AT 3:34 P.M.

PROCEEDINGS RESUMED AT 3:51 P.M.

THE SPEAKER: Please be seated.

Debate continues. The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, congratulations are in order for His Excellency the Governor and the Honourable Financial Secretary for their presentations made to this House last week Friday.

I do not believe that ever before in the history of these Islands, not even in the days of the Great Depression in the 20s and the 30s, that our leaders were called upon to carry out such a difficult task, the task of presenting a balanced Budget and the task of giving some glimmer of hope to the people of this country.

Of course, these two public servants, if I may refer to them as such, had the help of a brand new Executive Council made up of some experienced Members including a new Attorney General, a well-seasoned Chief Secretary, an ex-Financial Secretary, (who himself has spent 10 years in Executive Council) and the other three Elected Members of Council who have, respectively, eight years, four years and the third one - not having any years in Council - but eight years in the Legislative Assembly and many years of knowing what the people want. So it was no surprise to me that the speech delivered gave some comfort to the people who believed that all had been lost.

The acute money problem this country faces will not go away easily, but the Government has set about addressing these matters in a businesslike and professional manner which speaks well of the confidence which the entire country had in the National Team's Government when they elected them with such a large majority on the 18th of November 1992.

I have listened to and debated a total of 37 Budget Addresses and Throne Speeches in this House. But the 1993 Speeches out-classed them all, as the new Government sets about the almost impossible, and almost insurmountable task of doing what the penultimate paragraph of the Budget Address says, "putting this country back on a sound financial footing."

We have enjoyed as a generation, a reputation of financial stability brought about by hard work, planning and sacrifice. Over the last four years, hard work, planning and sacrifice had been replaced by squandering the Government's resources, increased taxation and debt accumulation. The bottom had to drop out. The cup had to overflow.

But with the presentation of the 1993 Budget we start the long, slow process of recovery. It is my estimation that it will take 10 years of stringent budgeting before this country again reaches the level of prosperity which it enjoyed five, 10, or even 15 years ago.

There will be no quick fix, no easy solution, no dramatic turn around. But I have confidence that the new Government will get the job done.

The Budget presented on Friday contains no new taxes, no new loans and no fat. Page three of the Budget shows that 1992 had been a real bad year with an $8 million deficit. This means that the Government overspent $8 million more than it took in. When we consider that the money which it took in included many loans, as well as all the new and high taxes which they could squeeze, the picture is dismal indeed.

The receipts for 1992 also include a $3.5 million slice from the

reserves. The 1992 receipts include a portion of the 1991 Caribbean Development Bank loan, a portion of a European Development Fund loan, a portion of the 1990 Royal Bank of Canada loan and the balance of the 1991 Canadian Imperial Bank of Commerce loan. And, on top of all this, they also spent the $4.4 million surplus which had been brought forward from 1991.

The year 1992 was a year of horror for this country because all these figures, when added together, show that the true deficit was not $8 million but, rather, $21 million. If it had not been for the financing from the 1991 surplus loan and the depletion of the General Reserves, our true deficit would have been $21.1 million, not counting the two $10 million tax packages from which they benefitted over that 17 month period. No wonder the electorate says they will "turn the money changers out of the temple". The new Government found it difficult to present a balanced budget for 1993. It is nothing short of a miracle that the Honourable George McCarthy, with his able staff from the Department and his new Executive Council, produced a balanced budget. A budget which, they hope, would have a modest surplus in December of this year of $305,777.

The $8 million deficit, which our departing friends gave us, has been wiped out in this Budget by using $8 million of the reserves, bringing our reserve fund down to only $2 million. It was the correct thing to wipe out that deficit because that deficit represented an overdraft at the bank on which we were paying, I imagine, an exorbitant rate of interest while we were getting a small rate of interest on our deposit. So if we did not clear off the overdraft in a short while, the interest on the overdraft would further reduce the meagre balance in the reserves.

With recurrent revenues this year of $135 million this Government needs, if it is to follow the tradition of Government in the years when we practised fiscal responsibility, a reserve of approximately $45 million so that we will have on hand sufficient funds to run the country for three months in the event of a national catastrophe. Today what we have left, what the Government has left us with, is only 4.5 per cent of the reserves that we need to have to be in a safe financial position.

So, although the Government has many big jobs ahead of them this year, the biggest job they have is to start to rebuild our reserve. Now, I know that there are those who will say "The Government left $10 million in reserve", but you do not leave $10 million in reserve if you have $8 million in overdrafts, that is the policy. The reserve which we now have is small indeed, and, at the rate in which the Government spends money, instead of having three months' reserve, what the past Government has left us with is reserve that will last us for five days and 10 hours. The country is broke!

There are two ways to balance the Budget: increase taxes, or cut expenditure. Our Government has taken the sensible approach of trimming expenditure. Government must live within its means.

If we examine page three of the Budget, we will see that the former Executive Council was directly blamed for the short-fall of revenue in 1992. The duty collected by Government on alcohol in 1992, was down by $1,928,920, a short-fall of nearly $2 million over their estimate. This came about, simply, because the Government increased the taxes on alcohol in 1990 by 50 per cent and, again, 17 months later they increased the new duty (the total duty) by another 50 per cent, giving a total increase of 125 per cent over a 17 month period. This means that the tourists no longer consume alcohol when they come here and the Government, instead of getting more money as they had anticipated in their greed, is getting less. Government is now collecting over $130 per case on the smallest size bottles of alcohol.

Another big blunder which Government made, and one that was committed against the protests of the Members of the Backbench, was the increase of the stamp duty, on parcels of land over $250,000, from 7.5 per cent to 10 per cent. This is clearly set out in the Budget Document on page three. It is shown that the land transferred, that is the duty collected from the lands transferred, the approved tax for 1992 was $6,090,000 and the Government only collected $4,305,349. A short-fall of $1,612,430.

This is not all. What happened was exactly what we had predicted; that increasing the tax on large properties would also effect the smaller properties. The Government could not see this. But what happened by increasing the tax on the large properties, the developers stopped sub-dividing the land and there were no small properties to sell to individual householders. The tax on those parcels of land worth under $250,000 also failed. The Government estimated that they would have collected in 1992, based upon their records from previous years, $6,765,000. The result; the revised figures show that they collected only $4,878,705, a short-fall of $1,691,140.

In other words, through the direct and willful action of the Government it would not listen, they out priced themselves and the approved Estimates for 1992 were down on the two items mentioned; land transfer and alcohol. They collected over $5 million less than they anticipated. Direct Government intervention in the marketplace, a sure reason to create a floundering economy!

It is also noteworthy that, as one further examines the Budget, planning fees, which bear a direct relationship to land transactions, were down by a whopping $245,540. In other words, the Government only collected about two-thirds of what they had expected to collect.

If we look at the Budget, on page seven, although there are probably 100 examples, I think this is the last one I am going to use, this is another glaring example of bad stewardship. It shows that the interest on their cash balances for 1992 was down to $239,882, while the actual collections in 1991 were over $400,000. This is because there was no cash. They were taking the cash out of reserves and spending it. For 1993, it will be down again. The interest which had been $434,104 in 1991, will be a meagre $25,000 in 1993. Clearly, bad stewardship.

For the last three years, the Budget Address mentioned that revenue and expenditure were traveling in divergent ways. Expenditure was going up and the revenue was going down. The new Budget seeks to correct this.

Another amazing feat in the new Budget is that it provides for a

Capital Expenditure of $10,494,032 without borrowing any funds. We remember in, I believe it was, 1992 and 1991, that practically all of the capital funds were borrowed. This has to be bad, when we are borrowing money to buy every capital product that we use. So although the capital expenditure for 1993 on the surface may appear to be small, one must remember that this figure comes to us without any borrowing. But as small as the capital figure appears to be, I would like the public to understand that it is even much smaller because out of that $10 million, $7,314,668 will go to pay for continuing projects left over from the last Government, or from pervious years.

Now we understand that the Government did not even do the little bit which it had claimed it had done because capital works, which appeared to have been done, are being paid for out of this good currency which we now provide; $7,314,668 (these figures come directly from the Budget), going to pay for continuing projects and only $2 million available for new development.

Dealing with capital, I am delighted to see a few items in it for the Bodden Town District. Some of these things we have been trying to get into Budget for the last eight years and the Government pretended that Bodden Town did not exist. I am very grateful to the present Government for acknowledging the existence of the Bodden Town district once again, and for putting some money in for some projects. I would like to say that I thank them for this. This money will not cover all of our needs because nothing has been done there in the last eight years. We do not expect the Government to do any more.

The Savannah Primary School will receive some of this money; $900 for an air conditioning unit for the office, there is $4,000 to fence the hard courts in Savannah, $10,000 for landscaping of the Savannah Primary School, $20,000 for a car park at the Savannah Primary School, and $15,000 for upgrading the Savannah Primary School. I do not mind saying that nothing seems to have been included for Breakers. I have already spoken to some of the Members and during Finance Committee we will try to get some of the money that has been allocated to Bodden Town, which is in excess of $600,000, allocated to Breakers.

There is also $2,000 for a ramp at Newlands. This is in the area where footage for the "Firm" has just been shot and I understand from my colleague, that the Honourable Mr. Thomas Jefferson, together with our Bodden Town Members have received the keys for the structure which was used for this footage, and we are very happy about this. We feel that this structure will be a good tourist attraction as tourists will want to see where Tom Cruise sat and where the film was made. It will also provide amenities at that location.

In addition, there is $200,000 for the Bodden Town play field. In December of 1988, I took Mr. Benson out to Bodden Town and showed him that we had just completed the Civic Center and begged him to provide a play field for Bodden Town. That was five years ago and, thank God, for the first time I see money in the Budget for it and the Bodden Town people hope they never hear the name of Benson Ebanks again.

There is $6,500 for the Bodden Town police station and another $6,000 for improvements at that station. In addition to that there is a vote of $242,250 for some road work in our district. And, again, I spoke to the Bodden Town Members because we were thinking of moving a Motion in Finance Committee to have the designation of that work changed. The vote here is to cover the bend in the road at Pedro, but we would like to see this put into developing the road to the North Sound (cross-country road in Bodden Town).

Here again, we have been working at this for eight years and I must say that Public Works always, for some reason, does not like to put this on the front burner. But we are putting it on the front burner this time and we trust that the entire $242,250 earmarked for roads will go into this project.

Of course there is money for maintenance of roads, for street lights and for school supplies and, although I have not seen the breakdown, I trust that the good Government which we have will favour us with some items there.

While I am at it, I will say that there are many projects which we have tried to get over the last eight years that have not been touched. But I am not asking that they be done because I, too, want a balanced Budget. I will, however, name them: the channel clearing, the launching ramp, development of the public beach, the road from the Manse to Pedro Castle, the Library, and so on. I could go on and on, but I am determined to work with the Government to keep the costs to a minimum.

I was struck by a phrase which the Financial Secretary used. It is a phrase that was made popular by the late Miss Annie Huldah Bodden, who said, "You have to cut the suit to fit the cloth". The Financial Secretary has used that homely phrase to do exactly what the whole country wants, which is to live within our means. If this is all the money we have for capital expenditure, let it be the money we spend and do not go out playing "Mr. Big Shot" getting ourselves deeper and deeper into debt. We cannot have everything we want. So it is up to the Heads of Departments in Government and the politicians, as well, to help the Financial Secretary to keep Government's Expenditure within the revenue.

Our finances are in bad shape. It did not happen overnight. It happened over a period of years when the Government tried to do everything with a four-year pay cheque because they knew from the time that they changed [the Finance Committee with] Motion 3/90 that they would never be elected again, no matter how long they lived, and so they tried to do everything with that one pay cheque, that four year revenue, which the Government had.

I know that this Government, of which I am a part, will not fall into that trap. I can agree with the Financial Secretary when he says, on page two of the Budget Address:"We must determine priorities, order them, and make choices that are realistic and achievable". Very beautiful language, but language that we need to hear. The Government seems to recognise that the Cayman Islands no longer enjoys the special place that they once had in tourism and banking. Right now, we are facing fierce competition from other Caribbean Islands that have copied our laws, from other tourist destinations that have copied our policy and, of

course, there is the big threat, which is very real, that Cuba, on the day Castro dies (which should not be too far off now as he is getting old) will go back to democracy and tourism will flourish in Cuba. That is bound to hurt us. So that is why the tax policy and the increase in cost can no longer work. We have to provide value if we are to attract the tourist's dollar. We have to provide value if we are going to attract the foreign investor.

THE SPEAKER: Honourable Member, it is now 4:30 p.m. the Moment of Interruption. Will you be finishing your speech shortly?

MR. G. HAIG BODDEN: I do not think so, Madam.

THE SPEAKER: I shall ask the Honourable Leader of Government Business to propose a Motion for the Adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock, Thursday morning.

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

AYES.

THE SPEAKER: The Ayes have it. The House is accordingly adjourned.

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

THURSDAY
11TH MARCH, 1993
10:05 A.M.

THE SPEAKER: I will ask the Third Elected Member for George Town to say Prayers.

PRAYERS

MRS. BERNA L. THOMPSON MURPHY: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated. Proceedings are resumed in the Legislative Assembly.

We will begin with the first item on the Order Paper. Questions to Honourable Members. The First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 9

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THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 9: What provisions exist for the care and compensation of Police Officers injured in the line of duty?

HON. J. LEMUEL HURLSTON: Provisions for the care and compensation of Police Officers injured in the line of duty are covered in the Police Law (Law 5 of 1976), sections 21 to 23, and Government's General Orders, Chapter 18. Extracts of the relevant provisions are attached (Appendices A and B).

In addition, Police Officers contribute to a group life (and disability) insurance scheme. This scheme, which is totally self-subsidising, costs each officer $32.00 per month and entitles the officer's beneficiary to $100,000.00 in the event of death or total disability. In event of accidental death, the benefit is doubled. Should the officer become partially disabled (that is; loss of one hand or one eye) the entitlement is $50,000.00.

APPENDIX A
Answer To Question No. 9

Police Law, Law 5 of 1976

Medical privileges.

21. (1) Police officers, their wives and those children of their family who have not attained the age of 18 and are unmarried are entitled to such free medical, dental and optical treatment as may be applicable to the Public Service from time to time.

(2) For the purpose of this section and section 22 "child of the family" includes any child under the age of 18 years who is the child, adopted or otherwise, of either party of a marriage or who has been brought up in the

matrimonial home of such parties as a member of their family.

Special pensions in the event of death or incapacity attributable to performance of duty.

22. (1) Where an officer dies within seven years as a result of injuries received

(a) in the actual discharge of his duty; and

(b) without his own default; or

(c) in circumstances specifically attributable to the nature of his duty in the service

it shall be lawful for the Governor in his discretion to grant out of funds made available by the Legislative Assembly to his window while she remains unmarried and to such of the children of his family as have not attained the age of eighteen years or married such pension in addition to any pension due under the Pensions Law not exceeding one half of the deceased officer's pay at the time of his death as the Governor may determine, such pension to be paid to, or on account of the widow and children in such proportions as the Governor shall from time to time decide.

Cap. 121.

(2) Where and officer is permanently incapacitated as a result of injuries received in the circumstances set forth in subsection (1) it shall be lawful for the Governor in his discretion to grant to him, having regard to the degree of his permanent incapacity such pension in addition to any pension due under the Pensions Law not exceeding three quarters of his pay at the time of his becoming incapacitated as the Governor shall from time to time decide.

Officers' funeral expenses.

23. When an officer dies during the course of his service his funeral expenses shall be paid out of public funds.

APPENDIX B

GENERAL ORDERS MEDICAL CHAPTER 18

MEDICAL

1. MEDICAL EXAMINATIONS OFFICERS APPOINTED TO ANY OFFICE IN THE PUBLIC SERVICE ON ANY TERMS ACCEPT APPOINTMENT ON THE FOLLOWING UNDERSTANDING –

(1) If appointment on pensionable or contract terms their appointments are subject to a certificate of medical fitness completed on the prescribed form by a medical officer approved by the Chief Medical Officer. (Appendix I) the original certificate shall in the case of local appointments be sent to the Chief Medical Officer, and in the case of overseas recruits it should be sent direct to the Secretary of the Public Service Commission.

(2) A contract officer whose contract is renewed must before proceeding on leave between contracts present himself to a medical officer approved by the Chief Medical Officer for medical examination the success of which is a pre-requisite to the renewal of his contract. This examination is on no particular form and it is at the discretion of the medical officer what tests, X-rays etc., he wants, if any, before signing the certificate of fitness.

(3) During his service any officer serving on any terms including hourly rates may be required by his Head of Department or by a constable on the request of his Head of Department, without prior notice, to present himself at the hospital for medical examination including such tests as the medical officer may think fit including tests for excessive blood alcohol or illicit use of drugs.

(4) Refusal to take tests or medical examinations, or positive alcohol or drugs tests could result in disciplinary action under Part V of the Public Service Commission Regulations 1985 to the full extent of the punishments laid down in Regulation 45 thereof.

2. TREATMENT - ENTITLED OFFICERS. The categories of public officers entitled to free medical, dental and optical treatment are as follows:

(1) officers in the pensionable establishment or on probation thereto;

(2) officers serving on local and overseas contracts;

(3) group employees and temporary officers who have completed three years' continuous service.

3. EXTENT OF ENTITLEMENT: The entitlement extends to:

(a) A male officer himself his wife and children.

(b) In the case of a married woman officer it extends to herself and if the PS/P, at his discretion, is satisfied that the husband's employment does not cover her childrens' medical and dental treatment, then to her children but not to a non-civil servant husband.

(c) In the case of a single woman officer it extends to herself and her children

"Provided that the treatment is necessary and not elective and that the necessity does not arise from the individual's own indiscretion or negligence."

4. DENTAL TREATMENT: Free dental treatment includes fillings (not gold) and extractions, one half (1/2) the cost of dentures in plastic or chrome cobalt (where in the opinion of the Dental Surgeon plastic would not be practical), crowns but not bridges. Cosmetic dentistry is not included in free dental treatment.

5. PRIVATE TREATMENT: Government will not assume responsibility for payment of bills if an officer or a member of his family chooses to consult a private practitioner. If an officer or a member of his family goes to a private practitioner he must meet the professional fees himself. Free hospitalisation and ancillary care will be provided in a government hospital whether the admitting practitioner is a government medical officer or not.

6. REFERENCE TO PRIVATE PRACTITIONERS In some cases the Chief Medical Officer may find it necessary to refer a public officer or member of his family to a specialist who is practicing privately because the necessary expertise may not be available in the Government medical service. In these cases the Chief Medical Officer will make arrangements for the consultation and the Private Practitioners will forward his bill direct to PS/HESS who controls the vote from which such bills are discharged.

7. OVERSEAS MEDICAL TREATMENT When an officer or member of his family is referred to a hospital overseas their referral and the arrangements for admission will be made by the Government Hospital. In certain cases arrangements are made on the request of the Chief Medical Officer by the Personnel Department for an officer to be admitted to a hospital in the United Kingdom. The Government will meet the cost of the air fare of the officer in his air fare grade of entitlement. The bills for treatment and hospitalisation are then sent direct by the admitting hospital to PS/HESS. In any other circumstances government will not meet the cost of the treatment, hospitalisation or accommodation and officers must not be surprised when government refuses to pay a bill which has been incurred by the officer himself by going direct to a private practitioner or hospital without previous reference to the Chief Medical Officer.

8. OVERSEAS MEDICAL COST: When an officer is referred to an overseas hospital he will not be required to reimburse any part of the cost of air fare, medical treatment, diagnostic tests, x-rays, etc., but the officer will have to pay the difference between the hospital accommodation cost in the treatment hospital and the prescribed accommodation rate in the George Town hospital. If the officer dies overseas, Government will meet the transportation costs of returning the body to Cayman.

9. OVERSEAS OUTPATIENT: Treatment when an officer attends an overseas hospital as a result of his being referred by the government Chief Medical Officer and he is treated as an outpatient the government will not reimburse any part of his accommodation. However, in cases of serious debilitating disease where an officer is attending as an inpatient for long periods until the disease is stabilised and is put into the Cedars' Inn or Baptist Apartments by the hospital or any other approved hospital with similar facilities to save the high cost of in-patient accommodation this charge may be permitted but it is at the discretion of the Financial Secretary.

10. PUBLIC OFFICER PENSIONERS: The rules in this Chapter apply to public service pensioners.

11. OPTICAL TREATMENT: Once in every two years (and six months in the case of ATCO'S and pilots in Government service) an officer and his/her dependants as defined in CAP 18 (2) are entitled to have their eyes tested at government expense and if they need lenses government will pay for standard lenses but not the glasses frames. The two years rule applies to ATCO and pilots' dependants. Government will not pay for contact lenses but it will permit an officer to set off the cost of standard lenses as assessed by the optician against the cost of contact lenses.

12. WOMEN ATCOS: The Air Navigation (Overseas Territories) Order requires the practicing licence of a

woman ATCO to be withdrawn immediately if she becomes pregnant. The licence will be restored after the birth of the child and the medical officer has declared the officer fit for duty. During this suspension period the officer will be transferred to other duties and if a relief officer is necessary the Director of Civil Aviation should apply to the Financial Secretary for a supernumerary post.

13. INJURY ON DUTY: If any officer on whatever terms of service, is injured in the execution of his/her duty, it not being due to the officer's own negligence, he/she shall continue to receive full pay while recovering from his/her injury, he/she will be treated either in Cayman Government Hospitals or with the agreement of the Chief Medical Officer, in overseas hospitals. This will be at Government expense and no part of the cost of hospitalisation or treatment will fall on the officer.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker. I wonder if the Honourable Member could say if in those circumstances, where a Police Offices is injured in an accident caused through the negligence of a second party if any provision exist for that officer to receive compensation from that party or would it have to be pursued through a civil suit in the Courts.

HON. J. LEMUEL HURLSTON: Madam Speaker, I would have to defer perhaps to my Honourable colleague the Second Official Member but it would be my understanding that that particular example would be the subject of a civil action, subject to the advice of the Second Official Member.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker. In those cases where Police Officers have been injured in the line of duty, what compensation do they receive until they are returned to active duty?

HON. J. LEMUEL HURLSTON: Madam Speaker, no compensation is paid whilst the injury is being attended to, however the officer would continue to receive full salary and allowances during that period as well as having all medical and related expenses paid for on his/her behalf.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker. In the circumstance where an officer has to go abroad for medical attention and is so indisposed as to require a second person to provide care, does the Government provide any funds to cover the expense of this needed second person?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, however, the Government is responsible for ensuring that the injured party is properly transported and cared for upon arrival and in most instances that would include an accompanying nurse if that is medically recommended.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member would care to say, if in the circumstances where extended support is needed by someone in this position, if the Government would be so disposed as to consider some defraying of the expenses were an application of such be made?

HON. J. LEMUEL HURLSTON: Yes Madam Speaker, in the case of the Royal Cayman Islands Police Force. The force operates a welfare fund and the Welfare Association would, in circumstances of financial difficulties, consider applications by relatives for financial relief if requested.

THE SPEAKER: If there is no further supplementary, the next question is No. 10 standing in the name of the First Elected Member for Bodden.

QUESTION NO. 10.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 10: What is the rank, nationality and ages of the following:

(a) Royal Cayman Islands Police non-gazetted officers; and

(b) Royal Cayman Islands Police gazetted officers?

HON. J. LEMUEL HURLSTON: There are 210 'Non-Gazetted' Officers (that is Officers of the rank of Inspector and below) of the Royal Cayman Islands Police Force. Of these, 136 are Caymanian* and 74 are non-Caymanian. Of the 16 Gazetted Officers in the Police Force, 12 are Caymanian** and four are non-Caymanian. Attached is a list detailing the rank, nationality and dates of birth of all Members of the Force.
(* Figure includes 28 Caymanians by virtue of status. ** Figure includes 5 Caymanians by virtue of status.)

SUPPLEMENTARIES:

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker, I wonder if the Honourable Member is in a position to say if the regulation which requires non-Gazetted officers to retire at age 55, as is my understanding, is applied across the board to all nationalities?

HON. J. LEMUEL HURLSTON: Yes Madam Speaker, it is.

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could say, if at this present time there are any officers in the Police Force above this age who are not yet retired?

HON. J. LEMUEL HURLSTON: Madam Speaker, if there are, their terms of employment are not governed by the regulations that the Honourable Member referred to earlier, there may be some employees who have been retired and re-employed under alternative terms and conditions.

MR. ROY BODDEN: I wonder if the Honourable Member would give an undertaking to research the answer and provide it in writing, because it is my understanding that a non-Caymanian national, at least one over the age of 55, who is working with the Royal Cayman Islands Police Force under regular terms of employment?

HON. J. LEMUEL HURLSTON: Yes Madam Speaker, I will research it for the Honourable Member.

THE SPEAKER: The next question is No. 11 standing in the name of the First Elected Member for Bodden.

QUESTION NO. 11

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 11: What is the cost of the Cadence 2300 Fitness Track and Caloric/Pulse Monitor purchased by the Prison Department?

HON. J. LEMUEL HURLSTON: The fitness machine was purchased locally at a cost of C$800.00 to form part of our multi-gym facility.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker, I wonder if the Honourable Member can say, what part of the Prison is this fitness machine located and who has access to the machine?

HON. J. LEMUEL HURLSTON: Madam Speaker, to the best of my knowledge the machine is located in the multi-gym facility where all equipments are located. That is, in a open air cubicle in the centre of the compound and it is accessible by all inmates who are given privileges to engage in recreational activities.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can inform the House as to what other equipments in this recreational area and on whose recommendation was this equipment purchased?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, I do not have a list of details of all the equipments in the gym, but what I do know is that all of the items purchased for the gym was purchased from proceeds derived from the Pris-Craft account. Which is the account operated using proceeds from activities from within the institution so that the institution has generated the resources to provide these facilities for itself.

THE SPEAKER: There is no further supplementary, the next question is No. 12 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 12

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

No. 12: If Cayman Airways Limited, in 1992, in order to further its attempt to obtain advantages under a revised or new Air Services Agreement, retained the services of a lobbying firm in the United Kingdom?

HON. TRUMAN M. BODDEN: Yes. Captain Kel Thompson, the Managing Director of CAL contracted for the service of Market Access, a London based public relations firm to conduct a lobbying campaign in London on the Airline's behalf. The cost of this service was 10,000 pounds sterling in December 1992 and US$15,477 was paid to Market Access.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Would the Member say, if the firm of Market Access is still engaged by Cayman Airways for lobbying activities in the United Kingdom?

HON. TRUMAN M. BODDEN: I can assure the Member it is not. It was one of the many cost cutting exercises that started extremely early. No money or contract has been continued with them.

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

MR. GILBERT A. McLEAN: What result were found by having the lobbying firm engaged and is it not the known and conventional way of reaching the ears of British Officials who might not be hearing the voices directly from Grand Cayman in assisting with such things as improved Air Services Agreements between England and the United States under which the Cayman Islands airline fall?

HON. TRUMAN M. BODDEN: Madam Speaker, I could find nothing, having read the report that showed that anything was achieved. As the Member knows we still do not have those air rights and during lobbying period no air rights was granted. I personally was of the opinion that it was not in Cayman Airways' interest to continue it because it was a larger amount of money that was just being paid out and I did not see any results to it.

THE SPEAKER: Supplementaries, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would not know whether there have been any changes or improvements in the Air Services Agreements as I have no access to that type of information. However, was not the case of Cayman Airways put forward by this lobbying firm requesting the United Kingdom Government to allow a certain American carrier access into England at a point in return for that same airline not coming here into the Cayman Islands?

HON. TRUMAN M. BODDEN: Madam Speaker, I do not know precisely what was put forward. But I would say that it is a danger when you have any type of lobbyist lobbying a foreign country as was the case here, and, without having perhaps someone from the Islands into those meetings when the lobbying is going on to really know what is being said by that firm. The report I saw I do not remember seeing any precise thing relating to what the Member has raised.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you Madam Speaker. I wonder if the Honourable Member would know if this step was approved by the Board of Directors of Cayman Airways or was this done on his own?

HON. TRUMAN M. BODDEN: I am not aware but I would undertake to have it researched and get a written reply to the Honourable Member.

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

MR. GILBERT A. McLEAN: Madam Speaker, based on the reply, is the Member saying that

the firm in the United Kingdom was lobbying foreign country, meaning the United States or was this firm lobbying the Members of Parliament of the United Kingdom Government which we do not normally consider a foreign government?

HON. TRUMAN M. BODDEN: Madam Speaker for clarity, they were lobbying Members of Parliament and also persons who were not members of parliament from what I could remember. No one outside of the United Kingdom that I know about, so he is correct on that point.

THE SPEAKER: The next question is No. 13 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman. It is my understanding that the answer will be provided by the Honourable Third Official Member.

QUESTION NO. 13

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

No. 13: From what source did the $1.4 million, loaned by Government to Cayman Airways Limited in February, 1993, come and under what authority?

HON. GEORGE A. McCARTHY: Madam Speaker, as happened on several occasions in the past, the US$1.4 million provided to Cayman Airways Limited for meeting arrears of lease payments due to International Lease Finance Corporation (ILFC) was obtained by a drawdown against the current account of the Government maintained with Barclays Bank.

The basis of Executive Council's authority in instructing the Financial Secretary to effect this payment is obtained under the provisions of section 21(1)(a) and (b) of the Public Finance and Audit Law, 1965, which reads as follows:

> "21.(1)Subject to this section where the Financial Secretary is satisfied that due to exceptional circumstances an urgent need has arisen for payment –
>
> (a) to meet expenditure -
>
> (i) for which no provision or insufficient provision is shown in the approved estimates of expenditure, whether or not such expenditure has been temporarily incurred; or
>
> (ii) not being expenditure referred to in sub-paragraph (i) which appears to the Financial Secretary to have been temporarily incurred; and
>
> (b) which cannot be deferred without detriment to the public interest.
>
> he may if contingencies warrant under his, authorise the Accountant General to pay from public monies an advance of monies to meet that need.".

Madam Speaker, in a facsimile dated 10th February, 1993, from ILFC, Cayman Airways Limited was advised that:

> "You are in default under Article 27.2(b) of each of the leases for failure to make monthly rental payments and monthly reserve payments when due. We are hereby advising you that if we do not receive all payments that are due and owning, including all late charges within five (5) business days from the date thereof (18th February, 1993), we are hereby instructing you to ferry all three (3) aircraft, which are the subject of the leases, to Miami International Airport on February 19th, 1993, where you will be met by a representative of International Lease Finance Corporation who will inspect the aircraft and the records and take possession of the aircraft.".

The amount advised as owing was US$1,387,835, plus late charges of US$22,673, making a total of US$1,410,508.

Madam Speaker, in response to the preceding demand for payment which could not be met by Cayman Airways Limited, Executive Council at a meeting held on 16th February, 1993, authorised the Financial Secretary to pay to ILFC the sum of US$1.4 million against an advance account. The Financial Secretary was further directed to recover this sum in full from the remainder of the subsidy that would otherwise be payable to Cayman Airways Limited, following the approval of the Budget.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Would the Member say if this $1.4 million came out of the overdraft that Government has been authorised to have (the $9,000,000 overdraft being that he referred to a current account) and if that is the case would that be one of the items then that has pushed up the overdraft level of Government?

HON. GEORGE A. McCARTHY: Madam Speaker, the Member is correct. It is the same account that has been used, but it does not necessarily mean that the account would have been in an overdraft at that time because at the beginning of the year this is where the Government has received most of the funds that was due in respect of the services for which fees are payable to the Government.

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

MR. GILBERT A. McLEAN: I thank the Member for his reply and I did ask if it had help to push up the overdraft. I figure that there were other items on that particular account and as a follow up, could I ask if I understand correctly that the Executive Council has said to take $1.4 million out of the $4,000,000 which is in the 1993 Budget and would normally be paid to Cayman Airways as a subsidy?

HON. GEORGE A. McCARTHY: Yes Madam Speaker, in effect this is what has been done because the arrears for which this payments has been referred specifically those for the period of January and February 1993 plus certain amounts that were due for the months of November and December 1992.

THE SPEAKER: If there is no further supplementary, the next question is No. 14 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 14

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

No. 14: What in-house or other formal training is available for the staff of Cayman Airways Limited other than that which is legally required for pilots and flight attendants?

HON. TRUMAN M. BODDEN: Formal training available to the staff of Cayman Airways Limited, apart from pilots and flight attendants, is as follows:

Airport Passenger Service Training:
-Customer Service Skills
-Computerised Automated Check-In
-Automated Ticketing
-Basic Fares and Ticketing
-Intermediate Fares
-Recurrent Fares and Ticketing
-Supervisory Skills
-Dangerous Goods Regulations

Accounts: Basic Fares and Ticket
Cargo: Dangerous Goods Regulations.

Reservations Training:
-Computerised Reservations Training
-Telephone Sales Techniques
-Customer Service Skills
-Fares and Ticketing
-Refresher Training

West Shore Ticket Office/City Ticket Office:
-Computerised Reservations Training
-Customer Service Skills

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: The Member has referred to formal training, is this done in-house or are persons sent elsewhere for this training. If it is done in-house who conduct these instructions in these areas?

HON. TRUMAN M. BODDEN: Madam Speaker, this is in-house training and it is carried out by people employed by Cayman Airways.

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

MR. GILBERT A. McLEAN: Could the Member say, if the person carrying out these in-house training are supervisory staff and are themselves qualified in the necessary information in these areas?

HON. TRUMAN M. BODDEN: Madam Speaker, no one is allowed to conduct the training unless it is felt that they are proficient and capable on the subject.

THE SPEAKER: Supplementaries, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Is it correct that there is no known training person or persons designated as a training officer or training employee in the company?

HON. TRUMAN M. BODDEN: Madam Speaker, the training is carried out by Mrs. Valerie Jeffers who is a qualified trainer within the company and she is in Grand Cayman.

THE SPEAKER: That concludes question time for today.
The next item is Government Business Bills.

GOVERNMENT BUSINESS

BILLS

FIRST READING

The Tourism Accommodation (Taxation) (Amendment) Bill, 1993.

CLERK: The Tourism Accommodation (Taxation) (Amendment) Bill, 1993.

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

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE SECOND READING DEBATE ON THE APPROPRIATION BILL, 1993

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, in the Throne Speech His Excellency the Governor mentioned the changes which may come to the Constitution in the near future. There are some people who believe (and thankfully there are only a handful of them) the present Government does not have a mandate to go ahead with constitutional changes because they did not campaign for changes during the November Election. Well that reasoning is false, totally false and I will show from the Manifesto used by the National Team that the National Team did campaigned for very specific changes. However, before I do that I think I should lay the foundation by referring to the comments made by His Excellency the Governor in his Throne Speech last week Friday.

He gave his impression and I must say that I fully concur with his impression. His impression of the feelings of the public is very correct when he says; "It was clear to me from the outcome of the November Election that the people of the Islands do not wish to have major constitutional changes or a new Constitution.". He has put that so clearly that all those who run may read. He grasped the idea, sugar-coated it as it were and rolled it into one clear concise sentence. Crystallize it and even I may say, capsulized it when he says; "the public does not want a major constitutional change.".

He goes on to say an I am reading from the text of the Throne Speech: "Following discussions with the Elected Members of the Executive Council, I have discussed with the Foreign and Commonwealth Office in London, a number of amendments to the existing Constitution which will bring it more up to date, taking into account developments which have occurred over the past 20 years. I take this opportunity to say that these do not envisage the creation of the post of Chief Minister or indeed any of the more contentious issues which were the subject of debate before the election.". I believe if we were to call a referendum today 99% of the public would say, we do not want a Chief Minister, we do not want the Chief Minister interfering with the Civil Service, and I could go on and on with the other contentious matters that were recommended in the Constitutional Commissioner's Report, which, as far as I am concerned, has been rejected totally by the people of this country when they elected the National Team on November 18th last year.

The Governor goes on to say; "The proposed amendments are now being examined by the Legal Advisers in London and I expect soon to receive from them the suggested draft wording of the amendments. These will be laid before the Legislative Assembly for debate. It will be up to you, Honourable Members, to decide whether or not you want these amendments to your Constitution.". Now, those who failed to get the Chief Minister may spend the balance of their days moping about that failure but the National Team will lose no sleep over it. We were elected on a Manifesto which gave the mandate to make certain changes, of course before we make any change these changes will again be put to the public when the draft form comes back from London. But, we were elected out of the 13 members on the front of the Manifesto, 12 of them (92% were elected) everyone of them with a landslide. So there is no question about what the people wanted because the people that lost were those that wanted the Chief Minister. Some of them may not have been bold enough to say it during the election, but you cannot fool the Caymanians because he is too politically astute.

This is the Manifesto we were elected on. The section dealing with the Constitution says, our policy, I would like to quote this section as a very short section but it is so important because we need to put to rest now, once and for all, the lies that are being spread by those whose teeth have been set on edge by the sour grapes. I quote; "We believe that there should be a gradual and cautious moving into a Ministerial System of Government without a Chief Minister. This and our recommendations set out below do not materially advance the Constitution but merely provide for what now substantially happens under our present Constitution." I may say that thousands of copies of this Manifesto were distributed island-wide and anyone who wanted a copy only had to call a member of the National Team and as we were very proud of the faces on it they could have had it free of charge.

I go on to quote;

"1. Our objectives, we are against the appointment of a Chief Minister whose wide and at times mere absolute powers include:-

(a) the Chief Minister power to advise the Governor on the appointment and revocation of Ministers and Parliamentary Secretaries, the assignment of responsibilities for the respective portfolios to Ministers;

(b) the Chief Minister power to be consulted on whether the Legislature be dissolved by the Governor on a vote of no-confidence rather than the Chief Minister resigning, also on the prorogation and dissolution of the Legislative Assembly and the recalling of a dissolved Legislative Assembly in case of emergency on the appointment of the Electoral District Boundary Commissioner after consultation with the Chief Minister and the Leader of the Opposition; and

(c) the Chief Minister further right to be consulted by the Governor in respect of the appointment of the offices of Chief Secretary, Financial Secretary, the Attorney-General, all Principal Secretaries and Heads of Departments and also to be consulted by the Governor for the appointment of Members of the Public Service Commission.

2. We believe that to advance to a system with a Chief Minister would be bad for the Cayman Islands due to:-

(a) divide and at times near absolute powers mentioned above;

(b) a lack of the necessary cheques and balances to protect the public, such as:-

(i) establish political parties from which experienced has been gained of their functioning over a period of years, and

(ii) a vote of no-confidence to remove the Chief Minister and thus all the Elected Members by a simple majority.

The recommendations of the Constitutional Commissioners as reflected in the new draft Constitution provide for a no-confidence vote by a two-thirds majority. This mean in effect that the 3 Parliamentary Secretaries would have to vote against themselves on a no-confidence motion which cause them to cease to be Parliamentary Secretaries.

In practice the Government could not be removed, which is totally unsatisfactory. Without the necessary checks and balances the door is open wide for corruption and abuse of power by a virtually irremovable Chief Minister;"

And, I might add at this point that the Caymanian Bar Association in their presentation to the Select Committee of the Legislative Assembly made the same point. Mr. Steve McField, as President of the Bar Association made point that the Chief Minister under the system proposed was irremovable. I go on with the quote from the Manifesto:

"3. We are against the appointment of any Parliamentary Secretaries, because we believe that it will erode the necessary checks and balances as ExCo will in-practice have a built-in majority of votes.

4. We believe that there should be one additional Elected Member in Executive Council and that the three Official Members should remain.

5. We feel that it is sufficient that Members be called Ministers with administrative responsibilities for departments under their Portfolios, as the Constitutional Commissioners stated at page 12 in their report 'it is a change of name only and not of substance. Ministers would be appointed and removed by Members of the Legislative Assembly as they are now. The Minister would then appointed an Elected Member to be a Leader of Government Business.'".

And, I may say, the new Governor in his own discretion appointed for the first time, without this constitutional change which is proposed, a Leader of Government Business from among the Elected Members. There has always been a Leader of Government in this Assembly but up until this time the person had been a Civil Service member.

"6. We recommend that removal or Elected Ministers should be by a vote of 9 Elected MLA's. That is one more than a simple majority and one less than a two-thirds majority.".

Seven, and I believe that this is the one that got us all the votes during the campaign:

"7. We believe that the independence of the Civil Service and the Public Service Commission from political interference is necessary for the stability of the Civil Service and the Cayman Islands and that the present Constitution should remain as it is now on this matter.

8. We recommend the Constitution make provision that the payment of public service pensions shall be as of right.

9. We believe that provisions can be made in the Constitution for the post of Attorney-General, the Judiciary, Ombudsman or Complaints Commissioner and Auditor General and for a Bill of Rights, a Speaker and Deputy Speaker and a Register of Interest open to the public. These do no advance the Constitution.

10. We recommend that complete provision for a referendum be put into the Constitution, but if this is not done that a referendum law be enacted in any event that referenda be used only when necessary on major national issues to determine the public wishes clearly and definitively.

11. As recommended in the Backbencher's minority report of the Select Committee we believe that any Constitutional change including the changes recommended by us, should only be brought in after it has been an issue and decided upon in this General Election and after the new Legislative Assembly has passed a resolution in favour of the changes to be made.".

We know how some Members of the former House tried to move heaven and earth to get the new Constitution put in place before the Election, so the new Government would merely work on it, or work by it. We believe the new House must make the changes and the public at a general election must say what changes they want. And this is the last one;

"12. The Constitutional review came about pursuant to Government Motion 9/90 which was passed on the 24th of July, 1990 by the ExCo Members and Capt. Mabry on an eight to seven vote. The Backbenchers objected on several grounds including that the Cayman Islands were going into an economic recession and talk of Constitutional change would cause further damage.".

So, no one can argue successfully that the National Team did not tell the public that we would entertain certain changes, such as the addition of a fifth Elected Member to Executive Council to help with the work load, the entrenchment of the Bill of Rights and the other minor changes. But what was clear and unambiguous in our statements was that we would not accept a Chief Minister with the wide powers recommended in the Constitutional Report.

So the position is that whenever London replies to His Excellency the Governor, this Legislative Assembly will debate any proposed changes which we will ask London to make. I trust that we can deal with this at the Meeting which is schedule to come up in June, if the document arrives in time from London so that it can be published, but I believe the public have spoken clear, and in as clear a language as they could.

The request to review the Constitution did not come from the public, everyone knows the story. It was only after the past Government got in trouble that they changed the composition of Finance Committee; a change which we are going to rectify in this Meeting, putting it back as it has been with only Elected Members with the right to vote the spending of Government's money. It is only after they got in trouble that they sought these changes. They did not consult the Backbench about that motion. They brought it and they forced it through. The Governor allowed the three Civil Service Members to vote with his four Elected Members and the one vote that they could get from this side. With a very narrow margin of eight to seven, they brought about this Constitutional Review.

It is only in parts of darkest Africa this would have happened and it was only under the past administration that that could have happened. What I think we will have this time will be a clear majority of Elected Members with the electorate behind them saying 'this is what we want', not some little funny scheme to save their hides from the heat that had come upon them. That motion caused marches and petitions that caused 7 Members of the Legislative Assembly including myself to go to London on our own expense to let London know what was happening in this little Colony of theirs. But the public spoke when they had a chance at the Election in November and, thank God, democracy has returned to this country.

The Select Committee's Report which was sent to London on the Constitution was not taken into account by London when they sent us the draft and it is no wonder. How could they accept a Select Committee Report from a Legislative Assembly that did not have the authority to change the

Constitution? Because in the last election in 1988, everyone of those members had campaigned that they would not seek constitutional changes. And it is only when they were thrown in the fire that they devised that trick of theirs to try to stay in power for another couple of months.

London did not consider the Select Committee of the Legislative Assembly and did not consider the report. The draft which was sent down was based purely on the Commissioner's Report. Although I have said this before it is worth saying again, the Commissioner's Report did not reflect the feelings of the public because in the meetings I attended, the Commissioners were told that we did not want a Chief Minister, the Commissioner try to sell it, in fact they use hard-sell to get it across, and they went away and wrote the report.

But, all of that is history and of course I am looking forward to really debating this in great detail when the motion comes to the House. But suffice it to say, that the candidates that wanted the Chief Minister are gone. And the Members that are here are Members that have campaigned for reasonable changes which I believe the public will agree with.

Yesterday, there was an editorial in the *Caymanian Compass* on the Budget Address and the Throne Speech and it ended with this paragraph, "Hopefully the coming Throne Speech debate will develop more light than hot air.". I can only say to that, if it does the *Caymanian Compass* will not know the difference. But it is the intention of the Members of the Government to explain their policies in as much detail as they can.

His Excellency the Governor noted that we have been getting into trouble since 1989, and that our revenues have increased by 26 per cent but spending by Government had increased by 54 per cent and this is what the country faces. The editorial also went on to say, "the speech did not outline in detail what Government intends to do.". But I can only say to that, that I do not think they read page 17 of the Budget Address. Yes, it would have done them good, because had they read page 17 of the Budget Address which was delivered in conjunction with the Throne Speech, they would have a pretty good idea, that is if they were able to distinguish between facts and hot-air.

I quote from the second paragraph, page 17 of the Budget Address:

> "Madam Speaker, in achieving these levels of expenditure, the Government has had to take some very difficulty and fundamental decisions which will help restrict expenditure growth over the longer term. These include:-
>
> (a) selective reductions in Civil Service, and statutory boards and corporations staffing levels through amalgamation and/or down-sizing of agencies and department, starting in 1993.".

Well, this is one action that they are going to take, an action which is necessary. Although a few people do not agree with it and the Member who spoke on it yesterday did not agree with it. There is that group that is writing the letters, I call them the shameless and the nameless group, those 'name withheld by request' people. They write these letters that they do not agree with it. Well how are we going to bring down the deficit if we do not make cuts in our expenditures.

Remember not one of those letters have shown where the Government can get cash. They only say you must keep these people. When you study these Addresses, you find that 54 per cent of revenue will go to pay salaries. And in fact, there is one person who thinks that the Governor should not have consulted the Executive Council in cutting the Civil Service. But, I have news for that person because Section 7 of the Constitution requires the Governor to keep the Council informed especially when they are matters pertaining to the economics.

I would like to look at the proviso at the end of Section 7 of the Constitution. Section 7 is the one that says, that the Governor does not have to consult with the Executive Council in dealing with Civil Service, the appointment and promotion and matter like that but the proviso at the end says:-

> "Provided that in exercising his powers in relation to the matters mentioned in this paragraph (c) the Governor shall keep the Executive Council informed of any matters that in his judgment may involve the economic or financial interests in the Cayman Islands or the enactment of laws under Part IV of this Constitution.".

So, when it comes to matters affecting the economic of the country and financial matters the Governor has an obligation under the Constitution to consult and to inform the Executive Council, to keep them closely informed. They are the people providing the cash to pay the Civil Servants. They are the ones that are going to have to find the revenue. So the Governor has an obligation under the Constitution and he carried it out when he informed Executive Council. (Or as the Honourable Financial Secretary said in his Budget Address, 'consulted with the Executive Council'.) Nothing is wrong with that at all, if he had not done so I would be criticizing him.

Also on page 17, and I invite the *Caymanian Compass* to look at (b) of that paragraph which says; "The establishment of targets for contributions to General Revenue from revenue-earning statutory boards and corporations.".

What has happened in the past is that some of these boards or bodies have simply paid over to Government at the end of the year a part of the surplus which they have. I believe some of the Laws say, that a surplus over a certain amount shall be paid to General Revenue. But the new Government is talking about a finer examination of the methods or an improved manner in dealing with it where at

was able, through the support of the people of the country, to lead the nation to victory over the tyrant Germany. He is remembered for his famous words "Give us the tools and we will do the job.". I would just like to say to the people of this country that this is all we asked of you in November, to give us the votes we needed in order to have the majority, and we will give you the type of Government that this country needs. From all observations and feedback that I have received, the people of this country, once again, have hope. There is a spring in their heel and they are looking forward to a bright and prosperous future under the leadership of the present Government.

This country, back in the late 50's early 60's, was fortunate to have as Members of this Legislative Assembly, men such as the late Dr. Roy McTaggart, the late T. William Farrington, and others, who had the vision and foresight to opt not to remain annexed to Jamaica when that country decided to go independent or to join the Federation, but to remain a Crown Colony of Great Britain. Up until today, we are enjoying the results of those decisions.

In the 1990's, God has established the National Team Government, led by the Honourable Thomas C. Jefferson, Leader of Government Business, to lead this country back from the brink of financial disaster and moral and social decay.

To appreciate the magnitude of the accomplishment, as I reflected on the projected Budget for 1993 a review of Government's Financial position for the past four years is necessary. On page 34 of the Statistical Abstract we have details provided on Government's financial Revenue and Expenditure.

For example, in 1989, Recurrent Revenue amounted to $95.9 million, loans received for that year was $4.6 million, Recurrent Expenditure amounted to $81.1 million, Capital Projects amounted to $15.4 million. That year there was a projected surplus of $4 million.

In 1990, recurrent revenue amounted to $101.8 million, Loans $900,000, Recurrent Expenditure was $103 million, Capital Expenditure amounted to $13.7 million. That year the projected deficit was $14 million.

In 1991, recurrent revenue amounted to $109.5 million, Loans received $14.8 million, Recurrent Expenditure was $113.1 million, Capital Expenditure $14.8 million and the projected deficit was $3.6 million.

We can see a trend has been set. In 1989 there was a $4 million projected surplus, in 1990 the deficit was $14 million, in 1991 another $3.6 million and it gets worse. In 1992 projected revenue was $124.6 million, loans $1 million, recurrent expenditure was $117.4 million, capital expenditure was $13.3 million. But, in 1992, like 1991, every penny that Government used for Capital Expenditure consisted of borrowed funds. The result at the end of 1992 was an $8 million deficit.

To aggravate that situation even further, on page 37 of this same Statistical Abstract, information is provided on the Government Debt and Reserves. For example, in 1988 Government debt plus other loans guaranteed by Government amounted to $50.8 million. In 1989 debt and other loans guaranteed amounted to $78.9, and it was the same for 1990. In 1991 Government debt and other loans guaranteed by Government amounted to $92.1 million.

The reserves, in 1988, amounted to $19.8 million, in 1989 - $18.2 million, 1990 - $12 million. So between 1989 and 1990, Madam Speaker, the past Government depleted the Reserves by $6 million in an attempt to finance their deficit. In 1991 the reserve stood at $13 million.

We were told just the other day, by the Honourable Financial Secretary, that at the end of 1992 the General Reserve stood at $10 million. So, we can see, as far as the stewardship of the past Government is concerned, despite all of the self-proclaimed economists and financial experts that they had sitting on Executive Council (that is, elected Members), their track record does not speak well of their stewardship.

When you compare that situation with the projected Revenue and Expenditure Budget for 1993, as was presented by the Financial Secretary, where revenue for this year, excluding those loans which were a part of last year, amounted to $135.3 million, recurrent expenditure of $124 million. When you take that from the $135.3 million revenue, you have a surplus of $10.5 million. Which is more than enough to finance completely the projected capital expenditure for 1993 of $10.2 million. Even after accounting for capital expenditure for this year, Government is still projecting a modest surplus of $300,000.

I think that is an accomplishment that is second to none. It took a lot of hard work and cooperation. Much praise and thanks has to be given to the Honourable Financial Secretary and the Members of Executive Council who worked together to make this happen. The beauty of the situation is this. All this was accomplished without any borrowing and without any new taxes. When you compare that to the $20 million that was introduced with new taxes by the past Government in 1990, and the fact that every Budget since 1990 required borrowing to fund their capital projects, it says a lot about the present leadership of this country.

I must also add that I personally support those measures which were outlined in the Budget Address and the Throne Speech, as far as Government is concerned, in their attempt to reverse the adverse financial position that this country is presently in. I support reducing the size of the Civil Service by 7.5 per cent. I think that is a good start. It might be deemed to be necessary to cut it even further. But this exercise must start with the non-Caymanian Civil Servants, those on contracts and those on temporary employment. It must start with them. It is my humble opinion that we can find enough fat in that area to accomplish a $7.5 million cut without one Caymanian having to lose his job as a Civil Servant.

But if it is deemed necessary that this trim will include a few Caymanians, every effort will be made by the present Government, in negotiations with the private sector, to ensure that those people find employment once their positions become redundant.

As the Third Elected Member for Bodden Town said, these

measures are necessary. We no longer have the luxury of doing what comes easy as far as the financial position of this country is concerned these measures, at this time, are considered necessary. I also support the amalgamation of similar Government Departments to affect the scales of economy to realise savings and to reduce duplication.

I remember when I first joined Government back in 1974 as the Budget Officer. At that stage we were in the process of establishing the Department of Tourism which was the 17th or 19th Department of Government. Today, according to the Throne Speech, we now have 37 Departments. That has been caused over the years by the Civil Service, basically, becoming a dumping ground for people who needed employment and not necessarily all Caymanians. It has now reached a stage where this country can no longer afford to maintain such a policy as far as the Civil Service is concerned.

I also support bringing back the Health Services as a Government Department in order for Government to be in control of costs which have increased significantly since the Health Services Authority was established. I vividly remember this House being told by the former Member for Health that the Health Authority was going to be the greatest thing since sliced bread; we would recognise all these savings and a reduction in cost of the Health Services of this country. It has not happened. What has happened is that it has gotten worse in one year of existence.

From what I have been told, what is happening at the hospital is the same thing that is happening in the Civil Service. Everybody is establishing his own little empire at the expense of the people of this country. I think it is a wise thing to bring this back in as a Government Department where it is subject to Budget restraints and there are controls which can be exercised.

I also support the principle of establishing a National Budget annually and sticking to it and not resorting to the excessive supplementary expenditure requests which the past Government was so famous for. The whole purpose of a budget is to establish what is anticipated in the way of revenue and then cut expenditure accordingly. Only under dire circumstances should there be deviation from those approved expenditures. The message that must be conveyed to all is that it cannot be business as usual if we are to survive financially as a country.

Our Government has not only been busy in reversing the financial position of this country but this Government has moved forward in addressing many of the other issues we are faced with in this country such as the issue of immigration concerns, labour problems, health needs and the problems affecting the youth of our country. Plans are in the works, the machinery has been put in place to effect programmes that will bring about positive changes in these respective areas.

The Government also took the bold step, and I must applaud the Member for Tourism, with the support of his Backbench and colleagues on Executive Council, in arresting the financial position of Cayman Airways. I remember, even before I got into politics, which was back in 1984 during the campaign, there were promises made that if the candidates of that day were elected they would go in there and fire the Managing Director, who at that time was Tino Gonzales, they were really going to sort out the situation. Nothing has happened, Madam Speaker in the eight years that they have been in place, nothing. But, the present Government took the action that was deemed necessary at the time in order to ensure the financial survival of the airline. We could not go on the way we were going.

It is very embarrassing to be told here this morning that just a few weeks ago we got a threat from ILFC that said you pay me a million dollars or I will come pick up the three air craft that you use from us. That is embarrassing! This country has never been in that kind of financial position before.

The position, or the steps and actions that are necessary have not all been taken in order to streamline the operation of Cayman Airways. But I must dare say that we are well on our way in order to accomplish that task.

I also believe that the choice of Mr. Ray Wilson as the Managing Director was a very wise one. He seems to have, with the support of the Member and his Principal Secretary and the Board, been able to resolve some very difficult positions that were created by the past management of the airline.

The Member for Tourism who is also the Member for Education is also moving forward to address the crisis that presently exists in the public education system which was created by the past Member from West Bay, the former Honourable Benson Ebanks, in his efforts to bid, or win, re-election in November 1992. That was the whole purpose of putting together all those things and implementing all those steps in education not thinking of the ramifications of those actions all the way through.

The present Member at least had the courage to sit with the members of the staff, get their feedback, listen to their concerns and made a decision which he feels is in the best interest of our children who attend public schools in this country.

I am very optimistic over what I have seen and by the support that we continue to enjoy from the people of this country. I believe that we have in place the leadership which is capable of taking this country back from the brink of financial disaster.

I may also add that although some of these measures that have to be taken to correct the situation at this time may be painful, they are considered necessary and will prove in the long run to have been the right steps if we are to correct the present situation. The message that has to be conveyed is that this country and its people must survive at any cost.

I would now like to address a favourite subject of mine which was touched on in the Throne Speech and that is the subject of labour in this country.

I was asked by the Honourable Thomas Jefferson, the Member for Tourism Environment and Planning, to work with the Labour Department in addressing some of the labour issues and problems in this country. I have worked, since then, very closely with the Director of Labour's office in

attempting to address some of the issues which we are faced with. I must say that we have been successful on a number of occasions in resolving some very difficult situations. On my own, I have also made appointments with management of the respective tourist establishments in this country and there are many more that I have to visit, but it was interesting what I discovered as a result of my visits.

Very few of the large hotels have any significant number of Caymanians employed and most have no intention of employing Caymanians even though many Caymanians have been applying to these establishments for employment. I also discovered with respect to gratuity, that is the percentage of gratuity charged to the guests of these establishments, that there is no consistency. I was always under the impression that everybody charged 15 per cent. That is not the case. The charges from my research range between five and 15 per cent. In other words, every property does its own thing in this respect.

The other observation that I made as a result of my visits and in talking to management, and as we suspected, management at these establishments continue to share in the distribution of the gratuities. One establishment told me that everybody gets gratuities except our executive committee, which probably consisted of two or three people, and probably involved 600 -700 employees many of whom fall under the category of management.

That is a criminal act at the present time. Because of the result of a Private Member's Motion that I brought here prior to 1992, the Labour Law was amended to state specifically that management was not to share in the distribution of gratuities. But they continue to do so. I must say that every effort will be taken to ensure that this practice stops. I believe that what is necessary is that there has to be some amendments to the Labour Law, give the Director and his staff a little more authority and also to further amend the Labour Law to may be specifically, broaden the definition as far as management is concerned. It must be spelled out.

Once that is done the penalty has to be increased against any establishment which continues this practice. There is a definite need, especially in the white collar section of the hospitality industry, to identify, recruit and train Caymanians to move up in management.

One establishment boasts of one Caymanian in Senior Management. That is not good enough. The conclusion I come to, and I am a man who believes in cooperation, that is the approach I prefer to use, I am convinced that if we are to see some improvement in this area Government is going to have to say, "It has to be done." I believe once the message is sent that it is not business as usual that these establishments will recognise that this Government is going to look out for the people of this country.

It is my dream that there should be a time frame established, be it five years or six years at least, a limited time frame over which Caymanians are recruited, trained and given the opportunity to move up. I dream of the day when the majority of the tourist establishments along Seven Mile Beach are to be managed by Caymanians.

With our history of earning our living from the sea, back in the days before the advent of tourism and banking, our men were forced to go to the sea to earn a living. I was at one establishments, talking about how many Caymanians they had employed and in what areas, there was not one Caymanian employee in the water sports section of services offered by that establishment. As I said, our men have gained a reputation over the years of being some of the best seamen in the world who have sailed the seven seas and they can tell me they cannot find a Caymanian young man or lady who is prepared to be trained as a dive master to head up some of these establishments. It can be done and it is my contention that it must be done.

One establishment mentioned to me, and I think that the message is slowly getting out there that it is not business as usual as far as work permits are concerned, that they intend to establish a training unit to train Caymanians in the area of water sports so that they will eventually qualify as dive masters in the industry. I want to encourage that establishment to do just that and I believe once that happens that the other hotels will have to fall in line and do the same.

For far too long in this country it was much too easy to run up to the Cayman Protection Board and pick up a work permit rather than going through the effort of finding a Caymanian to fill some of these positions. As a matter of fact, according to my information, some people made a business of obtaining work permits for establishments along Seven Mile Beach. But the Board that we have put in place, according to the information I am getting, is doing a fantastic job as far as containing the number of work permits which are being renewed or approved.

They are wise, they are very cleaver. What they are doing now is the Board is turning down a permit on their side, a one year permit, they run to Immigration and pick up a temporary permit and accomplish the same thing. I have mentioned this to the Members of Government and I trust that further steps will be taken to further shut off this source of work permits in this country. There are far too many Caymanians who are still unemployed.

I believe that amendments to the Labour Law are necessary. First of all to say that those establishments must charge a gratuity. Some people have argued that maybe we should go back to the old tip system. If we had not changed it I think it would have been alright, but our people have gotten used to the idea of a gratuity. The thing about it, is that the gratuity is the only attraction, as far as Caymanian employees are concerned, at these establishments because the hourly wage that they are paid in most cases is peanuts. So they depend upon the gratuity. I believe that legislation is necessary to ensure that a gratuity is charged and once that happens we must ensure that those people that are on gratuities, get them. I recall one establishment who thought so badly of paying gratuities that they decided to cut it out.

I believe also, as I mentioned, that the definition of management must be broadened and we must increase the penalties assessed against establishments which continue to distribute gratuities to management.

For far too long this practice has been allowed to continue without Government taking appropriate actions to address the problem. To give you an example, one establishment had the audacity to admit that they had misappropriated something like $250,000 in gratuities. If a teller in a bank is caught moving $1 that he is not entitled to, he goes to prison. This is theft at its highest level. In the past the Government has turned a blind eye to the situation. It must be addressed. There is no good of having legislation in place if we are not going to see that the legislation is enforced.

I was elected by the Caymanian people of this country and I believe that it is the responsibility and the duty of every elected Member of this House to see to it that our people are treated properly and fairly in this country.

I received a call last evening from one of our supporters in West Bay and it has been a comment that I have heard from so many people. He said "You know, John, Cayman is no longer for Caymanians. We are being slowly pushed to one side and people from the outside are coming in and doing as they please."

It is my contention that one of the reasons why over the years we have been so attractive, as far as a tourist destination and banking is concerned, is because of the friendliness of our people. Our people never felt threatened, according to history they were subjected to very little slavery so they do not have that type of mentality they are not threatened naturally. Because of that our people are very warm, very receptive, very open people and they go out of their way to make people who visit this country feel comfortable and welcome.

I believe that it is in our best interests to ensure that that characteristic among our people remains. One way of doing that is to ensure that they get their fair share.

THE SPEAKER: It is time to take the luncheon break Honourable Member. Thank you.

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

PROCEEDINGS SUSPENDED AT 12:46 P.M.

PROCEEDINGS RESUMED AT 2:14 P.M.

THE SPEAKER: Please be seated. The Third Elected Member for West Bay continuing.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker.

When we took the lunch break I was dealing with the problem of employment of Caymanians by tourist establishments, and I put forward certain recommendations which I felt were necessary, as amendments to the Labour Law, to ensure that some of the unfair practices that presently exist at these establishments be corrected in respect to management, in particular, sharing in gratuities. I also mentioned that over the next four years that these establishments will have to cooperate and provide opportunities for Caymanians as far as employment is concerned, and they must train Caymanians in the respective areas. In keeping with that theme, I think it would be in our best interests to establish a proper hotel training facility where our young people can be trained in all areas of the hospitality industry. I understand that plans are in the works to have this materialize and I look forward to this particular facility being established and Caymanians being in a position to take advantage of the training which will be offered by that establishment.

I also support the training unit as was recommended by the Labour Survey some years ago. What they recommended was that a training unit be established for the purpose of monitoring the employment and the mobility of Caymanians especially in the private sector and the white collar occupations and professions. I think that would be a good thing and I see no reason why that unit could not be established and a young Caymanian who is already qualified and employed in the Civil Service could not head up that particular unit.

I feel also that the private sector must do more than they are doing as far as training and promoting Caymanians especially in the financial industry. I also feel that greater opportunities must be made available through funding from Government and the private sector by way of scholarships or loans for young Caymanians who may be interested in going overseas to attend a University to pick up a qualification in the respective areas that are needed in this country. I must say that it is much easier today to do exactly that than when I was thinking about going to college because in those days funds just were not available or the limited funds that were available were only available for the elite of the student body.

Much more can be done. In particular, I believe, greater emphasis and encouragement must be given to Caymanians to enter the field of teaching. This is an area that is badly lacking as far as the number of Caymanians who are employed in that profession and I believe that the absence of a number of sufficient Caymanians is one reason why we have so many problems especially in our public education system.

It seems that because the majority of our teachers are expats on a work permit or on a contract which can be threatened, many of them are intimidated, as far as doing what they know is right, by the parents or by the students themselves. That was not the case when I was going to school. I did not necessarily have all Caymanian teachers, I had some good West Indian teachers as well as some good British or American teachers. But discipline was a way of life and if you did something wrong you were dealt with accordingly.

I remember on a few occasions, one comes to mind when we

were attending the All-age school house in the West Bay Town Hall. One day a group of boys and myself decided we were going to mess up the school and pelt the students with green ginnups. What a mess! But when that Headmaster walked in and discovered what had gone on and who was responsible for it, and we were big boys, we were called into that back room and we dared not lift a finger. We stood there while she put 10 or 12 licks with the strap across our backsides.

I believe that is what is lacking today in our system. There is no respect as far as the students are concerned for the teachers. There is none. Even myself, when I was in school, if I did not have the threat of discipline I could have caused much more problems than I did, and I would have. I believe greater emphasis must be placed on qualifying Caymanians in the teaching profession and give them an opportunity of going into the classroom and teaching our Caymanian students.

One of the problems of the past which I think is very unfair, and has been the main reason why Caymanians tend not to stick to that profession, I would dare say if we had the Caymanians today who had been through the system and have opted to go elsewhere today back in the classroom, you would have a much less dependant situation on outside or foreign teachers. We have many Caymanians who have qualified but have opted to move on. The reason for that is that there are two sets of rules, there have always been, one for the Caymanian teacher and one for the expat. For example, the expat teacher probably gets a little more because of his years of experience, that is fine. But in addition to that they were entitled to housing, which I think Government has now basically built that into the salary. But they were entitled to mileage allowance while poor Caymanians who do work at the same schools were not entitled to anything. This discouraged a lot of Caymanians.

I believe that if we make a policy where regardless of who you are if you have the qualifications and you are doing the job that you are entitled to the same benefits I believe we would find many more Caymanians wanting to go into teaching and also sticking with the job through the years. They would be in a better position to re-introduce and exercise discipline into our schools. A good start in that direction would be the appointment of Mrs. Nyda Mae Flatley who is presently the Deputy Principal at the John Gray High School as Principal of that school when the current contract of the present Principal expires. She is qualified. She is concerned. She has an interest in the Caymanian students. And I believe she would do a fantastic job if given the opportunity. What I have observed over the years is that if you give a Caymanian the opportunity he will always shine.

According to the latest statistics obtained from the Statistics Unit, unemployment in this country at the end of October 1992 was 7.6 per cent of the work force compared to about 6 per cent in 1989. This translates into approximately 1,265 persons who were, at that time, unemployed as compared to approximately 990 persons a year before. So we can see that the unemployment situation in this country grew worse in 1992 compared to 1991.

A large percentage of these unemployed persons are Caymanians. What was of concern was that unemployment is highest among our young people, the age group of 15 - 24 years of age. In this category there is something like 615 young persons who are unemployed which represents about 20 per cent of that group as far as unemployment is concerned. I believe that there are reasons for this. Many of the young people went through our educational system and did not come out with the necessary academic background; they were not identified early enough to be put into a specialised trade or training to prepare them to be able to secure a meaningful job; and they have no skills.

We are reminded of the incidences of juvenile delinquency or crimes committed by juveniles just recently. That is what is happening because this age group cannot find employment. So, what do they do? The Bible says that the Devil finds work for idle hands and minds. So that is exactly what is happening.

We must address this situation, where we put into place a proper trade school where those persons who do not have the academic background can be taught a skill or trade as a carpenter, plumber, electrician, mason or one of the other trades. With those skills, those persons would be able to find meaningful employment in this country and would reduce our dependance upon that type of skill coming from the outside as is presently the situation.

This is just not going to happen. If we believe that the employers, all of a sudden, will say "Well, you know, I am so concerned about this community that I am going to invest in you", like some of the law firms have done (like Truman Bodden and Company) where they have employed Caymanians and put them through school, at their expense, to train them as lawyers. Not many establishments in this country are prepared to do that on a voluntary basis. But it needs to be done. Otherwise the unemployment situation will continue and the incident of crime will continue and we will all be losers in the long term.

I believe that many of these persons, even though possessing no skills, could be employed as gardeners, or employed picking up after the tourists, which I have seen people here on work permits doing. Either yesterday or the day before, I saw an ad in the paper where the Hyatt Hotel was advertising available positions; grounds men, general maintenance persons, you name it. But call there and say I am a Caymanian looking for a job and the chances are you will not get an opportunity.

Many of these positions are only being advertised because the permits are now up for renewal and the Immigration Law says it must be advertised before you can re-submit an application for a work permit. But, if that permit is granted, that establishment, among others, has no intention of ever providing an opportunity for Caymanians in those areas.

I am very concerned about the unemployment situation among Caymanians in this country. Caymanians are frustrated. I believe that the time has come when we must stop for a minute and sort this whole thing out. We have to insist that the establishments in this country at least give Caymanians a chance to hold a job. On the other hand, and I have preached this far and wide, once we give

Caymanians the opportunity to get a job they must be responsible. They must show up when they are supposed to show up, on time; they must do what they are told to do and they must be responsible. I do believe that, once given the opportunity, the majority of Caymanians will take advantage of it and will be responsible as far as providing the type of service that is needed by these establishments.

With the proposed reduction in the number of Civil Servants and, like I said before, I am hoping this does not involve too many Caymanians, but if it does I think it is the responsibility of Government to find employment for those persons in the private sector even if that means pulling a couple of the existing permits which these establishments might hold.

I believe that in order for this to be done further steps need to be taken to tighten up the number of temporary work permits which are issued and they are still being issued in great numbers. Many times it is for services which can be provided for a Caymanian in this country. That situation has to be addressed. We must be in a position where we at least place some moratorium long enough on the issuance of permits to see exactly what the employment situation is. Be it three months, or six months, once we are in a position where we have created sufficient opportunities for Caymanians to be employed, then we are in a position to say we need 50 more work permits here or 25 work permits there. I think we need to be able to make decisions in an informed manner because you will then have all the facts available.

It was interesting, as I looked through some of my old Budget Addresses the theme has always been the same - 'concern for the employment and training of Caymanian'. I believe that over the next four years, with the type of Government we presently have in place, I can start to realise some of the objectives that I have preached about for so long as a Member of this House, that Caymanians be given their fair opportunity in this country.

As far as the district needs of West Bay are concerned, and there are many, West Bay, like all the other districts except Little Cayman and Cayman Brac, has suffered as far as Capital Investments are concerned. We recently accompanied the Honourable Member responsible for Agriculture, Communications and Works through the district of West Bay and once again identifying those roads which need repair or areas that need roads. Over the next four years we will be making an effort to ensure that those needs in that area are taken care of.

From my calculations, we have approximately $244,000 in the Budget under Capital for the resurfacing of various main roads in the district of West Bay. This is not a lot of money but I believe that if we are careful as far as how it is spent and who we employ or deploy to carry out those services that we can accomplish quite a bit as far as road repairs and construction is concerned in the district. There is also a provision in the Budget for over $800,000 for the maintenance of roads and I am quite sure that the Honourable Member will be fair in seeing to it that West Bay gets a little of this as well.

At long last, we will be in a position where we will get the hard court for Wesleyan Christian Academy which was requested since 1990, but which the former Member for Education, who was from West Bay (Benson Ebanks), refused to provide. Steps are also in the works to provide back boards and additional lighting at the West Bay Primary hard court so that it can be utilized also for basketball and by the district and also by students at the West Bay Primary School.

I am very encouraged at the number of young athletes I see coming out of West Bay, especially in the area of Basket Ball. I attended a function last Friday which was the opening of the Cayman Islands Basket Ball Association under 16 competition. There were six teams involved, and we had a good contingency from the district of West Bay.

The plan over the next four years is to not only provide that kind of facility in the district of West Bay, but to provide it in every district. It is very important for us to provide proper recreational facilities as far as our young people are concerned so that they will have something wholesome to do to occupy their time. Sports is a very good outlet for the energies of our youth.

There is also a $34,600 provision for the re-roofing of the Bonaventure Boys' Home in West Bay and this is necessary. Over the years that home which was built by the Rotary and passed on to the Government, has done a fantastic job dealing with many of our troubled boys and we should continue to provide whatever is necessary to ensure that our boys in that area are comfortable and that they have proper accommodations and facilities.

There is a $400,000 provision in the Budget also for West Bay for the construction of the Administration Office, Library and four class rooms at the West Bay Infant School. This basically consists of Phase III of this project and I am happy to see that this project is continuing because our schools about a year or so ago were bursting at the seams and there were a definite need for more class rooms which we are now in the process of providing.

There is a $15,000 provision in the Budget also for the installation of a kiln at the Sunrise Centre in West Bay. I am very encouraged about the quality and accomplishment of this centre as far as dealing with their handicapped students is concerned. Whatever way we can assist them I am pleased to. They are doing a fantastic job.

There is a $20,000 provision in the Budget for upgrading toilets at the West Bay Primary School and an additional $15,000 for the tiling of the lunch area. There is also a provision in the Budget amounting to $340,000 to further complete the Ed Bush Sports Complex in West Bay. The plans are to have the proper changing room facility, some additional seating and other amenities to make it much more comfortable for players and spectators.

I believe that as far as our first budget is concerned the limited funds or resources which are available have been provided, or divided, equal and fairly among the different districts. I am pleased with the provisions we have gotten in the Budget for the District of West Bay.

Before I wind up my contribution I would just like to address a couple of the comments made by the Second Member for Cayman Brac in his debate, and my colleague, that is the Third Member for Bodden Town, did a fantastic job, I thought, of dealing with the issue of the Constitution.

As far as I am concerned regarding the Constitution (and we campaigned on this and it is in our Manifesto) the problem that we had in this country was not the lack of a proper Constitution. It was the Government of the day who attempted to remain in power even though they were in a minority situation. As we recommended, I believe there is room for some minor changes to the Constitution but those changes basically reinforces what is now the practice as far as Government is concerned. I believe it is justified first of all that we have an additional Member on Executive Council to help share the work-load which Members are now called upon to deal with. As a result of that, in order to maintain the ratio, it was necessary for us to add additional Members as far as the House was concerned. I recommended one, myself and a couple of other Members, but the feelings were you should always have two-thirds a majority on the Backbench, and in order to do that it was necessary that three persons be added. I do not have a problem with that. But I believe, like the Third Member for Bodden Town said, the Draft Constitution we got sent back to us by the Foreign and Commonwealth Office (FCO) did not in anyway reflect the views and wishes of a majority of our people in this country.

I remember attending one of the sessions in West Bay when the Commissioners were here and they were pushing the idea of Chief Minister. We told them in no uncertain terms, we do not want it, 'you must, it is a good thing' they said. We do not need a Chief Minister to make a system work. What you need is what you have right now, four Members on Executive Council who are prepared to work together as a team and a Backbench who is prepared to support them. That is all you need. You can get anything done.

I take exception to the position that this Government is going to bring in these amendments now and try to sneak them under the door without them being debated fully. That is not going to be the case. Once we get the okay from FCO as far as the drafting, the draft of those amendments to the present Constitution will be done. That document with those amendments will be brought to this House, laid on the Table and fully debated.

So I think as far as the old Constitution, or the one that was being proposed, was concerned that is history, the people did not want that and they made that known in no uncertain terms at the polls. The majority of those persons who promoted those changes are now on the unemployment line.

The Member also did not agree with the proposed reduction at this time in the number of civil servants and I share his concern to a certain extent if I believed that it was going to affect that many Caymanians. But, when you have Civil Servants' salaries and benefits amounting some years to 54 per cent, 60 per cent of recurrent expenditure, something has to be done otherwise what will happen? The Service will continue to grow and pretty soon you will find that probably a 100 per cent of your budget - recurrent revenue - goes towards paying civil servants salaries and benefits. I have always contended, and I continue to contend, that what we need is quality, not quantity. We have some good civil servants there, young Caymanians who are qualified and I think we should give them an opportunity to do what they can do. Let us reduce the numbers, pay those who remain very well and, in the process, reduce Government's expenditure in that area.

The Member also, from listening to his debate, seemed to be a bit confused as to what Government has in place because this present Government has only been in place for just over three months, close to four months, and has inherited a lot of those things that he spoke about. I think the present Government needs to be given an opportunity, a chance, a little-time to deal and address all of the issues that we are all concerned about in this country. They are doing a good job as far as getting on with the job in those areas and I think they have done a fantastic job so far, including balancing the 1993 Budget.

He did not agree with the Hospital or the Health Authority or Health Services being put back in as a Government department. I do not know why the Member does not agree with this because the facts are that the establishment of the Health Authority has done nothing as far as reducing the costs of Health Services in this country which, was one of the main objectives and reasons for establishing the Health Authority.

He also mentioned that he did not see even though we had campaigned on it and so much was said about it, a motion reversing Motion 3/90. That is going to be dealt with in this Meeting. We insisted on that and after the debate on the Throne Speech and the Budget Address has been completed that matter will be dealt with and once again Finance Committee will resort back to where it consists of only the Elected Members of this House with the Honourable Financial Secretary as Chairman. That will be done, Madam Speaker, you can take that to the bank.

I believe that what the people of this country want is a concerted effort to deal with and address the many issues that we are faced with in this country. Not bickering, not opposition for the sake of opposition because the last four years, I think, the people of this country have grown tired of that situation. We now have a Government in place who is capable of addressing these issues with our support and I believe it is in all our best interests that we put our full support behind them in assisting them in getting the job done.

Madam Speaker, I thank you for your time and thank the Members of this House. When the vote is taken with respect to the proposed Budget for 1993, I will be voting yes.

Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker.

I rise to make my maiden speech and deliver it on the Throne Speech and Budget Address as was presented by His Excellency the Governor and the Honourable Financial

Secretary on the 5th of March, 1993. Once again, I would like to take this opportunity to thank the people of Bodden Town for selecting me as one of their representatives. I take it as a great honour and I look forward to serving you, the people of Bodden Town, to the best of my ability along with my other two distinguished colleagues for the next four years.

Madam Speaker, I wanted to follow-up the Third Elected Member for Bodden Town but as a number of people know in that district, one of the candidates was going around saying they should not vote for either him or myself because there would be just an echo. Madam Speaker, I ask if you hear me coming out as an echo that you bring it to my attention.

As we all well know, the next few years could be very crucial to the survival of these Islands. We are at a cross-roads in our history and must now take a firm decision. Do we want this country to continue its massive deficit spending? Are we going to allow the Civil Service to continue to grow into a huge bureaucracy as we have seen transpired over the past few years where at the end of 1992 about one in every 16 persons living in these Islands were employed by the Civil Service or Statutory Boards? For the past few years the deficit has continued to grow to where at the end of 1992 it was up to $8 million. I say that it is now time that we put a halt to this outrageous spending. We have to learn to live within our means and spend the monies wisely and prudently, not giving it to every consultant and advisor that may knock on our doors.

I fully support the reduction of staff by 7.5 per cent in the Civil Service and I commend the Government for taking such a wise and bold decision. This has been talked about for many years but as we know nothing was done, we just sat around and complained and moaned while the situation continued to grow on us like a cancer. A good example of one of our problems was brought out in His Excellency's speech when he mentioned that Australia, which is so many times bigger than the Cayman Islands, have only 16 departments, whereas, Cayman has 37.

I think it is high time that we take a serious look at streamlining some of these areas and I would refer to one of the objectives in the Department of Internal and External Affairs, where the Member responsible said, "They would press for further reduction of Civil Service staff by combining departments, sections and units, make plans for amalgamating some Government Departments in an effort to reduce the size of the Civil Service.". I commend the Member for this and I hope that this will be looked at seriously.

It was a source of great relief to hear the Honourable Financial Secretary in his Budget Address declare, and I quote from his Budget Speech:

"MEASURES FOR CONSIDERATION AND IMPLEMENTATION

1. Because of the financial position which obtained as at 31st December, 1992, the Government has taken the decision that expenditure must be contained, commencing in 1993. No longer will recurrent and statutory expenditure consume 100 % of recurrent revenue without any contribution being made to financing the cost of capital programmes. No longer will departments of Government continue to mushroom in growth by providing services, which, if deferred, will not impair the effectiveness of Government. No longer will statutory authorities be held to less stringent standards of accountability than line departments of Central Government!".

Madam Speaker, I think this is a good beginning. These are some very good ideas and are logical steps in helping to turn this country around financially.

The next subject I would like to touch on is that of the sky-rocketing costs of property insurance. I am sure most of you out there has had a touch of that for those premiums which were due in the early part of the year. If something is not done to control this it will take away the dream of many young Caymanians to own their own homes, not to mention the burden that will be placed on the elderly.

In a letter from, one of my constituents they beseeched me and this administration to take a serious look at the insurance problem. I would like to share a paragraph of this letter with you. "I am begging you to look into the ever-increasing rates of insurance. These rates have now become outrageous and young Caymanians after having to obtain a mortgage are faced with these high insurance premiums.".

In another instance I would like to mention, there was a certain person earlier this year, who got his renewal notice. That notice was 40 per cent above what he paid last year. In shock he decided to shop around and to try and get a better rate. Less than two weeks later he went back to that company and to his surprise once again the premium was an additional 35 per cent or more for the same services that would have been rendered. I think it is high time we take a serious look at this insurance problem, which, if left alone, can seriously hamper the development of new homes in this country. Can these rates really be justified? Who decides on the amount of increase on these premiums? Maybe it is time that Government take a serious look at some sort of insurance programme because it will soon be literally impossible for some of our Caymanians who are not so fortunate to afford these rates.

With your permission, I would like to refer to an article which appeared in the *Miami Herald* on the 12th of February, talking about similar problems in Miami. The big headline says:

"INSURERS SEEK BIGGEST RATE HIKE IN FIVE YEARS

Ever since Hurricane Andrew, insurance experts have predicted that the cost of property insurance would rise in Florida. Most experts say rates will rise about 10 per cent each year for the next few years. We could possibly live with that but these rates that we have seen and experienced are literally out of sight. In Florida insurance companies cannot raise rates without permission from the State Department of Insurance. Insurers also cannot raise rates today to pay for yesterday's losses, so any price increases must be justified by proving that future losses could be higher.".

I wonder if this same principle applies to our insurance people here in the Cayman Islands?

There were 15 companies in Florida (all of them big companies) that applied for rate increases. When you take those 15 companies the average increase that was given to them by the Commissioner was less than 10 per cent. Actually it worked out at 8.78 per cent for these 15 companies. I asked some of the insurance people here, why are these rates so high? The meager excuse is that we are grouped with areas like Miami and the other West Indian Islands who we all well know is in tha, shall we say, the hurricane belt. This holds no water. As we can see what was approved by Florida's Insurance Commissioner.

I hope that this Government will take a serious look at finding out what is the problem. Why are our rates so high as compared with Miami and maybe other regions because I firmly believe it is no way that we can survive with these rates.

While I am on the subject of insurance, I would like to object seriously and strenuously to the premium which will be charged to our elderly people over 65 under the new Health Insurance programme. This amount has been suggested to be approximately $179. This is unfair too, as we know our elderly Caymanians here today survive on a fixed income. Where are they going to get this money? Some of them can hardly get food to eat. I think we seriously have to look at how we will handle this down the line. Instead of putting more burdens on our elderly we should be looking at ways and means to make them live more comfortably. Let us face it, our elderly Caymanians, our parents, literally saved and sacrificed to help this country get to the place of prominence that we now experience today. For them to have to pay these high health insurance premiums it would be a great strain and cause them much suffering. What we should be doing is trying to negotiate with the drug stores, with the airlines, with the doctors, with the supermarkets and see if we can get them a discount on some of the things that they are now having to pay such high rates on. This system is used in many developed countries and for the so-called affluence that we are supposed to be exposed to in these Islands, it is time that we take a look at this to make life a little easier for them.

The next subject I would like to touch on briefly is that of the Police and crime. Looking at the statistics and the figures in the Budget there is a ratio of one Police Officer to every 119 people in Cayman, including men, women and children. We need to rethink our policies and use a different approach to this other monstrosity that seems to be growing around us. As was mentioned under the subhead of Police 007, arrests for drug offences appeared to be on the increase. This ties in with what the Commissioner of Police has said in the meetings that he has held in the districts when he said that 80 per cent or the vast majority of crimes or burglaries are drug related.

It is time that we ask ourselves, when is the last time that we have seen a major drug bust in which a dealer has been taken out of circulation and sent to Northward Prison? For the amount of drugs that appear to be entering these Islands, and being consumed, somebody must know or have a general idea of their source. It is time we Legislatures take a serious look at our Penal Code and give our Police the support that they need after they have investigated, taken the case to court, got a conviction and then when some of these are sent to Northward they literally get a slap on the hand, and it seems like within a few months they are back on the street.

It seems like what they are concentrating on is sending the little "users" that they catch up there. They seems to be making an example, sending the user to Northward is of no benefit, if we do not try to educate them while they are incarcerated. It must be mandatory that they attend re-habilitation classes.

If feel that money should be spent not only on re-habilitation but on the teaching of inmates the basis of education. I think that this problem is now being addressed and in speaking with some of the staff that work there I offered any support, and I am sure that this House will do the same thing in encouraging this. So that when these people come out they will have better self-esteem. We will find that when they are released back into society that they have become a better citizen and become more productive in our work force. The money that is proposed for an additional 65 spaces at Northward could be better spent on an education system. When we talk with the counsellors at the schools where we really need to get at to help head-off this problem. They need help there. We need to get more training in, we need to train more Caymanians, like a gentleman from our district, Mitch Ebanks, I understand that he does an excellent job in trying to provide counselling for those people who have problems with the drug.

We need to support CASA (Cayman Against Substance Abuse). CASA to me is like what they talk about in the military, preventive maintenance. If we start at this level then we will not have to be spending all of this money for 65 new spaces at Northward Prison. For the over population problem, we should be look to be sending back the foreign prisoners as it is feasible. Give them a large fine and deport them where it is possible.

Before I leave this subject of crime, I beg your tolerance in allowing me to speak briefly from a book that I found in Miami a few weeks ago. It says: 'COCAINE - An In-Depth Look at the Facts, Science, History and Future of the World's Most Addictive Drug', written by John C. Flynn. I would just read a few brief paragraph and I hope that this will touch on the ears of some of the people out there, especially the users.

"Cocaine has force a re-examination of our thinking because, in important respect, cocaine is different from most of the other drugs that troubles us. Of paramount importance is that cocaine is different in the way it affects the brain. Cocaine acts on the brain cells responsible for our ability to experience pleasure. Other drugs, like heroine, are also capable of stimulating pleasure circuits in the brain. The fact that they lead to the feeling of pleasure is one reason they are abused. Cocaine, however, stimulates these brain areas more directly than other drugs, which is why, in its various forms, it is used so compulsively.

It is only recently that science has began to understand these differences. This new understanding demands that we reevaluate much of our thinking about the use and abuse of drugs. It suggests that we make a fundamental error in classifying very different drugs, drugs that act differently in the brain, under the common heading of 'drugs of abuse'. The error is fundamental because it usually leads inexorably to the conclusion that all such drugs can be dealt with in the same way, using the same policies, simply because we have decreed that they are all drugs of abuse. This error lies at the root of our meager success in dealing with the recent onslaught of cocaine.

Cocaine is a chemical that unlocks and activates brain circuits that make the experience of pleasure possible, circuits that have evolved in animals because they are fundamental to the survival of the individual and the species.

We have been led to believe that all drugs are alike, that all drug abuse is alike. In the name of "the drug problem" we have been told that all drug abusers are alike.

It is simply not true that all drugs are alike. One of the disastrous mistakes we have made is to assume that merely labeling something a "drug" conveys all the information that is needed in order to talk reasonably about that substance. The grouping of wildly different substances under the common heading of "drug" or "drugs of abuse" and then assuming that, since they are all called by the same name, they all can be dealt with in the same way, is the single most important factor in our failure to control "the drug problem".

The fact is that no two drugs are identical. Cocaine confronts us with the facts that drugs are not all alike. Even among drugs of considerable addiction potential, cocaine stands apart. It is, in its various forms, the most destructive drug of abuse in human history. Not heroine, not LSD, not marijuana, not alcohol, not PCP - none of these drugs is as capable as cocaine is of grabbing on and not letting go. If we fail to appreciate this difference, if we do not try to see why it exists, we may be abandoning any realistic hope of coping with new drugs in our future.

The reason that cocaine can exert this powerful hold on people is the unique relationship of the drug to the pleasure centers of the human brain. Cocaine acts, in effect, as a "key" that opens up these parts of the brain as no other drug can do.

"The effects of cocaine on the cardiovascular system"- Among the most prominent effect of cocaine are those that produce changes in the functioning of the heart and blood vessels. Some of these effects are indirect, the result of cocaine's actions in the brain, while others are due to direct effect of the drug on the organs themselves. The major direction of all of these effects is to stimulate the cardiovascular system. Heart rate is increased. Blood pressure is increased. The drug produces a dramatic rise in the blood pressure, due to both actions in the brain and in the peripheral system. One of the direct effects of cocaine can kill you very quickly, even before you have a chance to response. Cocaine can cause cardiac arrest as a result of several different actions on the heart. Acute myocardial infarction, or the death of a cardiac muscle may occur as a result of drug induced spasm of the coronary arteries or as the consequence of drug-induced coronary thrombosis. Additionally, serious cardiac arrhythmia or irregular heart beat can occur as a result of cocaine's ability to increase the stimulation of cardiac muscle by the sympathetic nervous system. There is no known way to predict these outcomes. They have occurred in experienced users taking large amounts of the drug as well as in first time users taking low dosages.".

This situation of the low-dosage and the first time user was probably as some of you remember about three or four years ago a very highly, touted, and one of the top college basketball players Len Bias, out of the University of Maryland, the night before he signed, with at that time, the world champion Boston Celtics, decided he would try a touch of this and as we well know today he is history. He died on the first chance that he tried to experience the feeling of cocaine.

I would like to leave these few words with, especially, the young people out there. No matter how confident you are now of your ability to control your use of cocaine, there is a risk that you lose control of your drug intake and find your life dominated by cocaine.

I thank you for giving me that time to read that excerpt from that book. This has been pressing on me for quite some time and I hope that it will be of some benefit to the people out there.

THE SPEAKER: Would you take a break at this time Honourable Member?

MR. ANTHONY S. EDEN: Yes, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:32 P.M.

PROCEEDINGS RESUMED AT 3:57 P.M.

THE SPEAKER: Second Elected Member for Bodden Town continuing.

MR. ANTHONY S. EDEN: Thank you Madam Speaker.

Before we took the break I was touching on crime and the Police and I would like to continue in that vein. What I would like to touch on this time is the most disturbing factor of all that is, crime amongst our youths or juveniles.

There is rarely a day when we pick-up the paper that we do not read about them and most of these crimes I have been told, have to do with burglary. This problem is not one that will go away unless we, as parents, face up to our responsibility of spending valuable time with our children, disciplining them when necessary, teaching them to respect their peers and elders. It is time that Caymanians got back to basics. Look back at what got us to this stage of prosperity and success. It can all be attributed to one simple factor, as we know; it was a sound family unit when we were young. Our parents took us to church, we spent time with them and they were always around to guide us. I know that in this day and age, at times both parents are working, but we must make sacrifices for these children if we are to get out of this trend of continued juvenile delinquency in these Islands.

I am not here to say that we should legislate morals, but I feel as parents we should make a more concerted effort to impress these morals on our young children as was done when we were growing up. There is an old saying, 'spare the rod and spoil the child' and, as the Member who preceded me in the debate said, it is time we take a look at a better system of discipline in the schools. I would venture to say that if we went back and traced the pattern we would find that after corporal punishment was taken out of the schools, there was a dramatic upswing in disciplinary problems.

I know that the Honourable Member for Health and Human Services has some definite plans on strategies that will be implemented to help resolve the juvenile problem, but in the meantime we may find it necessary to impose a curfew on these young offenders. I cannot comprehend and understand why I have been told sometimes two, three, four o'clock in the morning in certain areas of George Town, if you travel those roads, you will find nine, 10, 11 and 12 year-olds, and maybe children roaming the streets. This has got to stop. Whatever is necessary, and I think by doing this we might shock some of the parents into reality.

Just earlier this week I was coming into George Town after 5 PM. I saw a group of young High School children, they were still in their uniforms, and they were roaming the streets of George Town. We have to check into these situations and see that these children, once they are out of school, and have finished their after-school activities, that they are escorted back home.

I would like now to briefly touch on some of the things that appear in the Estimates of Revenue and Expenditures as was given to us. One of the first and lasting things that has impressed me is a brief paragraph in the Audit Office section on page 40, under the title, 'Medium Term Objectives':

> "(d) To fill all approved vacant posts with Caymanian accounting graduates and technician by 31st December 1993 and thereafter to improve departmental effectiveness through both on-the-job and external training initiatives.".

I think this would be a good motto for all departments of Government and the Civil Service. I know it cannot be done by 1993 but when we start, wherever we start it is a good time to start to train young Caymanians. The next section that I come to is under the Honourable Attorney-General - Legal and one of the key result areas that he mentioned in this report is:

"6. PERFORMANCE TARGETS/INDICATORS

Key Result Area:

1) Involvement at the earliest stage of discussion or of negotiations which might give rise to any governmental contractual obligation.

Indicator:

1) Problems arising after contractual obligations due to late or absence of legal advice.".

I just wish that this philosophy had been adopted prior to this and I feel sure that the pains, the stressfulness and the problems that have been created by the situation with Cayman Airways and Gulness Peat Aviation (GPA), with the proper legal advice given on this contract, the people of these Islands would not now have to be spending, I should say, unnecessarily, millions and millions of dollars that we so need for the development of this country and our young people. We have to pay it in penalties because of bad decisions.

The next section that perturb me a little bit is that of the Registrar General and he says,

"6. PERFORMANCE TARGETS/INDICATORS

Compared to other jurisdictions, we are losing our competitive edge. The survival of our industry is very dependent on the continued efficient service of this important Government department.".

Madam Speaker, this department is very, very important. By looking at last year's revenue, there was over $12,000,000 collected through this department. I say that whatever is necessary to get us back into competition, whatever has eroded away our keen edge, whoever is responsible, whatever support that they need they should be given because we cannot look lightly at revenue of over $12,000,000 for it to erode further. We better take what steps are necessary to put us back into competition.

The next section I would like us to look at is that of the Fire Service. I cannot give enough praise to the person who is the Head of that Department. There is a paragraph that he has under vehicle maintenance.

"C) VEHICLE MAINTENANCE

In addition to carrying out a routine preventative maintenance programme which involves engineers from the vehicle manufactures, two major Fire Vehicles were completely overhauled and re-furbished, extending their active life for approximately three years.".

Maybe this is one area that could be looked at in the Public Works Department and where other vehicles and machinery are involved. Proper preventive maintenance and if necessary, re-building some of the engines whereever feasible and possible.

Another section I see here which I applaud very strenuously and I support wholeheartedly is in the Objectives for 1993. It says:

"C) Obtain approval in Principle to reduce the response time to fires in the Bodden Town District by the erection of a sub-fire station between 1993-1996.".

I hope that this will take shape and form in less time than that and that by next year we can have a sub-fire station in the district of Bodden Town.

I would like to touch briefly on the Mosquito Research and Control Unit. There is a little paragraph in the middle of page 228 and it says: "Also some thoughts will have to be given to upgrading the insecticide mixing facilities at the hangar as these are not consistent with modern ideas of safety.".

I wonder how serious and if there is any risk to the people who are dealing with these insecticides? If these are poisonous, I think that whatever correction and proper facilities needed should be looked at immediately and taken care of. I also wonder, as we know that we have one or two mosquito planes. If down the line some consideration has been given to start training a young Caymanian to take over this position. I think that it is time we start to look at these things.

I now come to Planning and one of their objectives for 1993 is to continue the Caymanianization of the department. When I see these things that I like, I must commend the Directors of these areas in their consideration to train more Caymanians. For us to survive in this world, we must start to put Caymanians in places where they can be helpful and prove their leadership and continue to prepare to lead this country into the 21st Century. Another one of the objectives is to continue to streamline the planning approval process to minimize delays and improve efficiency to better serve the public.

This is of paramount importance. To alleviate frustration we must get rid of some of the bureaucracy that we find in some of these departments. Cayman is not a large metropolis like Miami, or New York. I do not say we should compromise safety but I know we can get rid of plenty of red tape, because many people, not only in private houses and homes, with subdivisions and other developments that are built, when they go to the Planning Department there seems to be nothing but red tape and pure frustration that they have to go through.

If you remember in the olden days we could not afford to complete our homes all at one time. They were built in stages. The other night at a meeting when the Director of Planning was in Bodden Town, I mentioned this to him and he said that there was talk of them looking into this and seeing if something could be done to help the indigenous Caymanians. In our district I would like to see especially on the beach side the right-of-ways demarcated and properly marked.

Tourism - Madam Speaker, by reading the newspapers it seem like we are off to a great start this year. When we look back over the past few years there was some dismal numbers. I am wondering if some of the expenditures that goes out for advertising, collateral and photography $1,134,000, if at this stage of development in these Cayman Islands, if some of this could not be done here on a smaller scale. This could prove some extra jobs for many Caymanians and the money would be kept here. It would not be going overseas and I feel sure that with our new Member, he will be looking seriously at these ways of keeping some to this money in the Cayman Islands. When you look at some of the production that is being done, I feel that we have Caymanians here who are quite capable of performing these jobs.

As was mentioned earlier and as appeared on the front page of the *Caymanian Compass* this morning, the people that was filming the "Firm", with the assistance of the Honourable Thomas Jefferson, has made arrangements now that they are finished using the building at the end of Hirst Road for the shooting of the movie (I think the sign up there said Abanks Diving Lodge) Mr. Hausman has generously donated this building to the people and the district of Bodden Town. I would like to say that this should be not only for the district of Bodden Town but it will prove to be another tourist attraction for these Cayman Islands'. This is something you all know that we are short of. Once this is fixed up properly I think it will be a wonderful commodity for these Islands.

The next subject that I would like to touch on briefly is Trade and Labour. What I would like to know is, what is the maximum hours of work that an employer should put in for an employee? And, with your permission, I would like to read - and this is a little advertisement I took out of the *Caymanian Compass* a few weeks ago. It says:-

"Domestic Helper

Hard-working individual required to care for two boys, ages six and three and handle household duties. Must be able to work 7:00 a.m. to 7:00 p.m., Monday through Friday, some evenings and on Saturdays.".

This works out roughly to 65 hours per week. I thought the days of slavery were over. I hope this hard-working individual did not have any children unless she was allowed to bring them along with her. I wonder if we were to call the Labour Office, or a part of it, a Government Employment Agency, if there would be better interaction, as the word "labour" tends to suggest a very stern and serious organisation?

I am glad to see that the Advisory Council on the Misuse of Drugs has reconvene under a new Chairman. I must say I am sorry to know what happened to the last Chairman.

Continuing under Administration, Health and Human Services, one of the objectives for 1993 is, "the further development of Mental Health programme." I feel at this time of the development of these Cayman Islands' this is imperative. In my district of Bodden Town alone, and through these Islands, there is a crying need for this facility. We need to build a special place, it does not have to be that costly, as most of these people that we see on the streets, they are walking. I think they just mainly need a place of shelter. They should not be kept in the hospital or imprisoned.

I makes me feel good to see that after eight years of neglect by the past administration, we finally have some funds to spend in the Bodden Town district. I commend my two colleagues, the First and Third Elected Member for their perseverance and I hope that we can get much needed projects in that district going.

Another objective was to increase the welfare payments to the indigent. This is another area I commend as we well know that in these Islands many, many of our elderly are barely existing. Sometime they go days without getting food. We need to try and supplement this and increase whatever is being given to them because when we look back, these are the people that were our forbearers. They were the ones that struggled and fought in the difficult times to help this country arrive at the position that it is now today.

I am also glad to hear and to see the relocation of the Ambulance Service to the Frank Sound Fire Station. This is a much more central location to the three districts of Bodden Town, East End and North Side and I would not venture only to say, I know that it will cut the time that have to be travelled in case of a serious accident between Bodden Town and the eastern districts.

Social Services - I would like to pay special tribute to the Lady Director of Social Services who had done a great job in organizing, on very short notice, relief for the Cuban refugees. I have had the opportunity to work with her and see her perform and I was very impressed by her dedication, her professionalism to improving our social welfare. It is incomprehensible that this person was so viciously criticized by the last Member. I am proud to know that she is a Bodden Towner.

The next subject I would like to touch on is Agriculture, Communications and Works. My first job here is to give my congratulations to the Honourable Member for once again bringing back the Agricultural Show that has been the tradition in these Islands prior to the last three or four years.

The Caymanian people came out in throngs. They were hungry to see this come back, they wanted to see this come back and we well know, by the throngs of people that were there, it was a ringing success for the Member and his new President of the Association, Mr. Otto Watler, who is also from the Savannah area. I hope that this will be a beginning for agriculture and continued improvement. I feel sure that the Member will continue to work on upgrading the agricultural facilities in these Islands. We all well know that Cayman could never become self-sufficient in agriculture. But, it is time that we look at providing those things that can be grown here - pumpkins, cassavas, bananas and some tomatoes. I know that with his able leadership this will be looked at seriously.

When you drive up through the roads from Savannah to Bodden Town, once again, this is something that has been needed for almost decades. The area in the Breadfruit-Walk was very narrow and if he does not accomplish anything else in his administration, seeing that work done there makes me feel good because this was a danger spot. This road certainly needed widening and I have been planning to sit down and talk with him on this widening project, coming down from the eastern district. He is probably ahead of me on this. But, one suggestion I would like to make is, as this widening of the road comes down, I see that it is wide enough for three lanes. We well know the major problems between 7:30 and 8:45 in the mornings. I feel that

the left lane can be widen enough to put two lanes there almost into the bottle-neck where it takes place down in Red Bay. Like I said, I am sure the Member has look and thought about this, but I feel it is feasible.

The problem with the traffic coming from the east is only in the mornings, there is not that much traffic coming from George Town going to the eastern districts. We could make that one lane on the left side coming out of George Town and put an extra lane, as I can now see there is enough space to do this.

Another objective that I know the people from my district will applaud and they have been after the Honourable Third Elected Member to do this for many years. They have been after the First Elected Member during his tenure in the House and that is to review and make recommendations for the amendments to the Division of Fences Law. This is important in this district as we all know in this area this is the cattle capital of the Cayman Islands.

I would briefly like to touch on another subject that someone was mentioning to me and this is, if there has been any resolving of a Third Party Traffic Agreement with the United States for Amateur Radio operators in instances of distress and emergency? I would like if this has not been done if it could be looked at and it could be secured. I think this is where messages is passed on through us and it can be done with the involvement of the United Kingdom. I feel sure that the Member is aware of this but I wanted to openly touch on it.

Another thing I would like to mention is control and importation of the Police scanners as those in a case a few years back when it seemed that the entire population of the Cayman Islands was being monitored. I trust that these are not abused especially in the illegal drug trade.

THE SPEAKER: Honourable Member, it is now 4:30 p.m. the moment of interruption. You will have to continue tomorrow morning unless you need just a few minutes more to complete your speech.....Thank you.

APOLOGIES AND ANNOUNCEMENT BY SPEAKER

THE SPEAKER: Before I ask for the motion for the adjournment I would like to make a few comments. I have had an apology from the Lady Member for North Side who is absent for this afternoon and the First Elected Member for Cayman Brac had to leave early. He has an important meeting tonight in Cayman Brac but will be back for the morning sitting.

STANDING ORDER 48(1)

THE SPEAKER: The other matter is for the benefit of future speakers. I would draw attention to Standing Order 48(1) which deals with Bills and which provides that on the Second Reading just the matter of the principles and merits of the Bills are to be discussed, not the details. For instance, we are in the Second Reading of the Appropriation Bill, the details of the Estimates will be discussed in Finance Committee. I just wanted to draw that to Members' attention for the future.

I would now ask the Honourable Member of Government Business to move a motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

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

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 12TH MARCH, 1993.

FRIDAY
12TH MARCH, 1993
10:10 A.M.

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

PRAYERS

HON. GEORGE A. McCARTHY: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Proceedings are resumed in the Legislative Assembly.

Questions to Honourable Members. No. 15, the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 15

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 15: To outline the process through which the Prison authorities purchase equipment and supplies in the United States of America?

HON J. LEMUEL HURLSTON: Supplies and equipment are only purchased to fill an absolute need and at the lowest possible price after comparison with local sources. Our three major suppliers are main suppliers of institutional goods and equipment to the Prison and Judicial system in the United States of America. We have dealt with these firms since the Prison opened.

Orders are placed by post or facsimile and received and cleared in the normal way. Payment is made by the process of submission of payment voucher and relevant invoices to Treasury which, in turn, sends a Government cheque to the bank which then prepares a banker's draft which is returned to the Prison via Treasury and then dispatched to the supplier.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

I wish to ask the Honourable Member if this is the exclusive process through which goods and supplies are purchased or if the Prison Authority employs at this stage, or at any time in the past, an agent or individual other than the persons and firms to which the Member just outlined?

HON. J. LEMUEL HURLSTON: Madam Speaker, the information given in the answer indicates that the major suppliers are those identified. There are however, minor sources of supply that would vary and make alternative differences. I am not aware of any particular arrangement with any agency or agencies as the Member referred to.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I would then ask the Honourable Member if he would investigate this because it is my understanding that one of the purchasing agents employed at some time was a person who was formerly convicted of fraud in these Islands?

HON. J. LEMUEL HURLSTON: I would be more than happy to do that, Madam Speaker.

THE SPEAKER: The next question is No. 16, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 16

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 16: (a) What is the number of teachers currently in the Government system but not in the permanent and pensionable category; and

(b)What are the positions held by these teachers and what are their years of service?

HON. J. LEMUEL HURLSTON: Madam Speaker, the answer to part (a): There are 289 teachers and 14 Assistant Teacher posts in the Education Department's establishment of 350. The attached table, shown as Appendix I, shows how they are distributed in the Government Schools, Special Education Institutions and Administration.

At present, there are two vacancies and seven posts are redundant. Of the remaining 294, the number not in the Permanent and Pensionable Category, is 190. Of that number, eight are held by Caymanians on Local Contract. The number of Caymanian Teachers is 104. The number of non-Caymanian Teachers is 190

The answer to part (b): Details are attached as Appendix II. In some instances postholders were promoted after some years of service.

APPENDIX II TO QUESTION NO. 16 (b)

TEACHER GRADE	POSITION	YEARS OF SERVICE
6	PRINCIPAL, JOHN GRAY HIGH SCHOOL	4 1/2
5	PRINCIPAL, CAYMAN BRAC HIGH SCHOOL	7 1/2
5	PRINCIPAL, GEORGE TOWN PRIMARY SCHOOL	8 1/2
5	DEPUTY PRINCIPAL, JOHN GRAY HIGH SCHOOL	7 1/2
4	DEPUTY PRINCIPAL, CAYMAN BRAC HIGH SCHOOL	14 1/2
4	DEPUTY PRINCIPAL, CAYMAN BRAC HIGH SCHOOL	3 1/2
4	SENIOR MASTER, JOHN GRAY HIGH SCHOOL	17 1/2
4	HEAD OF ENGLISH, JOHN GRAY HIGH SCHOOL	13 1/2
4	HEAD OF MATHS, JOHN GRAY HIGH SCHOOL	13 1/2
3	DIRECTOR, SUNRISE CENTRE	2 1/2
3	COORDINATOR, HEALTH & SOCIAL EDUCATION HQ	4 1/2
3	HEAD OF YEAR, JOHN GRAY HIGH SCHOOL	19 1/2
3	HEAD OF YEAR JOHN GRAY HIGH SCHOOL	12 1/2
3	DIRECTOR OF SIXTH FORM JOHN GRAY HIGH SCHOOL	13 1/2
3	HEAD OF TECHNOLOGY JOHN GRAY HIGH SCHOOL	2 1/2
3	HEAD OF COMPUTER STUDIES JOHN GRAY HIGH SCHOOL	3 1/2
3	HEAD OF HOME ECONOMICS JOHN GRAY HIGH SCHOOL	1 1/2
3	HEAD OF SCIENCE GEORGE HICKS HIGH SCHOOL	15 1/2
3	HEAD OF ENGLISH GEORGE HICKS HIGH SCHOOL	5 1/2
3	HEAD OF SOCIAL STUDIES GEORGE HICKS HIGH	16 1/2
3	HEAD OF MATHS GEORGE HICKS HIGH	11 1/2
3	ACT. PRINCIPAL BODDEN TOWN PRIMARY	14 1/2
3	PRINCIPAL NORTH SIDE PRIMARY	19 1/2
2	LIBRARIAN JOHN GRAY HIGH	6 1/2
2	LIBRARIAN GEORGE TOWN PRIMARY	2 1/2
2	SCHOOL COUNSELLOR JOHN GRAY HIGH	1/2
2	SCHOOL COUNSELLOR GEORGE HICKS HIGH	11 1/2
2	SCHOOL COUNSELLOR RED BAY PRIMARY	1/2
2	SCHOOL COUNSELLOR GEORGE TOWN PRIMARY	1/2
2	CAREERS TEACHER JOHN GRAY HIGH	5 1/2
2	PERIPATETIC MUSIC TEACHER H.Q.	1/2
2	PERIPATETIC P.E. TEACHER H.Q.	10 1/2
2	HEAD OF HOUSE JOHN GRAY HIGH	17 1/2
2	HEAD OF HOUSE JOHN GRAY HIGH	3 1/2
2	ASST. HEAD OF YEAR JOHN GRAY HIGH	7 1/2
2	ASST. HEAD OF YEAR JOHN GRAY HIGH	9 1/2
2	ASST. HEAD OF MATHS JOHN GRAY HIGH	5 1/2
2	ASST. HEAD OF ENGLISH JOHN GRAY HIGH	3 1/2
2	ASST. HEAD OF TECHNOLOGY JOHN GRAY HIGH	6 1/2
2	HEAD OF BOYS P.E. JOHN GRAY HIGH	3 1/2
2	HEAD OF GIRLS P.E. JOHN GRAY HIGH	8 1/2
2	HEAD OF GEOGRAPHY JOHN GRAY HIGH	9 1/2
2	HEAD OF MUSIC JOHN GRAY HIGH	2 1/2
2	HEAD OF SPECIAL EDUCATION JOHN GRAY HIGH	2 1/2
2	HEAD OF ECONOMICS JOHN GRAY HIGH	13 1/2
2	HEAD OF ART JOHN GRAY HIGH	7 1/2
2	HEAD OF CHEMISTRY JOHN GRAY HIGH	13 1/2
2	HEAD OF SPANISH JOHN GRAY HIGH	5 1/2
2	HEAD OF HOUSE JOHN GRAY HIGH	3 1/2
2	HEAD OF HOUSE JOHN GRAY HIGH	1 1/2

2	HEAD OF ENGLISH CAYMAN BRAC HIGH	11 1/2
2	HEAD OF MATHS CAYMAN BRAC HIGH	2 1/2
2	HEAD OF SCIENCE CAYMAN BRAC HIGH	2 1/2
2	HEAD OF SPECIAL ED. MATHS/SCIENCE GEORGE HICKS HIGH	6 1/2
2	HEAD OF ART GEORGE HICKS HIGH	5 1/2
2	HEAD OF RELIGIOUS STUDIES GEORGE HICKS HIGH	6 1/2
2	HEAD OF MUSIC GEORGE HICKS HIGH	8 1/2
2	HEAD OF HOUSE GEORGE HICKS HIGH	11 1/2
2	HEAD OF HOUSE GEORGE HICKS HIGH	12 1/2
2	HEAD OF HOUSE GEORGE HICKS HIGH	3 1/2
2	HEAD OF SPECIAL EDUCATION HUMANITIES GEORGE HICKS HIGH	3 1/2
2	SENIOR TEACHER INFANTS GEORGE TOWN PRIMARY	10 1/2
2	SENIOR TEACHER LANGUAGE ARTS GEORGE TOWN PRIMARY	19 1/2
2	TEACHER HEARING IMPAIRED GEORGE TOWN PRIMARY	2 1/2
2	DEPUTY PRINCIPAL JOHN CUMBER PRIMARY	14 1/2
2	SENIOR TEACHER MATHS/SCIENCE JOHN CUMBER PRIMARY	12 1/2
2	READING/RESOURCE TEACHER JOHN CUMBER PRIMARY	6 1/2
2	SENIOR TEACHER SAVANNAH PRIMARY	7 1/2
2	READING RESOURCE TEACHER SAVANNAH PRIMARY	2 1/2
2	DEPUTY PRINCIPAL SPOT BAY PRIMARY	5 1/2
2	DEPUTY PRINCIPAL WEST END PRIMARY	9 1/2
2	DEPUTY PRINCIPAL LIGHTHOUSE SCHOOL	5 1/2
2	TEACHER VOCATIONAL PLACEMENT - LIGHTHOUSE SCHOOL	3 1/2
2	SENIOR TEACHER ALTERNATIVE EDUCATION	2
2	EBD SPECIALIST ALTERNATIVE EDUCATION	1 1/2
2	EBD SPECIALIST ALTERNATIVE EDUCATION	1 1/2
2	EBD SPECIALIST ALTERNATIVE EDUCATION	2 1/2
2	PERIPATETIC SPECIAL ED. TEACHER C. BRAC	1/2
2	PERIPATETIC P.E. TEACHER, CAYMAN BRAC	1/2
2	PERIPATETIC MUSIC TEACHER, CAYMAN BRAC	1
2	HEAD OF INFANTS RED BAY PRIMARY	11 1/2

	TOTAL = 81 THE REMAINING POSTS ARE TG-1 (CLASS TEACHERS) AND TG-0 (ASSISTANT TEACHERS)	

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member is in a position to say how many of these teachers who are foreign nationals are employed under the category of temporary?

HON. J. LEMUEL HURLSTON: I believe, Madam Speaker, that information... I am sorry, I thought that information might have been contained on Appendix I. It is not, I would have to give an undertaking to supply that information in writing.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker, and at the same time I would ask the Honourable Member if he is in a position now or, if not now, would he give it along with the prior undertaking to tell this Honourable House what plans does the Government have to either remove some of these teachers from this temporary category by bringing them into the mainstream of the Permanent and Pensionable Establishment, or what other solution they may offer as it is my understanding that some of these people have been in this category for up to 14 years?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker.
It is a function of the Heads of Departments and the Public Service Commission to ensure that persons who serve on temporary terms are considered for confirmation to the Permanent and Pensionable Establishment and that is an on-going activity. I will have it checked and will advise the House in writing.

THE SPEAKER: The next question is No. 17 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 17

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 17: (a) To name the Departments in the Civil Service which are headed by Caymanians or status holders; and

(b)the Departments which are headed by foreign nationals?

HON. J. LEMUEL HURLSTON: Madam Speaker, the answer: (a) The Departments in the Government Civil Service which are headed by Caymanians or status holders are as follows:-

- Public Service Commission
- The Portfolio of Finance and Development
  - Banking Supervision
  - Customs
  - Insurance
  - Registrar of Companies
- The Portfolio of Internal and External Affairs
  - Immigration
  - Personnel
  - District Administration
  - Legislative Assembly
- The Portfolio of Health and Human Services
  - Social Services
- The Portfolio of Tourism Environment and Planning
  - Fire
  - Planning
  - Tourism
  - Trade and Labour
- The Portfolio of Education Culture and Aviation
  - Broadcasting
  - Education
- The Portfolio of Agriculture, Communications and Works
  - Postal
  - Public Works Department
  - Vehicle and Equipment Services

(b) The Departments which are headed by foreign nationals are as follows:

- His Excellency the Governor's Office
- Audit Office
- Marine Survey
- Statistics
- Treasury
- Judicial
- The Portfolio of Legal Administration
  Police
  Prison
- Mosquito Research and Control Unit
- Lands and Survey
- Agriculture.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member is in a position to say if in the departments of Marine Survey, Statistics, Treasury, Police, Prison, Mosquito Research & Control, Lands and Survey and Agriculture there are any Caymanian understudies?

HON. J. LEMUEL HURLSTON: Madam Speaker, that question would require a certain amount of research before an accurate answer could be given. I would welcome the opportunity of being able to do that and to answer the Member in writing.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I had a similar question I had intended to ask the Member will Government be doing anything to put a Deputy in place in these departments so that one day some of them will be filled by a local Head?

THE SPEAKER: If there are no further supplementary questions, the next question is No. 18, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 18

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

NO. 18: What steps are being taken by Cayman Airways Limited and Government to sever all aspects of contract with Guiness Peat Aviation Limited?

HON. TRUMAN M. BODDEN: Guiness Peat Aviation have a contractual right to be paid US$6.2 million, at US$342,746.00 per month, beginning 1st January, 1993, negotiated by the previous Managing Director and signed by him on 11th June, 1992.
Under this Agreement Guiness Peat Aviation has the option to place the two B737-400 aircraft in Cayman Airways Limited in May 1994 and November 1994. This is the so called "Put Option". This option would oblige Cayman Airways Limited to take these aircraft for three years at an agreed lease rate of $290,000.00 per month per aircraft for a total of US$20 million.
Messrs C S Gill & Co, in their letter dated 29th October, 1991, to the previous Managing Director, stated they felt it was not in Cayman Airways Limited's best interest to enter into the "Put Option".
In numerous conversations with the present Managing Director of Cayman Airways Limited, Guiness Peat Aviation has expressed an understanding of Cayman Airways Limited's difficulties and a willingness to cooperate. Unfortunately, until Cayman Airways Limited is recapitalised it is unable to meet the payment schedule agreed with Guiness Peat Aviation and guaranteed by Government. Guiness Peat Aviation is not willing to discuss releasing Cayman Airways Limited from the "Put Option" as long as Cayman Airways Limited is not meeting its agreed payment schedule.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Would the Member tell the House if Cayman Airways is meeting the payment schedule as he has outlined in his answer? I take it that is the $342,746 per month?

HON. TRUMAN M. BODDEN: We are two months in arrears on that, Madam Speaker.

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say if the capitalization money that is

envisaged to be given to Cayman Airways would at least some of that go towards these monthly payments to bring the airline current? What is the position if that is not the case?

HON. TRUMAN M. BODDEN: Madam Speaker, that is correct. A part of the $20 million will be this payment to Guiness Peat and under this arrangement with the 'Put Option'.

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

MR. GILBERT A. McLEAN: Madam Speaker, seeing that Cayman Airways cannot meet $342,000 per month, and is in arrears on that, is the Government or Cayman Airways not intending to tell Guiness Peat that it will break or it will not accept that arrangement, the 'Put Option', as it is so called because it simply spells disaster by what I can understand.

HON. TRUMAN M. BODDEN: Madam Speaker, the difficulty that Cayman Airways has is that this 'Put Option' and the agreement was signed the middle of last year. It is really a settlement of which the original amount was about $6.2 million to break the leases or to negotiate out of the leases. Along with this the Cayman Government last year has guaranteed the payment of these amounts so the Government will have to pay these amounts. What we have said to Guiness Peat, through the Managing Director of Cayman Airways, is that when the US$20 million comes through from the banks that this will be brought up to-date and that position now stands. But until Cayman Airways can get some money to pay to Guiness Peat Aviation (GPA) for these past debts, they are not in a position to ask or to try to negotiate their way out of taking back the two 737-400 aircraft. This money unfortunately, I should not say unfortunately, the money has been guaranteed by Government.
If I could just perhaps read a bit of what a letter from Messrs. C. S. Gill & Company, I think stated the dilemma somewhat clearly. When they said that: "I would not have thought it was in Cayman Airways interest to agree to such an arrangement which surely amounts to re-creating in less than three years time the very same problem which Cayman Airways is now trying to extricate itself from.". This unfortunately is our position and next year we are back basically, to square one with two 737-400s and we have paid out $6 million in settlement of what I do not understand too clearly.

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

MR. GILBERT A. McLEAN: Madam Speaker, for clarity of the situation, the Member referred to payments of certain amounts. I take those payments to be the $342,000 per month or the $6.1 million in total. If these are paid, let us say the Government should get the CI$15 million or whatever is the equivalent amount and paid off out-right the $6.1 million, is the Government still bound into a situation of taking these two aircraft back?

HON. TRUMAN M. BODDEN: Yes, Madam Speaker, because a part of the $6 million settlement was that we take the two aircraft back. What Cayman Airways and the Government will now have to try to do is to negotiate their way out of this dilemma. But paying the $6.2 million has nothing to do and will not get us out of Guiness Peat's right to give us back the two 737-400 aircraft. It is a very frustrating situation but until there is some money there to approach Guiness Peat we have nothing to negotiate with.

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

MR. GILBERT A. McLEAN: Madam Speaker, this is truly one of the major financial dilemmas, as I see it, of this Government of the country right now. Is the Government taking all legal advice necessary and checking all options, including the fact that it is quite clear if the company is forced to take these aircraft back, it is going to bankrupt an already bankrupt company? So it is a matter of making a decision to liquidate the company through the legal process or simply tell Guiness Peat that the Government of the Cayman Islands cannot honour this agreement that was made.

HON. TRUMAN M. BODDEN: Madam Speaker, the Member obviously understands clearly the position there. But what I would prefer to do is, at a time when the loan comes through, to open negotiations because while the Government does not guarantee the $20 odd million on the 'Put Option', Cayman Airways is legally bound and have seen on the file legal opinions on that and I cannot really do anything further until this loan is in place. But I agree with the Member that if we have two 737-400s put back with us for three years, Cayman Airways is really going to be in further and more serious trouble.
What I have to do, Madam Speaker, is to attempt to negotiate out of this and my duty is to try to do that. I will give an undertaking to use my best endeavours and I have given a an undertaking to the Governor that if it becomes necessary at short notice going to Ireland to negotiate this, I will do so because it is a matter of urgency.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member is in a position to tell the House which Officer of Cayman Airways negotiated this agreement and which firm did he have as legal advisor?

THE SPEAKER: Honourable Member, part of that answer was given. It was said

by the previous Managing Director - that is the answer to part of your question. The other part, the Honourable Member can answer.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.
As I understand it this was negotiated by Captain Kel Thompson, as Managing Director. The 'Put Option' itself is signed by him on the 11th of June, 1992 and there was legal advice but as I have mentioned in this, one firm of attorneys, Messrs. C. S. Gill & Company, even though not directly advising on it because it is I believe, under United Kingdom law, or United States law, it is under foreign law, I believe anyhow - that did specifically state that it did not appear to be in the best interest of Cayman Airways to enter into the 'Put Option'. That was as far back as the 29th of October, 1991 that advice was given, nearly a year before this.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, this Honourable House was told yesterday that the sum of half a million dollars was paid on the $6.1 million owed to GPA. Would the Member clarify this matter for everyone concerned?

HON. TRUMAN M. BODDEN: Yes, Madam Speaker, we did make one payment and interest, as I understand it, interest is now accruing on the arrears of this. It is the next two payments and the interest thereon that we have not paid.

THE SPEAKER: The Elected Member for North Side.

MRS. EDNA M. MOYLE: Madam Speaker, could the Member say if the Managing Director signed this contractual right on his own or on the advice of the Board of Directors?

HON. TRUMAN M. BODDEN: Madam Speaker, I would have to have that checked and I would undertake to give an answer to the Honourable Member because neither the Managing Director or myself have the Minutes here at present.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker, I wonder if the Honourable Member has any feelings if there is any recourses for the Government or Cayman Airways to claim back on damages? Because to me it is quite evident that the legal advice given on this contract was very amateurish, very ridiculous and this country will continue to pay for it probably for many, many years to come.

HON. TRUMAN M. BODDEN: Madam Speaker, I will undertake to have that aspect further investigated and gone into fully. I undertake that to the Honourable Member.

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

QUESTION NO. 19

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

NO. 19: If any efforts are being made by Government to reach an improved status for Cayman Airways Limited under present or future Air Service Agreements?

HON. TRUMAN M. BODDEN: The United Kingdom Government has been asked to negotiate the best air rights possible with the United States of America. The Member has stated his willingness to participate in any negotiations, if necessary.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: As this matter of air rights is a political matter between countries, and in this case namely the United States and the United Kingdom, and the present Member of Aviation, being a member I know of at least two or three missions, I think, that went to Washington and negotiated and discussed matters in the past, is he not insisting that he be a part of any negotiations between the two Governments to ensure that the position of the Cayman Islands is kept before these people who are negotiating these arrangements?

HON. TRUMAN M. BODDEN: Madam Speaker, as I mentioned here at any stage that it is necessary for me to go there to participate in negotiations I will leave at short notice and I will do my best and take part in those.

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

MR. GILBERT A. McLEAN: Could the Member tell the House whether it is his understanding that even now a visit to Washington or the United Kingdom would be in order to make sure that the stark and rather frightening situation of Cayman Airways is truly brought home to these two bargaining sides?

HON. TRUMAN M. BODDEN: Madam Speaker, I am kept up-to-date through telexes and faxes with what is going on and I do not believe that I can do anything further at this stage but I take his point at any stage that it does become necessary to enforce Cayman Islands rights I, by all means, would, if necessary, go to the United Kingdom as well.

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

MR. GILBERT A. McLEAN: Are there any particular areas being discussed by the United Kingdom Government on behalf of Cayman Airways as areas seen that would bring improvement to the position of Cayman Airways including perhaps less provision of United States Airlines flying into Grand Cayman?

HON. TRUMAN M. BODDEN: Madam Speaker, while I cannot go into details of the negotiations the general aim is to ask the United States Government to restrict U. S. carriers to as few flights per day and seats per flight as we possibly can get on the route, especially the Miami to Grand Cayman route.

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

QUESTION NO. 20

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

NO. 20: In 1992, United Airlines agreed to forego its right to fly between Miami and Grand Cayman if the airline was given the right to fly from Chicago to Birmingham, England. If this is so, what hindered this approval?

HON. TRUMAN M. BODDEN: In June 1992, the United States Assistant Secretary of Transportation announced that his Government was willing to consider cutting back the Unites States airline frequencies, if the United States received equivalent value in exchange. United Airlines was quick to take up this offer and offered the right to operate the fourth daily round trip in the market which it had purchased from Pan-Am. United offered to suspend its Grand Cayman service if it received the right to operate to Birmingham.
The Government of the Cayman Islands urged the United Kingdom Government to make this exchange. However, the United Kingdom Government was involved in negotiations with U.S. Air at the same time and would not give up the Birmingham route which was part of their negotiations.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say if it is a fact then that simply because it did not suit British Airline in their negotiations they chose to specifically not to take up this option which would have brought relief, at least to some extent to Cayman Airways?

HON. TRUMAN M. BODDEN: Madam Speaker, the United Kingdom Government obviously has a duty to protect its own routes and its own carriers. In this instance the Cayman Islands was asking the United Kingdom Government to give up routes flown by United Kingdom carriers and it chose not to do so but they were not our routes. If the Cayman Islands had been in a position to give up something to barter with to the United States, I am sure that the U. K. would have agreed but I stress, this was UK routes, not routes that we had any right to give to the USA. I think there is where the problem came.

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Is it not true that this route between Chicago and Birmingham would be a brand new route and is not one that is normally flown by airlines between the United States and England?

HON. TRUMAN M. BODDEN: Madam Speaker, I do not know the answer to that question.

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

MR. GILBERT A. McLEAN: Would the Member undertake to enquire into that matter and circulate the answer to Members in due course.

HON. TRUMAN M. BODDEN: I will undertake to do that, Madam Speaker.

THE SPEAKER: That concludes Question Time for today.
We will now proceed to Government Business. Continuation of the debate on the Throne Speech and the Second Reading Debate on the Appropriation Bill, 1993. The Second Elected Member for Bodden Town, continuing.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING DEBATE ON THE APPROPRIATION BILL, 1993 (BUDGET ADDRESS)

MR. ANTHONY S. EDEN: Thank you, Madam Speaker.

Yesterday evening when we ended the day I was speaking on the road improvement in our district. I am looking forward this year when we will finally see come to fruition the starting of the back road in the back section of the district of Bodden Town. This road has been talked about for decades, its cause has been pleaded for by the First Elected Member and even before that the Third Elected Member when he was here and until this time we have seen no action taken on this road. We look forward to this starting as it will open an abundance of back-land behind there where farming can be done, where if it goes into the North Sound, the fishermen of Bodden Town when the weather is inclement on the east side can go into that area.

I hope this is looked at seriously and we can get this project underway. As a matter of fact I understand that once we get this going there is a company here that might even be willing to donate some of their heavy equipment to defray the cost to Government.

I wonder if there is anything that could be done about the apparent insensitivity by CUC to some of its customers in regards to its office location? I remember a few years ago it was located in the Jennett Building. This was easily accessible to the people coming in to George Town, it was within walking distance of the bus stop of the old Kirk Plaza Market.

Then it became a little bit more inconvenient, it was moved over to School House Road and now I understand it has moved to offices on West Bay Road.

Have the people who run this organisation stopped to consider the gross inconvenience this is causing some of the public? Those that can ill afford it they will now have to take another bus onto the West Bay Road, they will have to wait in an undeterminable amount of time to wait and try and catch another bus into George Town after they have paid their bills. We know how this situation can be especially on days when the tourist boats are in.

We well know how the old Caymanians are. They like their privacy and independence. They want to go and pay their cash and do their own thing. I wish management would make an effort, if it is not more than to open a very small office for limited hours in central George Town so that the people, especially from the outer districts who have to use the bus service can come to a central location without being put to such distress and going all the way to West Bay Road to pay their utility bills.

Madam Speaker, I would like to see this company think more seriously of training Caymanians for the top posts in their company. When we look at the amount of training that is done by another utility company in these islands, I must say there is much catching up that they need to do.

Education. Madam Speaker, I have nothing against the CXC system of education but I cannot comprehend why our leaders would settle for a system that caters to only 40 per cent of our children without having in place a curriculum for the other 60 per cent of our students. During the last administration they were so eager to name their high schools that they forgot to prepare a simple little thing like the curriculum to teach the other 60 per cent of the students and now today the Member is catching holy hell for it.

Educators, please listen to what the parents are saying about what they want for their children. People ask, 'what do parents have to do with educating? What do they know about the system and what input should they have into it?' Madam Speaker, if the past Member had adhered to some of these philosophies we would not be in such a chaos as we are today. In all of the Parent Teacher Association meetings the absolute majority of parents told the last Member, in no uncertain terms that they did not feel it was good for their 11, 12, and 13 year old children to be sharing the same facilities with 17 and 18 year olds. But the Member, as we well know with most things, was set in his ways; the parents were ignored and this year from September many of them will be suffering because the proper facilities, the proper coordination was not put in place in preparation for this massive change-over in such a short period of time.

I hope they will learn now from looking at the last election. We can see what happens when the majority of the people are ignored. They do the right thing and say enough is enough. They take things in their hands and make the changes as they see fit.

I look forward to more scholarships being offered to our students. Not only to a select few, that had the right connections as it seemed in the past but to anyone that qualified or was able to secure acceptance to a university or college. To help relieve some of the expense we could use a system that has been suggested by President Clinton in the United States, where after their education is finished they can contribute some of their time back to Government until their monies have been repaid.

There is a young man in our district, he has had 10 'O' levels and a number of 'A' levels. To date he has not been successful in securing a scholarship. I understand his sister is in the same position. Also, the banks and trust companies, the insurance companies, I think it is time for them to show a positive contribution to the development of this country in offering scholarships.

I would venture to say, and I stand to be corrected, that most of them spend more time, more of their funds on cocktail parties and social events than in the contribution of scholarships for the youth of this country.

I trust this new administration will continue to look favourably on this subject.

There is slight problem at the Bodden Town school. We need some lights in that area but I know that we have spoken to the Honourable Member, there is total darkness around the building, and I understand a few weeks ago the school was burglarized. I hope that this situation can be looked at urgently and the proper lighting will be put in place so that this does not continue again. I understand that some of the things that were taken were some musical instruments that the kids were just learning to use. A lot of this was donated by the Parent Teachers Association. This must be a lot of frustration for these parents who have worked so hard to secure the funds as we well know how difficult it is in these days to go out and beg donations from the public, as we all have to be financially prudent in parting with our money.

Another problem I would like to see addressed and we have discussed it with the Member, is a school zone in the Savannah and Bodden Town area, especially the Savannah School which its proximity is very close to the public road, there is a corner almost just before you get to the school. I would feel very comfortable if this area could be like it is in all of the school areas in the United States where between the hours when school is taking in and letting out, that the speed limit be reduced to 15 miles per hour. I have seen on occasions some of these trucks and heavy equipment literally flying by that school, not even allowing parents coming out there the luxury of crossing. I am much afraid that if something is not done we will see a tragic accident.

I was glad to see that the International College of the Cayman Islands was finally recognised. This organisation has been in place for over 20 years. It has seen many of our civil servants and many of our business people come from that institution. It is difficult to comprehend why Government has taken so long to recognise it.

It has been there and I have said this before, and I will say it again. If Government had taken the right look at our education system, the millions of dollars that was pumped into the Community College, if Government had taken a portion of this money they could have set in place the guidelines at this already established institution. They could have requested a certain curriculum in there. The multiple millions of dollars that could have help save the economy of this country, what we now have with the Community College, the recurrent expenditure will now continue down for the life of this country into the multiple millions of dollars. I still, and I say again firmly believe that with the proper leadership this could have been coordinated. A small place like this I cannot see how we needed two colleges for the amount of student we have coming out here. I know in the past it was Government's idea that they have to do their own thing.

The next thing I am touching on is the Post Office. I wonder if there is any monitoring of the branch Post Office which is located in the West Shore Centre? Is it a profitable venture? Is it paying its way or is it another drain on the Treasury?

I would like to see some badly needed renovations for our Post Office in Bodden Town. It is dingy, it is dusty and it's front door practically opens right into the middle of the street. I think for starters if we could get if not even more than an air-conditioning system it would make things a little bit easier and a little bit more comfortable for the people who use that facility.

Radio Cayman. I must give credit for its coverage, especially of the elections. It was a job well done and it was a beneficial source, especially to those Caymanians who are shut-in and could not go from district to district to share in the jubilation. But I would like to see more local news and programming. When I want to know or hear about international news I turn to CNN.

Most times the local news covers one brief item in Cayman. This item, a lot of times could be handled as a public service announcement or an item on the Bulletin Board.

Another new thing I noticed at one of our political meetings in Bodden Town was that there was a reporter there from the radio station but I do not remember hearing anything emanating from the radio station on that meeting.

I would like to congratulate Ken Smith for reinstating Monday Night's Open Line.

I would like to take a brief look at the *Caymanian Compass*. I am not here to bash on them but there are a few suggestions that I have. I would like to see some more reporting on local sports. For the past few months the Pee Wee soccer has been going on; the under 12; the under 14; there is probably a total in the range between nine in the Pee Wee and 15 overall teams in this programme. There is very limited coverage. Some weeks there is none at all. Madam Speaker, can you imagine the joy and elation for these young athletes if some of them could pick up the paper and see his or her picture or just even a report about the result of the matches played over the week-end?

But what does the *Caymanian Compass* choose to feature? Madam Speaker, just today people like Ben Johnson who has been disgraced - he has disgraced himself and his

country by using illegal anabolic steroids and now has been banned for life from athletics even after getting a second chance following his embarrassment to the world in the last Olympics. The *Caymanian Compass* devotes a five by seven section showing how he might look as an athlete in the American football system. Do these reporters go out and look for events to cover or do they sit at their desk and wait for someone to phone in?

I do not want to be partial, but I play in a Bridge League on most Monday nights when I get the time and I know that the director on many occasions or just about after every session has phoned in the results but rarely do we see any coverage on this. I do not want to be partial but I think we need to see more coverage on these subjects. We have quite a few complaints from tourists that play there and they would like to see their names in the paper. It does not matter to me whether my name is there or not but I know there are some human beings that get a certain amount of gratification from publicity.

In the Monday 15th of February, 1993, issue of the *Caymanian Compass* I was disturbed to see - I thought that this was banned or no longer allowed by most publications in the free world - the advertisement for cigarettes. We know the danger of using these things and I trust that this will be looked at, that our people will no longer be bombarded by these ads. Down in this little corner most, just about every paper you pick up they are advertising some brand or new kind of alcohol. They are keeping it right in front of the Caymanian people. We keep preaching about trying to help the people on this dangerous drug but yet the *Caymanian Compass*, the most probably read paper in these Islands, continues to feature it on their front page.

I look forward in our district to the development of a beach. We have spoken to the Member and he has pledged his full support. There will not be the need for too much funding from the Government as we have a number of people willing to donate their time and their resources to helping us get this underway. We look forward to the clearing of the channels and then having them lighted; to have a boat ramp built in the proper place.

Madam Speaker, Bodden Towners have waited for decades on these few things and I know and feel that within the next few months and eventually years, many of these things will be accomplished in our district.

I would like to see a ramp at Spotts to assist landing in case of an emergency rescue. I spoke to Mr. Ladner Watler who spearheads most of these at-sea rescues and he has said to me that this would be an ideal place - there would not be a great amount of funds required - right next to the tourist landing facility at Spotts on the west side. If we have to go out anywhere they literally tear up their vehicles backing down there at this time.

In light of this I hope that we can soon get the channel at Spotts lighted. I am made to understand that this does not need any clearing, just some lights put in there.

The people in this district specifically in Savannah and Newlands, look forward to having an access to the beach at Spotts. There is nowhere close by that these people can go to swim. I remember in years past on an Easter Monday, literally the entire district went down to use the facilities at Spotts. I hope with the able leadership of the Member, that we can secure an access to the beach at Spotts.

Also, I hope this year we can find a solution to the traffic problem at the Tall Tree and Hurst Road junction. This has been a continuous source of backing up traffic, of people complaining, people losing their temper and I trust that this can be addressed and a solution found that people will not have to wait coming from one direction or the other for such a long time.

I hope this Government when it is looking for consultants and advisors will first look to the availability of these people in our country. We have many dedicated civil servants that can render this expertise. I feel that in the past there have been millions of dollars drained out of this country when these consultants and advisors and experts come here and they still have to come to the Caymanian to find out a general idea of what is happening. I hope that we can utilise some of our local expertise and keep this money in the Cayman Islands.

I would like to speak on the problem with heavy equipments. Many of these operators are out there, the people that own these vehicles and machinery - they need work to do. Yet, in the past it has been the order of the day, any foreign company that wants to come in here, they are allowed to bring their own machinery, probably duty free, whereas the Caymanians are sitting here with nothing to do. I do not say that if there is a certain piece of machinery which is not available on the Island that it should not be brought in but I firmly believe that if it can be found it should be given a chance to be used out of the amount of heavy equipment that is on this Island. It is money that would stay here, it would go into the economy and keep this country going without so much vast expenditures to supplement when things get out of line and there is no money to fund some of the projects.

Some of the other previous speakers touched on Motion 3/90. As most people in these Islands know that just about every meeting that I went to this was my 'pet peeve'.

Motion 3/90 was probably more detrimental to these Islands than anything that has ever hit them, not even the 1932 hurricane. Government lost its Backbench majority and in most democracies when this happens a new Government is formed. But this did not happen and we have now seen, especially in the last two years, the results of this motion. I think if we live as long as Methuselah's 'Ram-cat' we will still be paying for some of these projects that were brought on-line when we well knew that this country could ill afford them.

A few people were upset at the results of some and the reactions of the elections. But how I saw this, the people were over-joyed. They reacted accordingly. They had finally been relieved from oppression. Watching some of these people on the streets was like watching a dog after you have taken the leash off of him. they were so happy and they demonstrated this in no uncertain terms.

I would like to impress on this House the importance that when

the fifth seat (in ExCo) becomes available, that it goes where most of the country expected it, to the First Elected Member of Bodden Town. I feel that my colleagues, those on the National Team will support me in this light.

There is a situation that has arisen, I am not sure whether I should be dealing with this but I would like to just mention briefly and that is in regards to one of the water suppliers, this gentleman is literally now out of business. People said that he should have seen what was coming but about three years ago, the then Member promised not only this supplier but some more of us, that once the organisation had been formed and everything was working well that he would instruct the Water Authority that Caymanians, especially in this case, the water suppliers would be able to take part or buy shares in this company. This gentleman has experienced great difficulty, his father has died recently and he has had to expend hundreds of thousands of dollars on his ailing mother. I hope there is some way that something can be done to help alleviate and help him get sorted out and organised into another job because I know way back in those days when these Islands were developing the water truckers formed an integral part of providing water from long distances to the hotels.

I understand that the statue for the late Jim Bodden is now on the Island and the committee is now looking at a place to locate it. We all know the background of this late, great man. To me he has contributed invaluably to the development of this country, not only in the Legislative Assembly but he was one of the pioneers in developing the subdivisions where many Caymanians today are able to go out there to buy a small parcel of land and to build their houses.

I am firmly convinced if this Honourable man had been alive, we would never have seen the introduction or the passage of Motion 3/90. He would have fought until death or they would have put him in Northward Prison.

As one of the previous Members said, this Government has talked about convening a system similar to what President Bill Clinton did before he took office in bringing together many of the business people in this Island to share ideas, to figure out how we can jump start this economy and get it rolling again.

This is a good idea and I feel sure that the private sector out there is looking forward to participation in such a venture.

I would like to pay tribute to a few special and dedicated Caymanians. Recently in the papers we have seen the effort done by Mr. Delano Hislop in organising a new home for Miss Gwen Bush. This is an admirable effort and we all know the tremendous impact this woman has had on the development of these Cayman Islands. I was one of the people that shipped out under her able guidance and I am sure that what has been contributed through her efforts to this country could never be measured in monitory gains. We know the Caymanian seamen for many years have applied their trade, they have been out there and they have been known to be some of the best in the world.

I feel that Government should make some token representation to give her some form of recognition because what she has done for these Islands, it is incredible. Along with her worked another gentleman, Mr. Issac Tatum, they were working together and engineered the development of Caymanian seamen to go abroad.

In our district I would like to touch on Mr. Frank Scotland. He was a pioneer of electricity in Bodden Town. It was unique in those days, we had current briefly from about sunset until about 10 or 11 o'clock at night. It was not much, but it was a start. We have seen what this has grown to, to provide for the development of this country today.

A few more names I would like to mention, there are many of them but I will hold this brief. People like Tony Scott, who is associated along with the Reverend Harry Spence, at the St. Georges Church, where they have a youth programme going on. I have great admiration when I see these people out there, people like Reverend Spence who was at the opening and the dedication of the basketball opening last Friday. I give credit to these people and I hope that the community will see the importance of these organisations and the youth involvement and development in these Islands. It keeps our young people off of the streets. It gives them an alternative, it keeps them busy and as we know if they are busy they will not be idle and looking for things to do which is one of the problems that happens and the youngsters then get into mischief and most seriously of all, they get involved with drugs.

In West Bay there is Floyd Bush, Lloyd Bodden, Andy Myles, Jocelyn Morgan, J. C. Connor and Bernie Bush - all of these people have their regular working hours but they make a point of coming out to work with the youth.

I beg and beseech the parents that they come out and support these people because what tends to happen is there is just about four or five parents that will come out there and work, yet when the young children get into problems they run to the authorities trying to get help.

It is too late, it is time that we spend this time with the children when they are young and developing and growing up, not after they have committed these juvenile crimes.

Specifically in our district I would like to pay tribute to Hubert and Jay Bodden as we well know, not only in our district but throughout the Islands these two gentlemen have been working on the anti-litter campaign and the beautification of these Islands.

In one of the things mentioned, when awards and recommendations will be going forward I trust that some recognition will be given to these hard working people.

In closing, I look forward to working with Members of this Honourable House. I hope that we all can work together for the good of this country and under your able guidance we will be able to accomplish many things for these Islands.

Thank you.

THE SPEAKER: Thank you, Honourable Member.
The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:32 A.M.

PROCEEDINGS RESUMED AT 11:50 A.M.

THE SPEAKER: Please be seated.
The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker.

I rise with gratitude and humility to the people of George Town for giving me this big responsibility and the challenges for the next four years. Since I am a novice and just getting my feet wet, I will make my debate very short and sweet you might say, and keep my comments on the speeches separate.

I would first like to congratulate Governor Gore and the Financial Secretary on their speeches as this, too, was their first time in this Honourable House. In his introduction His Excellency the Governor said, and I quote, "Restraint in expenditure in 1993 and beyond is essential if we are to balance the books.". This is sad but true.

The programmes entered into by the previous Executive Council in 1992, cost over $21 million more than was actually received in revenues. When we study this $21 million, and if we were to break this down, this would be an average of about $5,000 per family or, better yet, probably about $1,000 per person living in these Islands. This is an appalling record for any government of these Islands and I trust, and hope, that the general public bears this past extravagance in mind when they judge the restraints that this National Team Government is obliged to put on expenditures.

I think we were reminded by an earlier speaker that it was actually 26 per cent that we received in revenue, yet we had 54 per cent of our Budget in spending.

I believe that all residents of these lovely Islands should be pleased that we have taken our task seriously and have cut expenses in order to balance this Budget. I would personally like to thank our present Executive Council and all those involved in the many cutbacks that they have taken to do for us. For too many years expenses have out-numbered revenues and this $8 million deficit we were left with is unhealthy.

I am pleased that we are making a clean start, even though it is from the General Reserve Fund. I promise that I will ensure that we will be good stewards with the money that we are entrusted with and will not spend it unless we know where it is coming from. I do not believe in over-runs and will not willingly vote for any of these. I think we are all looking to put our hands together and solve the many problems we are faced with.

Turning now to the individual items I would like to offer the following comments.

The Public Service Commission: Caymanising the Public Service is long over-due and I wish them well in this endeavour. However, I do not believe that being a Caymanian is a qualification and we cannot ask the private sector to do any different from what is required in the Government Departments. I believe that we must allow a level playing field.

Turning to the Immigration and to the Immigration Board: I was amazed at the number of work permits that were issued in the past two years. Simply, it was rumoured that work permits were being issued as a means of revenue for our Government at our people's expense. This was very wrong, and I hope this was not the case, but it seems that, apparently, it was because we are faced with so many unemployed persons in these Islands. I believe that our people must also be trained and take their employment seriously but they must make a special effort for this and sacrifices for training by the local private sector is very important as well.

Police and Prisons: I would like to congratulate the senior Police Officers on their recent public relations because public relations are very important in any organisation and the exercise designed to bring the whole community into the business of preventing crimes and catching and rehabilitating criminals is very important. I would also like to commend individuals for organising Neighbourhood Watches.

I will not support the extension of 65 more spaces at our Prison because I do not believe that this is the answer to our problems. To me rehabilitation should be mandatory and before they are put back into the real world they should be equipped with some type of job skills so that they can come back and be a part of our society again without further problems.

Turning to the Government Information Services. We, the National Team, campaigned on open Government and we also promised plenty of time for public input into proposed laws and regulations and it seems to me that one of the best things that Government Information Service can do for our people is to help us keep that promise by means of timely news releases with information being made available.

Finance and Development: I fully support the plan to review the Financial Stores and Regulations of 1986. For too long stories have been circulating about improper Government contracts and we, in this House, have a strong moral duty to see that Government's reputation is not tarnished in anyway. If tightening up the regulations will help the situation, then we must do so.

Regarding Pensions, I am very delighted to hear that

Government's Pension Fund will be put out to tender. Privatisation is an issue dear to my heart as I feel that Government has been the provider for too many services, for too long, for too many people. There are a number of commercial activities that Government should not be involved in and managing a pension fund is certainly one of them.

The Customs Department - a modest six per cent increase of revenue is anticipated but with the optimism for the economy I believe this target will be surpassed. Over the past year duty exemptions were given without a quantity surveyor's list and I feel that this is very unhealthy and leaves a blanket list for exemptions with no guidelines. I hope this will be corrected immediately and therefore further revenues will be collected for us to use wisely.

Internal Audit Department: Government's reputation for producing reliable figures suffered a severe blow with the removal of Mr. Treen as Auditor General in 1992 but I have no doubt that his successor will be equally conscious and capable. A detailed summary of the work of this unit might help our constituents to fully understand what it really does.

The Marine Survey: It seems to me that years of effort to establish an international Registry have failed and, in view of our current cash shortage, it may be time to cease these efforts and use the money for other useful things like 'CASA' for instance, or other youth programmes that we need so desperately.

As with the work of the Economic Development Unit, it seems that we need to explain to the public exactly what benefits our Islands derive from the Statistics Unit. With understanding will come fuller appreciation for our Statistics Department.

Treasury: As regards to debt collection, I would like to ask the Financial Secretary to check into the possibility of professional debt collectors in the private sector to try to assist where possible if this is not now being done.

The Labour Office: Apparently employers are not using this office to register vacancies and I strongly recommend that someone from this office visit the various establishments frequently in order for the unemployed to be rightly placed.

I am pleased that this office will become the responsibility of the Portfolio of Health and Human Services with better coordination with the Human Services Department because I have felt, for some time, that the two need to work hand in hand.

The Port Authority: I am delighted that a Port Master Development Plan is being developed in order to meet the challenges of the next decade and I trust that the public will take the time to study this Plan and also take time to offer their input before the Authority follows its recommendations.

The Planning Department: If there is one thing that the last Executive Council did that was good, it was to allow the general public to participate in discussions on a new Development Plan even though the law was not followed to review the Development Plan every five years. Perhaps we would not have been faced with so many problems today. I fully support public participation and, for my part, I intend to ensure public opinion is reflected in the final decision.

Tourism: I support the increased efforts to attract tourists from the United Kingdom, the rest of Europe and Japan. The 10 Year Tourism Development Plan had input from a good cross section of these Islands, and I congratulate the department for studying this to determine how best to develop our tourism sector. It is quite an honour for us to be host to the Third Annual Caribbean Tourism Organisation Eco-Tourism Conference in May, as I believe that Eco-Tourism could be developed here as the whole world is becoming more environmentally conscious.

I support the extension of the present moratorium on hotel construction along the West Bay Road. Condominiums are far less labour intensive in regards to management and maintenance and should be preferred to hotels for that reason.

We need to take a closer look at the growth of cruise ship passengers and to seek ways of increasing on-shore spending of these visitors.

Madam Speaker, I would like to speak briefly on Health. I am pleased that the Health Services Authority will revert to departmental status as soon as possible. We were promised that it would probably make a profit but I see a subsidy of nearly $4 million is what we have had to find.

I support the establishment of a Commission of Inquiry in the proposed new hospital and also the proposed review of the Health Care Insurance Law. I would also like to say that we are not stopping health care insurance at the moment we are just reviewing and making sure that compulsory health care insurance, that is so generally accepted by our constituents, is a necessary thing for the Cayman Islands. But we must take our time and not rush such a policy and make sure that this is best for all.

I trust that something will be done for our mentally sick and that perhaps a shelter or somewhere to keep them, will be investigated. I feel that we do not have very many but we cannot turn our backs on our mentally ill.

I welcome the proposed sanitary survey of all premises because for Grand Cayman to have over-crowded and unsanitary slums in the midst of our prosperity is not acceptable. We must pay particular attention to the conditions in which children are growing up. Today's children are our next generation of bankers, hotels workers, carpenters, cleaners, clerks, civil servants and also our next generation of criminals unless we block the road to crime and degradation now.

I feel it is very appropriate that a feasibility study be carried out on a national youth service or cadet corps. The Portfolio should be commended in its increased efforts and support to CASA in the fight against drug abuse because it is only through education that our young people will survive this evil.

Education: This is something dear to my heart and I feel that our education policy, which we inherited, is a fiasco. The decision to suspend the restructuring of the secondary schools for at least one year is a good decision. Again, hurry, hurry, with no thought to the outcome.

Contrary to our being told a national curriculum was in place, it is not correct and was not even started. In most colleges in North America CXC exams are not recognised. And for only 40 per cent of our children to be able to pass these exams is not good enough. That all students leaving the primary schools will enter the George Hicks High School is a wise decision. How can 10 and 11 year olds enter high school? Our youths are not receiving the skills necessary to compete with the work force and this must be dealt with and properly planned without the rush that was put on by the previous Government.

I feel that the strap and strong discipline, along with daily prayers, should be put back into our schools. I know that it is there but I feel that once a week is not good enough for assembly and prayers.

I am pleased that further education is being pursued by our people and encourage the working public to further their training and knowledge in order for us to not be outnumbered in our Islands.

Finally, after 22 years ICCI was recognised and licenced. This was merely politics at our people's expense and shame should be in the heart of the previous Member responsible for this. I believe ICCI has filled the need of higher education for our society and I feel that ICCI could have contributed a lot more in the college sector and higher education without the expense of our Community College and the two should have worked together. The better educated any society is, the more advanced, sophisticated and competitive it will be.

Turning to Culture: There is a case to be made for the amalgamation of all Government units and sponsored organisations involved in what we broadly call culture. These include the Museum, the National Cultural Foundation, the Library, the National Trust, the Archives and perhaps the Pirate's Week Committee and also National Council of Voluntary Organisation (NCVO). Each has created its own little piece of the pie with no help from the other. Government should be monitoring, on the community's behalf, all these bodies and subsidising them where it seems sensible. But I am not sure that Government needs to run any of them. Again, each organisation should not be a drain on our revenue.

Cayman Airways: We campaigned on reducing the size of the fleet, the size of the annual loss and the size of the debt. Before November 1992, the airline was a national disgrace in the way it bled the Treasury. I look forward to a small subsidy when all these leases and agreements have been completed and I hope that the necessary steps will be taken to correct the mess that we are put in by the former Managing Director.

Broadcasting: I believe Radio Cayman should be privatised - sell its shares to the general public. This would certainly reduce the number of Government employees by 15, and all the benefits that go along with it and the sale proceeds would help alleviate our present cash crisis and in the long run, be more beneficial to our Islands. I agree that they are doing a good job, they did a fantastic job with the elections, with good progammes, but I feel that more programmes should be aired to suit our needs and dealing more with our Islands.

Agriculture: With the extension to the Farmer's Market, increased efforts, and consumer awareness of the quality and value of our local products can only be beneficial.

I would like to congratulate the Member for Agriculture and the Agriculture Society for the wonderful show held this year and for its success. This shows how well the public will support local produce and what a community effort can produce. I personally look forward with anticipation to next year's event.

The Postal Department: The Postal Development Plan introduced by our last Government needs to be published as soon as possible to allow public comment, as I certainly do not know enough about it to have an opinion. However, the George Town Post Office needs improving and I must say, I am surprised how efficient the Post Office is with the physical working conditions that exist there.

Public Works Department: I hope Public Works will continue its emphasis on maintenance as we are all aware capital expenditure for this year is very limited and we must maintain what we have.

The Constitution: Madam Speaker, I would like to remind all residents of these Islands that any proposed amendments will be published and public input sought before they are debated in this Honourable House. To you, the listening public, it is your constitution, you will have to live with it, therefore decide whether or not you want these amendments to your constitution and His Excellency, Governor Gore, has assured us of debate in his Throne Speech.

Turning to the Budget Address. Again in putting forward any projects we must determine priorities, order them, and make realistic and achievable choices. I humbly ask you, our people, to bear with us this year with the funds available to complete projects, as very few can be started with no funds and the $8 million deficit left by the previous Government.

We should be extremely careful when placing taxes on any service as a means of raising additional revenue. Look at our expenses, and I feel this is what we have tried to do. We must remember that no one is obliged to do business here in our Islands. I must, with respect, point out to the Honourable Financial Secretary, that lower inflation means higher real income only if income increases faster than inflation does. If there is no increase in income then any inflation means lower real income and much of the inflation of the past two to three years has been generated by Government by higher taxes. We, the present MLAs, must be very careful not to make the same mistakes as the previous MLAs did.

Tourism: Cayman must give better value for money and many

vacationers believe that we do give reasonable value for money, yet, Government has to spend an average of about $50 to persuade every visitor to come here. This is in addition to whatever the private sector spends. Now this $50, which is a rough estimate, may be on par for the course, yet Cayman's share of the Caribbean tourism market has not increased much over the years. My question is, are we getting value for money from our Department of Tourism? I am not pointing fingers at anyone, but I feel that this needs to be looked at for us to increase our fair share of the tourism market. Our current cash crisis obliges us to demand better results for less money. This has been my pet peeve for some time now and I am only expressing my opinions.

Construction: I do not think that we should be proud of the increase in Government's planned building activity over the past years. We were elected to help reduce Government's expansion in all areas possible. A good government encourages the private sector to provide goods and services, rather than government itself providing them and I feel this is one of the areas that we will work together on.

Labour Market: In a growing economy the work force will always expand. I believe it is our job to monitor the pace of expansion, to see that it does not adversely affect our social balance. We have not reached the point of being able to operate our economy without foreign workers and, indeed, it is unlikely we ever will reach that point. However, we have to bear in mind that economic progress of whatever pace must benefit Caymanians. Non-Caymanians are absolutely essential to our prosperity and they are welcome to share in that prosperity, but our primary objective must be the improved prosperity of our own people and that long-term objective is what we are here for.

The Honourable Financial Secretary said that Government's policy has always been that the public sector should be kept as small as possible. Again, Sir, I beg to differ.

Over the past few years we have witnessed empire-building government departments and statutory authorities, therefore, our current need to reduce the Civil Service by 7.5 per cent. I believe I speak for all Members of this House when I say that in the future the public sector will be kept as small as possible.

Spending $51.4 million, that we did not have in four years was shocking or, should I say, reckless. We must do better if we are to avoid crippling our children's and our grandchildren's future. The General Reserves are down to a mere $2 million. The previous Government was great at spending our money, money that we did not have. This was crazy. The public debt of over $40 million that we have inherited is unbelievable and I pray that interest rates stay at their present low level, otherwise we will be in a lot of trouble.

In the Budget Address the Honourable Financial Secretary assured us that Statutory Boards will be more accountable to us and will follow the same standards as departments of Central Government. Without this I believe our financial problems today are partly due to Statutory Authorities doing their own thing.

I endorse the Financial Secretary's measures 100 per cent, and the people of Cayman should be extremely pleased to note his very responsible approach to Government's accountability. His proposals amount to a revolution against past irresponsible practices. I am happy to see that this Parliament intends to hold the line on recurrent expenditure and public debt. It is no fun for our new Government to put its plans for capital infrastructural improvements on hold while it struggles to make sense of an inherited financial mess.

Some of our constituents seem to have been led to believe that Government revenues were a bottomless well. I hope they will now realise that this is not the case. Already letters are in the press hitting at us, but we have to live with this. We have to do the right thing however unpopular. At the same time we must educate our people so they can see how little room we have because of the inherited financial mess.

On a much smaller scale this present Parliament finds itself tackling similar problems to those of eastern Europe. The people have thrown out a clique of rulers who believed in a government solution to every problem. In contrast this National Team believes that commercial activities should, in general, be carried out by the private business sector.

I hope we will never again find ourselves in the position we are in now, with Government's expenditure running wild and with future generations burdened by unacceptable levels of public debt arising from pet political projects.

I appeal to all living in these Islands, as the Financial Secretary has said, and I quote: "to walk hand in hand with your Government, in making choices and we will live in a better place.".

There are other items that I would like to touch on, but I do not want to bore you at this time so I would just like to say, thank you, Madam Speaker for this opportunity.

THE SPEAKER: Thank you, Honourable Member.
The Fourth Elected Member for West Bay.

MR. D. DALMAIN EBANKS: Thank you, Madam Speaker.
Madam Speaker, I first want to congratulate His Excellency the Governor on the delivery of his first Throne Speech in this Honourable House. I know that he was under the weather, not feeling good, but he did a good job and I feel that he will continue to do that.

I also want to congratulate our Honourable Financial Secretary for the delivery of the Budget Address. His deliverance of the Budget Address is something that I feel surprised a lot of people but it was a good solid Address and the best part of it was that he brought to this Honourable House a

balanced Budget.

Madam Speaker, our budget has thrown a light in the tunnel of darkness. What we have to do now is to continue to work and push towards that light. We have to work together, although I know that everyone cannot see eye to eye with the same ideas but in the course of the day we should wind up with the same goal in our hand - a better Cayman.

Madam Speaker, so far our tourist industry seems to be on the upswing again and as the tourist industry is a very important thing in these islands and for our economy I feel that we should be very careful in what we do and how we handle the tourists.

We have to let the tourists feel that they are wanted and are getting the best value for their dollar. Once we have a happy tourist, he will always return to the island and not only that, he will probably bring along some family and friends. So this is why we have to very careful how we are handling them.

The United States economy is very important to us because we are always attached to the U. S. and this to me calls for a very strong reasoning and looking into because whenever the U. S. has a deficit or is an economy in trouble it hurts the Cayman Islands.

I think it is time that Government start looking at other turfs for a line of revenue. We have Europe, we have Hong Kong and we have Japan. There is a lot of money there and people are always travelling but even closer than that to us is right here at Panama. Panama has a lot of money, and a lot of tourists travel back and forth to Panama. I feel that this is a source that they should be looking into. If it means a nice route to Cayman Airways, and with people going back and forward even to Miami from Panama, they could always stop off here. I have talked to some business people from there and they guarantee me that once it is organised it will be a paying system. So I think that our Government should also look into this.

Madam Speaker, it is good to know that the future of construction is looking brighter again. The construction field is also a money earning field. It always has been and it always will be. What we have to do is to make sure that this time our construction is handled more by Caymanians than by permit workers. This has brought a lot of problems in the past years. We have to control our country, we have to control our labour because money that is spent to the foreign labourer, is not Cayman money. We want money here for our economy and to get that means that we have to control it and also that the Cayman public has to realise this and come out and work the way they should.

I know that we now have a Labour Board and I have confidence in them that they will be monitoring these jobs and seeing that things are run right.

The thing that we have to do most is to encourage the investors to come here and spend their money in building or whatever form they see fit.

It is shown that our economy has made a rebound in 1992 which is a good thing and I am praying that it continues to move that way. The 1993 economy is also looking brighter. We have to continue trying to build an economy that we can keep this island going in the right direction.

We must stop and make an assessment of where we are going. This is very important to us. We must curb our spending in whatever way we can. We have to spend on what we need, not what we want, as the Financial Secretary said. Going on spending sprees has to stop, the previous Government has almost ruined this country by going on spending sprees. We have the job now to recommend it.

I now turn to sports, which has always been one of my team's topics. I ran in this election to try to get back in because of the youth and sports. We are here now and I am sure that every Member in this House will agree that sports is one of the most essential things we now can go at to help save the youth.

Sports in general is a builder, it is an education, it is a medicine. Once a young person is involved in sports he is saving himself. We have to do everything we can to entice the youth with the sports. I am sure that even the youth themselves realise it today.

Just the other evening when we were in Bodden Town, when I came out of a place a group of lads got onto me asking me when was I going to bring boxing into Bodden Town. They realise the need of sports and that it would help save them and their buddies. It will take them off the streets.

This is what I am talking about. In every district we have to introduce sports. Sports facilities are a must. We cannot just talk about it, we have to get out there and do it.

In the line of sports we have to work with the youth, we have to introduce different sports because not every youth like the same sport. You will find some going for soccer, some for basketball, some for tennis, boxing and what not. That is the reason why Government has to look into this and make plans to produce sporting facilities in every district.

Drugs. The drug problem is a serious thing. I cannot see us curbing the drug problem with just taking the young fellows off the street and putting them into Northward Prison. That is not the answer to it. To kill the snake you have to cut off his head, we have to look higher up. We have to find the source of income that keeps drugs flowing in this country.

We now have a Radar Station here. In 1976 or 1978 I brought it to this House then that a Radar Station and some Coast Guard boats were the answer to them breaking the back-bone of the drug runs. It was turned down time and again but now I am introducing it back here today. As I said, we have a radar station now, we need the Coast Guard boats because the two of them work hand in hand. The radar will pick up the object and the Coast Guard can go to intercept them.

What we need is two good boats, big enough to go from island to island with a lot of power. Two powers, rather, fire power and more engine power that we can protect ourselves because you never know what you are going to run into at sea. That is what we need here. If there are still suppliers running by boat here from Columbia and Jamaica and what not, then this is what we need. Once we can break the back bone of the sea-going affair we are on the road of success.

Youth again, I feel it is high time that we bring to this Island the cadet training school. Most every country that you go to have a cadet training centre and that is what we need here. That will help our youth. You put them in training for a certain period of time, two years or what not, and then they are allowed to come out and if they make good, it is good, you will then find that you may have some that want to be there continuously. Cadet training is an answer to some of our problems. We need it and we should get it.

A rehabilitation centre is another answer to our youth. As I said, putting them in Northward Prison cannot solve the problem. In fact, it only makes some of them worst. We have to get the rehabilitation centre where we can treat the youth and give them service that they need.

THE SPEAKER: Can we take a suspension at this time, Honourable Member?

MR. D. DALMAIN EBANKS: Thank you.

PROCEEDINGS SUSPENDED AT 12:45 P.M.

PROCEEDINGS RESUMED AT 2:18 P.M.

THE SPEAKER: Please be seated.

MR. D. DALMAIN EBANKS: Madam Speaker, when we took our break I was speaking on rehabilitation centres. Action and care is a must. Sending our youth overseas for treatment is not the answer neither because when they return here they have to have a follow-up and if they do not get that it is a waste of time and money that you have spent on them.

I know that the former Member for Health said that we had to wipe out a generation but he has a funny sense of humour, I think we should try to save them, not wipe them out. And if we can save a dozen or so, it is a dozen saved.

So I would say that we should go ahead with the rehab centre as quickly as we can.

Madam Speaker, the Fire Service is a department that I am really proud of because the last time I checked there, it was not so long ago, it was still run by all Caymanians. That is another thing that I, and I know most Caymanians, love to see is their Caymanians into jobs that are being done and run well.

The Police Force is something that I always champion but the time has come, of course I think they are rumours but there is so much talk of bad things in the Police Force. I think it is high time that it be investigated because I know that they are talking about having confidence in the Police and the Police having confidence in the public.

As long as the idea is there that the Police are bad, there will not be any confidence placed in them. So first we have to straighten the matter out. Whether we have bad police or not, the investigation would show it. So we weed them out and then we can get along with our business.

There is another thing that I want to give praise to and that is the Member and the Society of Agriculture. I was surprised and shocked at the beauty of things there at the Agriculture Show. I remember standing in a group, they were foreign people, and I heard them passing remarks. They said, "Why do these people have to import produce when produce like this is raised here in the Island?" One spoke of the cattle. Our Agriculture Show does not produce any better cattle than what they saw there. And that made me feel real proud. It is encouraging and I will encourage them to carry on.

The thing that should be done is somehow or other Government should see to it that the supermarkets buy the produce from our local boys. This is what is needed and then you will find that you will save a lot of money and could even cut down on the cost of living.

This brings me to the end of my speech. All I have to say here to this Honourable House, we are in here to do a job, let us get out there and do it. Forget petty grievances, we are all looking for the same goal, so let us go forward and save our beautiful Island, Grand Cayman.

Thank you, all.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

Madam Speaker, in rising to make my contributions to the Budget Address and the Speech from the Throne, it is appropriate to congratulate the persons who delivered those speeches. Firstly, His Excellency the Governor and secondly, the Honourable George McCarthy both of whom did themselves commendably well in delivering to this Honourable House their maiden speeches.

Those speeches serve to remind us the Honourable Members of this House of the challenges and the tasks which we have in front of us and I suppose it is somewhat of a coincidence that a book which is now on the best seller list and which is receiving critical acclaim is a book by the Yale professor Paul Kennedy, called, *Preparing for the 21st Century*. In this book Paul Kennedy predicts environmental disaster, famine, economic recession, diseases, war and no solutions that is world-wide. It is perhaps a small coincidence that a part of the caption of the manifesto of the National Team is 'building for the 21st Century'. It is a recognition that we realise the challenges which we face in these Islands.

My contribution will be in two parts. The first part I shall contain

myself to some general comments regarding the Addresses that were read and the situations which exist in our country as far as these comments can be applied to them.

I guess a salient beginning point is this. The concept of winners and losers loses its relevance when we are faced with a situation which needs what I call national salvation. I could express it another way by saying the concept of Government and Opposition loses its importance if we agree that the primary concern of the Elected representatives of the people should be the welfare of the people. Consequently, our job is to find the best way to deliver for our people the standard of living, the services and the life-style which they have come to expect.

I will footnote that by saying that I hope the behaviour that we have started out with does not degenerate into purely partisan and adversarial politics because then we stand a chance of losing the essence of our mission, losing sight of the fact that it is Cayman that we are struggling for and especially at this time it takes all our efforts operating in unison to rescue Cayman Airways, our tourism industry, the education system and the society from crime, general.

Having made that point let me say that a major concern in our country now has to do with the rise in crime and particularly, juvenile crime. Some weeks ago I wrote a couple of letters to the editor of the *Caymanian Compass* in which I took issue with the Police High Command. I think that I made my point and I refrained from writing any more letters because I did not wish to convey the impression that I was police bashing. That, Madam Speaker, would serve no purpose. I shall now explain and express those concerns on a broader level.

It is my belief that the situation in which we now find ourselves regarding crime and especially juvenile crime did not suddenly happen and indeed has its genesis in a number of things, not the least of which has to do with the moral and family breakdown of our society. In that regard the blame does not lie at the foot of this Commissioner or any other Commissioner, although I might hasten to say that I am not exonerating them from some responsibility. So the solution, as far as I see it, lies in a concerted effort by the elements in the society to work together which leads me to make this point. We have to devise a system whereby families assume more responsibility for the upbringing of their children and to achieve the greatest effectiveness we shall have to try to avoid legislation and rather try to educate them as to their responsibilities.

I cannot refrain from romanticizing sometimes about old Cayman. We had different systems then and they were clear cut rights 'de passage' where one travelled from boyhood to adulthood or from girlhood to womanhood and part of our problem lies in our rapid economic prosperity which did not allow us time to prepare ourselves for some of the deleterious effects of money and the goods which this money brought. And so, we have a system where many children get money in place of affection or are left to fend for themselves because the parent or parents are too busy occupied holding two jobs.

It is a simple choice. If we are to have a society which we long for and which those of us who are Caymanians take pride in, then we shall have to make some hard decisions and perhaps we shall have to let one job go in order to spend more time with our family.

Recently I had an experience in my constituency where one of my constituents approached me one evening as I was ending a visit to some of my elderly constituents and shared a problem with me. And, Madam Speaker, that problem is symptomatic and representative of many of the problems which single parents have. This person had a night job with a 13 year old daughter and a seven year old son. Fortunately I was able to offer counsel and bail them out of the predicament they were in at the immediate time but then I had to make some arrangements including an arrangement with the Social Services. This story has a happy ending because the constituent took my advice and has found a day job.

So we have to be prepared to accept some of the blame for juveniles who get out of our control when we operate under these kinds of circumstances. I see it every week because I try to keep in touch in my constituency and I am certainly actively involved in organised sports especially soccer. I know many of these stories and I know many of the causes of these problems so I want to say that parents have to be prepared to accept much of this responsibility and I want to tell you, Madam Speaker, what my position is.

Clearly and unequivocally I believe that when juveniles come to Court their parents should be made to accompany them and I believe that the court should have the authority and the power to levy blame and responsibility on the parents where it is proven that because of relaxed parental upbringing the children get into trouble and I believe that the parents should be made to share some of the sanctions, the embarrassment and the shame.

I attended the meeting in my constituency which the Police High Command arranged. It was a most informative meeting because in that meeting I learned that there are two sides to the coin. The Police claim that their record of apprehension is good and given the statistics which were presented, I have to agree.

Some of the problems or most of the problems lie in the fact that our court system seems like a revolving door. I think that it is time we had a hard look at our Penal Code which seems in need of a review because some of the sentences now are not in keeping with the seriousness and volume of some of the crimes, particularly as it has to do with repeat offenders.

I was surprised at some of the sentiments expressed by members of the audience regarding what should be done with some types of crime and people who commit them. Someone suggested that it would not be far-fetched as far as they were concerned to hang repeat burglars and serious drug dealers.

That, Madam Speaker, was not an isolated comment and that tells me that the decent citizens in our community and our country are fed up with the people who persistently break the law.

The Police Commissioner, and I have it documented in a motion which is tabled to come to this House later expressed disillusionment with the justice system as far as it being effective in containing certain criminal elements. I am amazed at the stories I hear of 15 and 16 year olds being found with automatic weapons at one o'clock in the morning.

And certainly, I have no sympathy for drug dealers. A user, out of the kindness and humanness in my heart I will have to consider their case but any drug dealer, as far as I am concerned, is scum and should be treated as such. I have no time for them. Worse, if they are repeat offenders.

I am made to understand that our drug laws are among the strictest and the toughest in the world. What the people who mete out sentences and justice need to do is to shed some liberalism and get serious with these drug dealers.

I believe that the user has no place in Northward. The user should be placed where they can receive psychological counselling. I also have another recommendation that it should be mandatory for everyone who goes to Northward for six months and longer, to take drug counselling and also to be enrolled in some kind of educational programme. I underscore, it should be mandatory.

While I am on this matter of crime in Northward, I cannot in all good sense support the building of 65 more cells. That money should be better spent in some preventative programmes. We already have the unenviable record of perhaps having the highest prison population per capital in the world. The statistics and the number of repeat offenders should tell us that incarceration is not solving the problem. We have to begin to find some more effective means and it is my contention that that means lies in education and we should begin it from the primary school or earlier. Drug education should be to us now like how reading the Bible used to be in old Cayman. We should have some of it every day because that is the only way we are going to win.

I understand that the cocaine problem is endemic in this country and that in some areas of Grand Cayman cocaine is so cheap that you buy one and you get the other one free. I am dismayed when I see the number of young, vibrant, handsome and pretty, because there are women too, Caymanians in Northward. We are losing the war. Unfortunately we are not even winning the battle in this case.

So I want to underscore that we cannot in all good faith blame the Police. They have their job to do and when they do not do the job we should give them hell, but the family also has its job. Parents have their responsibility, adults in the society have their responsibility, we as legislators have our responsibility and if we are going to win the war it demands a total unrelenting effort.

Why I find the notion of a drug dealer so disgusting and so revolting is that these people indiscriminately sell without the thought that the product they are selling may eventually reach them or their family. What I would like the Police to do is to work more assiduously at running them down and getting them because there are some who have made more than a good living off that and it is obvious.

One of the reasons why incarceration is not working is that our prison system somehow fails to convey the sanctions and the seriousness it should convey to the people who are housed there.

I believe that we should rethink our philosophy and this might sound paradoxical coming from one who would label himself as a liberal but I believe that we have to shed some of our liberalism, and we have to shed some of our good nature towards some of these prisoners and let them know that we take a dim view, and when we sanction them by sending them to Northward we send them there for a reason and we want them not only rehabilitated but we want them to remember the reason for which they were sent there because it is taken as a joke. So much so that if we did not know better we can be fooled. One time I met a young man whom I had not seen for several months. When I approached him I asked him where he was and the young man, his skin looked so clean and he was so well fed that he told me that he was in Miami and I believed it until my friend told me, "Roy, he was in Northward for six months".

Madam Speaker, I will say this, I lived for a long time in Kingston, Ontario which is the prison capital of Canada and I used to see a lot of released inmates and a lot of inmates on parole and I will you what, they did not look as prosperous as that young man. When they came out of there you did not have to ask them where they were, you knew where they were but if the inmates here equate the prison conditions with being in Miami I can understand why the rehabilitation is not more successful.

I am not saying we should introduce sadism and cruelty, I am saying we should introduce a little more seriousness and perhaps we should consider the shame and embarrassment of public labour such as cleaning up the road sides. I want to see them in the bright psychedelic orange uniforms along the side of the road where they can be publicly humiliated and embarrassed as they deserve to be for some of the crimes they commit.

I have to say that it is reckoned that anyone who burgles will kill. That is why in the annals of criminology burglary is viewed as a serious offence. I read where we have people 16 times over for burglary. We are fortunate that this is Cayman. In some other societies by this time they would have fallen prey to some vigilante.

I hope that this Government, with our help, can address this problem because it begs serious redress. I do not know what to say about the efforts of the Police, save that there seems to be certain inherent weaknesses in the system which is exacerbated by the fact that the Police Force is made up of so many different factions and nationalities and it is difficult to get a unit cohesive when we have a myriad of factions and nationalities such as we have. But I will say this, the Force could be more effective if there were more foot patrols and if the Police were more obvious. The classic example is that we have been requesting for some time now, indeed last September the Government even accepted a motion that they would make the Police Station in our constituency open on a round-the-clock basis. When we approached the Commissioner he

gave us some 'cock and bull' story about needing 30 more officers.

Madam Speaker, the fact is that I really do not have much faith in that story. I do not see the need for 30 more officers in order for the Bodden Town Police Station to be run on a 24-hour basis. It is certainly my expectation and the demands of my constituents that the precinct be opened on a round-the-clock basis and I will turn up the burners on the Commissioner until the expectations of my constituents are met or until we have a reasonable excuse as to why they cannot be met because in Bodden Town now there are certain factions and the condition exists which, if it gets out of hand will only mean that we degenerate to a level where we will probably need 30 police officers stationed permanently in Bodden Town. I would like to see the situation nipped in the bud before it reaches that point.

I certainly do not think it good enough for Bodden Town people when they have complaints past two o'clock in the morning to have to depend on a squad car being dispatched from 12 miles away because as the situations go, anything can happen between the time it takes for the complaint to be documented and the time it takes for the Police to arrive on the scene. We are loyal, decent, tax-paying citizens and I would be abnegating my responsibilities if I put up with that. I hope that we can have some favourable disposition towards this request.

I must say too that I cannot support the Crime Stoppers Programme. I had some discussions with at least one member of the Police High Command in which I outlined my fears with this programme and I will outline them for you, Madam Speaker.

You see, the system, as it is supposed to work, leaves open the possibility that mischievous persons can use that to get rid of people whom they do not like or whom they may have a grudge with. For, what is there to stop someone who does not like Roy Bodden from calling an 800 number and saying Roy Bodden is a drug dealer because they see cars up and down his road all hours of the night? And then I do not know, or the person does not know until they go to Miami and gets apprehended.

You know what is the ideal situation, Madam Speaker? The ideal situation is this. One that eliminates the necessity for anonymity. If I know of something, I would come and say, "Listen Mr. Policeman, I, Roy Bodden is telling you that so-and-so is doing so-and-so and I want you to up that on the record.". Then the policeman, upon checking out the situation, has me as the complainer to fall back on so that it eliminates the possibility of false alarms or mischievous information and the Police have facts on which to operate.

In the underworld, they call that snitching and snitches are the most reviled people, even in the criminal sub-culture. The whole notion of paying for information, I do not believe in that. I believe that you should come forward as a decent, responsible and respectful citizen. If something is going on in your community, be able to say it and stand up and be counted.

But I support a Neighbourhood Watch System. That is what I support and that is what I would advocate. That is what I would like to see happen throughout the Cayman Islands because that involves citizens standing up together, obviously, out front in cooperation with the Police.

So I believe that the Crime Stoppers Programme may be misguided. It leaves itself open to abuse and I would hate to know that some innocent person gets entangled because someone saw an opportunity to get even or to be mischievous.

The Police also have to do some purging of themselves because every now and then we hear these little rumours of some members of the Police Force who are not exactly above board, we hear rumours of corruption and people will tell you that they know something or they see something is going on but they do not want to tell the Police because they cannot trust certain elements in the Police Force.

There was a motion brought to this House which was accepted, calling for a review. I say there is nothing to fear but fear itself. If I know that I am innocent, investigate. Investigate all you want, review all you want. What can you find if there is nothing to find? So if the Police have nothing to hide let us once and for all satisfy ourselves that there is nothing there and then I will be the first person after that when someone comes up to try to cast aspersions on the Police to rise to their defence.

I will say this much now, I know many conscientious, honest and hard working Police Officers and I will defend them to the 'Nth' degree but unfortunately I also receive complaints from my constituents, and others, about Police Officers who are less dedicated and whose reference is less flattering.

It is unfortunate that the innocent has to be lumped with the guilty. To put this matter to rest, let me recommend that the Police have a review and put themselves up for scrutiny then no man can whisper and shoo-shoo that there are corrupt elements or that there are unprofessional elements.

This is a unique society in that the society is made up of a marriage between those of us whom I would like to call 'established Caymanians' and those elements from outside who are foreign nationals. I do not like to use the word 'expatriate'. It sounds to me like a dirty word, a nasty word. I prefer to say foreign nationals. Sometimes, like a real marriage, there are situations which get out of kilter for one reason or another. Right now we are in tough economic times and Caymanians are feeling the strain of competition from the foreign elements. We are prone to be less hospitable, less receptive, than we were when the economy was better. So sometimes some of us are very ungracious and forgetful, if not downright hostile, against the foreign national. But, Madam Speaker, I do not think that there is any sensible Caymanian who does not realise that we could not exist without the foreign nationals, for they hold many jobs which we are not yet trained for or educated to hold.

They have many investments which Caymanian people do not have, but the situation warrants a close examination because it may be growing a little out of hand. It may be growing out of hand in those areas where we have unfair competition by foreign national elements. The taxi

business; the heavy equipment business; the dive industry; the restaurant business; and these are examples, rather than an exhaustive list. It is time that the Government take a close look. In some countries in addition to the Immigration Law, there is companion legislation which protects its citizens from these kinds of negative effects.

I say that one of the things which we need in this country as companion legislation to the Immigration Law, is a Fair Competition Act. I have said that for some time, I have argued that with my colleagues and suggested that to my colleagues on the National Team but I have been told that I should give the Government some more time to address this. I am prepared, Madam Speaker, I have the motion drafted. For that would protect Caymanians from much of the unfair competition which we, as Legislators, receive complaints about.

It could also be extended to cover such things as insider trading where for example a real estate agent knows that a piece of land is desired by a certain client and he approaches the owner and buys the land and three days later sells it to the client for five times what he paid the owner for. We, in this country, talk about we are sophisticated. These are the kinds of things we have to be looking into to protect our citizens.

I have always said that a good leader has to have a superlative sense of perception and discernment. So that before the crisis time comes we can have a compendium of legislation in place to take care of it. We need only open the book. That is my mark, that is my criterion of a good leader.

We should also have a Fair Employment Practices Act, which would eliminate a lot of the discrimination which goes on now; where Caymanians are lured to respond to advertisements only to be told, for example, that the ad was placed there for Immigration purposes. I know because I followed up one of the ads as a result of a complaint by a constituent. There are establishments in this country whom those of us, who do not know better, hold as reputable establishments who everyday take advantage and discriminate against Caymanians. I have to fight hard to resist the temptation of naming them. Perennial complaints, Madam Speaker.

Recently a friend of mine sent me an advertisement which appeared in one of the major newspapers in Ontario for a master plumber. I decided to do a little research and at the time that the advertisement was placed in the newspaper, I checked with the Labour Board and, quite by coincidence, I was shocked to see, perhaps the quintessential, certainly the most respected and most widely renown plumber in the Cayman Islands registered as being out of employment. And yet, we have some foreign national in Cayman needing a plumber but advertising in one of the newspapers in Canada.

So we are being used for convenience. He is in our country and we have given him the privilege - because that is what it is - of forming a company and operating in these islands; yet he chooses not to employ our people. How ridiculous!

A constituent brought me a complaint about one of the major restaurants in which he was working and there was a French speaking waitress of Canadian nationality also in that restaurant, whose work permit was up for renewal. I saw the advertisement that my constituent brought advertising for a waitress fluent in French and Spanish. Madam Speaker, these people should really give us a break. We are not all fools here.

These are the kinds of things that a Fair Employment Practices Act would seek to redress if we are talking about genuinely helping our people because we have to be finished with this tokenism and this favoritism. These are the kinds of things we need to pursue because I can tell you, Madam Speaker, it could not happen anywhere else.

You know, I will tell you how serious the distinction and differentiation is. When I was living in Canada as a landed immigrant, when I went to apply for a job, do you know what the man told me? "You can take a seat, sir. If there is no Canadian citizen then you are next in line." So they have it categorised - citizens first, landed immigrants after. Anyone else is not even considered - and we let these people come here, defraud our own people and get away.

If it were roast beef and plum pudding we would have had enough by now, and so what I am saying is we can choose to address it now, or let it fester like a cancer and break out in unrest and disorder and resentment later.

I read a book when I was a student in the 1970s at university, called, *The Caribbean Connection*, by Robert Chodos. In that book he detailed an incident which happened in the Bahamas, just shortly after Lyndon Pindling rode a wave of nationalism and came to become the Prime Minister of the Bahamas. Milo Butler, who was then a Minister, I think he was the Minister of Labour, he eventually rose to become the Governor General, and Sir Milo Butler went down to the Bay Street branch of the Royal Bank of Canada and asked to speak with the Manager. When the Manager, who was a Canadian, presented himself and asked Sir Milo what could he do for him, Sir Milo said, "I would like to see some Bahamians working in this bank." And the Manager asked him, "Where am I going to get them?" Sir Milo invited him to the door, and said, "I would like you to look up and down this street and tell me what you see." He said, "I see a lot of Bahamian people." Sir Milo said, "Good, get them and train them because when I come back, if none of those faces are here, I will know what to do with your bank." Madam Speaker, we have to address the situation before Sir Milo comes along.

I am watching because I hear the complaints and I am sure other legislators hear them. Our people, in many instances, including instances where they are educated and trained, are not given the positions.

I took a walk out here the other day during the recess and went into a store to buy something. I met as an attendant in the store, a young lady whom I knew because she was a customer at the business establishment at which I work. She detailed to me a story of an incident of what happened to her. She has a Bachelor's degree in Business Administration. When she applied for a job to work with one of the

financial establishments here, whose headquarters are in New York, the young lady took five interviews - five interviews on five separate occasions - only to be told at the end that she could not get the job because she was not a CPA; when, in the application, it said nothing about the successful applicant having a CPA degree.

It is not going to end good if we do not address this problem. These are not street people that we are dealing with, these are the sons and daughters of parents who make sacrifices to send their children abroad and they come back and they get frustrated because someone already has an arrangement to recruit their friend.

Do you know what I say, Madam Speaker? It does not make sense for Cayman to develop if it is not going to be beneficial to Caymanians. And even as patient as we are - and heaven knows sometimes we are like Job - we are coming to the end of our tether. I want to issue a warning. I want to be a Jeremiah. The next generation is not going to be like those of us who occupy these hallowed halls, they are not going to be so long-suffering and so understanding because - and you check it out - as people's educational level and their aspirations rise they become more easily frustrated.

It is not the grass-roots, they were satisfied with the bread and the sardine. It is the people who are educated and know what the fruits of their labour can bring so that it is incumbent upon this Government to do something more than a token effort to address these kinds of problems.

I merely mention the Fair Competition Act and the Fair Employment Practices Act in the hope that they will be pursued because we cannot rely on the Immigration Law and the Local Companies (Control) Law and the Labour Law to be all things to all people. We have to adopt and introduce legislation as and when it becomes necessary.

We have been told that there is an economic blight in our country now. It makes little or no sense to point fingers and to lay blame. What is past is past and I believe it must be buried. The challenge is this. Those of us who are on the bridge at this time has to right the ship. If we are to believe the Throne Speech and the Budget Address, that will indeed take valiant efforts. But I have to offer my congratulations and my commendations on the Government because we have made a good beginning and I am proud. I am proud and I identify and associate myself with those efforts. I would like the Government to understand that I stand tall with them when they continue to make such efforts. But, I will be the first person to rail against them when I think they are off track because I cherish my ability to call a spade a spade and I have always believed that it is a virtue to be loyal and to be true but certainly blind loyalty makes no sense. And how is it that Edmund Burke put it? "All that is necessary for the triumph of evil, is for men of goodwill to do nothing.".

So I want to say that I am proud of my association with the Government and with the National Team and they can rely on me, but I am also relying on them to do well and to live by the code which they have given and when they do not live by that code and there is a breakdown for which I believe they have to assume responsibility, Roy Bodden will be quick to tell them that because that has always been my position.

We are on the right track and there is a need for some belt tightening, but we can do it, the good ship Cayman has been in storms before and we pulled through and we will pull through this one. But our people will have to understand that they will have to make some sacrifices, just as the Government has to make some sacrifices, which leads me conveniently to this point.

I have taken cognisance of the intention of the Government to trim the Civil Service. That is a somber experience. That is an experience of some seriousness. It is necessary but I sometimes wonder if there were not some things we should have tried before doing that. For example, during my tenure on the Public Accounts Committee (PAC) as its Chairman, we recommended that the Government could increase its revenue and improve its financial position by levying customs duty on Cable and Wireless and CUC and giving them an outright cash stipend instead. I still support this because the recommendation as anyone who knows the history of the PAC under my tenure, was not taken lightly. I believe that these companies which have exclusive franchises sometimes take advantage of us. Especially in light of the fact that they do not give our citizens any break when it comes to bill paying time. They do not give us any credit, any extension of deadlines, any considerations where we can pay our bill in installments. But yet, our Government allows them to bring in equipment, including equipment that some of their staff use for personal purposes, duty free. We give them long franchises like 25 years.

It is therefore, my recommendation that the Government view this suggestion carefully and see if we can renegotiate and instead give them an outright cash grant in return for a collection of duties at least on some of the equipment which they bring, because being in the business I also know that in many instances they do not even buy the vehicles which their staff use for personal use around here let alone the other types of equipment. So they really are not doing us any favours. We are doing them.

In times of economic recession it may be appropriate to examine the relationship a little more carefully so that it is more equitably drawn up.

I have to say too that I am concerned as mundane as it may seem, about the move of the CUC office which is used by the rate payers to a shopping plaza along the West Bay Road, even although I understand some provisions are made wherein customers may pay their bills at one of the banks but there is a $1 charge for that service. In those circumstances where families who, like most of us now, have to watch every dollar. That makes a difference. Coupled with the fact that commuters who rely on public transportation will no doubt experience some great inconvenience because for the most part, certainly the transportation from the Eastern districts of which my constituency is one, usually stops here in town. Since there is no one company operating on a proper schedule, the people coming from the east will have to get off in town and then try to catch a bus which passes along that route and get off again. Anybody knows in the tourist season it is like running a gauntlet if you are going west to try to negotiate a crossing on that road between the hours when businesses normally operate.

I would hope that some consideration could be given to that move and if the move has to be made that some provisions could be put in place where there is a small office where rate payers from constituencies like Bodden Town, North Side and East End who do not have transport can pay their rates conveniently.

There is some concern and the arguments generated have been controversial but they bear our listening to. There has been some concern over the Government's decision not to continue the new hospital project.

Let me say that that should have come as no surprise to anyone who followed the National Team. While I might say that I would not have handled the situation that way myself, let me say that once somebody declares they are going to do something and they are given the opportunity to do that, I do not think that they can be blamed. Perhaps the hospital should not have gone ahead in the first place seeing that it was a controversial decision to begin with. However, that does not exonerate us from the position now that we have discontinued that to try to as quickly and as feasibly as we can set something else in place.

Again, the Government I am sure is quite capable, and as I understand, is working to set something up whereby our citizens are not disadvantaged or does not come to suffer serious loss.

Certainly the positions have been threshed out and the information, which I have heard and which I have read, would suggest that there was much to be desired in the setting up of the Health Services Authority and certainly there were some serious miscalculations in terms of the investment the Government would have to make and the returns of the Authority.

So, in a nutshell, let me say that there was some merit to the decisions which have been taken to discontinue the building and to reassess the existence of the Health Services Authority. That, especially in light of the fact that now there has to be some retrenchment in the Civil Service and I would hope that this retrenchment does not detrimentally affect Caymanians, it is difficult and unpalatable in most cases for us to deal with cut-backs and layoffs and the kind of symbiotic relationship which foreign nationals and Caymanians have in this society makes even cut-backs and layoffs of foreigners precarious in that there is a certain element of interdependency. So it is unfortunate that we have to experience any cut-backs at all but it is expected that where there are layoffs, Caymanians will have to be given the benefit and the preference of continuing in their jobs.

I hope that the Government uses the time to examine the Civil Service and its phenomenal growth, seeing as we were informed by His Excellency in the Throne Speech that we have double the departments of Australia which is many times more populous and certainly physically speaking, many more times larger than we are.

There is a tendency in the developing world to do this kind of thing and I can well recall reading case studies of countries such as Nigeria, Ghana and even in the Caribbean, Trinidad, where the Civil Service became so bloated that eventually the Civil Service took up all or most of the recurrent expenditure and when it came time for cut-backs that presented problems.

We are fortunate that we do not have Unions and Associations which are very aggressive so that we can effect the necessary cut-backs and layoffs without too much unrest and protest.

I want to say also that there is one department in the Government for which I have cultivated an interest in every since my tenure on the PAC, that bears watching and that is the Computer Services Department. The Computer Services Department has a very large budget and it needs an independent person or persons who are sufficiently knowledgeable in the business to keep a close eye on it. As I understand the computer business, it is an industry which rapidly changes and equipment easily becomes obsolete. So we may find ourselves in a situation where the Computer Services Department can become a white elephant in that we are expected to keep up with every industry change as far as software and hardware is concerned.

There is perhaps a more serious aspect and that is the fact that in that department Caymanians do not seem to rise as rapidly as they should in some of the senior positions. Since its inception I would think that by now we should have had a Caymanian head or a serious Caymanian understudy for that position. I believe that someone may have created a little empire for themselves and I recall in the PAC Report we made note of that.

As a corollary to that, I am reminded of the Management Services Unit whose role and responsibility was to streamline the Government in such a way that bloating and over-staffing could be contained. But, regrettably I have to admit, which itself has become bloated, hence I think the objective of having this unit has been lost because it has grown beyond what its original intention and mandate should have been.

So it is these kinds of cases that the Government will have to examine in their efforts to cut-back and to streamline the Civil Service. I would also like to record that were it my decision, I would do things a little differently from the way the Government proposed to do them in that I would seek independent opinion as to who should be cut and when they should be cut for it is my belief that it is problematic to ask a brother to examine his brother and expect a truly objective opinion.

I would have liked to see an independent person or persons but let me underscore, I am not advocating any outside consultants. I would have liked to see an independent person or persons examine the Civil Service and propose the cuts because human nature being what it is, even one who professes to be as candid as I am would have some problems having to axe my brother or my brother's friend. I would have to sleep on that one for several nights. And so there is that danger in us, if you recommend that I be fired and you know what they say about a small place, I cultivate feelings against you, whereas, the same situation

when an outsider makes the recommendation or when someone independent of the Civil Service at present makes the recommendation, it might not be viewed in that way.

Let me hasten to add that the principles and the intentions are great. It is necessary and has my support. It is just the method in which it was set up that I have some reservations with.

THE SPEAKER: Would you take a break at this time, Honourable Member?

MR. ROY BODDEN: Thank you, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:45 P.M.

PROCEEDINGS RESUMED AT 4:17 P.M.

THE SPEAKER: Please be seated.
First Elected Member for Bodden Town, continuing.

MR. ROY BODDEN: Thank you, Madam Speaker.

I would like to pursue the line of argument that I was trying to lay prior to the recess, Madam Speaker, and move on now to mention some observations which I have concerning the Planning Department.

One of the common complaints from my constituents is that there seems to be a significant increase in the red tape one has to go through in doing even a simple addition or improvement to one's property. I think that there is some merit to this complaint and I wonder if applications are treated on their individual merits and with consideration given to the applicant rather than a set of rigid rules which, like those of the Medes and Persians are not meant to be changed at the discretion of the officer.

I think that there is a danger in this increase and rigidness of a bureaucracy and I full well understand and am prepared to accept the fact that we must have a system in place and a system which should be abided by, by all, but certainly I lay the argument that one cannot expect the person building a house for $80 or $85 thousand to be in the same position as the person building for half a million or $1 million.

I have heard my colleague, the Second Elected Member for Bodden Town, wonder if some provisions could not be made to struggling Caymanians so that they may be encouraged to build as we were accustomed to building some years ago when we built as we could afford to build. I have interceded on behalf of some of my constituents who were just one or two regulations away from being able to complete all the requirements and yet were prevented from moving into the house because they lacked the funds or the financial resources in order to put those regulations in place, even though not meeting those regulations or requirements did not bring any great risk or hazard to the occupancy of the house; and even though the premises to which they were at that time living was, for all intents and purposes, small, cramped and lacked privacy.

Fortunately in one case I was successful. I regret to say that in other cases I did not have 100 per cent success rate but I think that often in these kinds of jobs the inspectors and the officers need to be told that there is a certain amount of discretion to be exercised and they should be encouraged to exercise this discretion in those circumstances which merit it.

I find in many areas of the Public Service, where it comes decisions that are discretionary that the strict code is followed and there is little or no room for discretions. Let me say that concomitant to this is the whole notion of housing and housing development in this country and what are we going to do about that. I would be the first to admit that the efforts made by the Housing Development Cooperation are indeed valiant but I beg permission to say that they are not enough.

It is a historical fact that societies in which there is a large percentage of business and home-owners are the most stable and most orderly of societies. People who have studied civil disorders from the French revolution down to modern times have established a link between ownership of property and business and stability.

So we must find a way to provide more affordable houses to our citizens. I think that the inherent weakness in the Housing Development Cooperation is that it lacks the financial resources where loans can be dispensed in significant enough numbers that its efforts can be readily obvious.

What should perhaps be considered is a system which exists in some other countries where the Government acts as a sort of guarantor for people who borrow monies to build houses. This again, cannot be an effort by one entity and here the banks have a disgraceful record of failure in this country. They have not done as much as they could do, perhaps because the investments in long term mortgages are not lucrative enough and I have to wonder at any system which makes it easier for consumer loans to buy things like automobiles which depreciate in value very rapidly vis a vis houses and land which appreciates in value very, very rapidly.

So I think the record of the banks of this country in this regard is dismal indeed and, ideally, what I would like to see is some kind of union of efforts between the private sector and the Government with the private sector providing the funds perhaps at a special interest rate and the Government acting as guarantor after the applicants have been screened and after the Government is assured that the

applicants are indeed in a position where they can meet the obligations.

But to rely on the efforts of the Housing Development Corporation alone, as valiant as these efforts are and have been, will mean that we will forever be playing catch up. Wisdom born of experience tells us that it is a source and a sense of pride for someone who can say this is my house, even if realistically they will not have absolute title to that until 20 years down line.

It also releases from them the sense of frustration and gives them a sense of some self-worth that they have achieved something however humble. What is it they say? "A man's home is his castle".

I think that this is an area where the Government should try to see if they can work out something with some element of the private sector, particularly a bank where some arrangement can be made to augment the efforts made by the Housing Development Corporation so that we can provide at a more rapid rate, houses for our people particularly the next generation who are up and coming.

I look at the advertisements and with the price of land in subdivisions. I fear that if a young couple has to borrow money to buy the land and then wait until they have paid off for that land before they can negotiate a mortgage in order to build a house, then perhaps the best years of their life will have passed and one knows the older one gets, the less attractive one is to qualify for long term loans and mortgages.

This is an area of weakness that we need to address because the larger the number of home owners, the more stable our society will be. Many young Caymanians have expressed to me a sense of frustration at not being able to move rapidly enough. They have to either pay monthly installments for the land and wait until they have paid off $27,000 or $30,000 before they can go and negotiate a mortgage because of course the bank will not lend money to build a house on it unless they are in a position where they can have the first lien on the title of the land. We have an added responsibility in that we have to find some way, and I am suggesting that the Government, when its financial position improves, look at this system. I think it is a system which is widely practised in Holland and in some of the other European countries and certainly in North America, where as the Central Government does not get involved, they have an organisation called Housing and Urban Development which takes care and assumes responsibility for these kinds of things.

It is unfortunate that the situation is such in Cayman that we cannot exert the kind of leverage necessary to let the banks lay aside a certain amount of monies for these types of investments. I contend that the banks in this country if they have the interest and welfare of the people will see these kinds of glaring necessities and try to help because of course, this society is also a society in which they have a vested interest as well as us, the people who live here.

THE SPEAKER: Honourable Member, I am assuming that you will not finish your debate this afternoon?

MR. ROY BODDEN: No, Ma'am. I will not finish this afternoon.

THE SPEAKER: It is now 4:30 p.m., I would ask for the motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment if this Honourable House until 10 o'clock, Monday morning.

THE SPEAKER: I shall put the question. Those in favour please say Aye, those against No.

AYES.

THE SPEAKER: The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 15TH MARCH, 1993.

MONDAY
15TH MARCH, 1993
10:04 A.M.

THE SPEAKER: I will ask the First Elected Member for Bodden Town to say Prayers.

PRAYERS

MR. ROY BODDEN: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed in the Legislative Assembly.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 21

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 21: (a) How many foreign prisoners are serving time at Northward Prison; and

(b) what offences have they been sentenced for and what is the length of time remaining on each case?

HON J LEMUEL HURLSTON: The answer to part (a): At 23rd February, 1993, a total of 40 foreign prisoners are serving sentences at Northward Prison. The answer to part (b): Details of sentences, nationalities and time left to serve are shown on the attached schedule.

SCHEDULE
TO QUESTION NO. 21

NUMBER	OFFENCES	TIME LEFT TO EARLIEST RELEASE DATE
	AMERICANS	
2509	Possession of ganja with intent to supply	2 yrs 9 mths
2534	Being engaged in smuggling	1 yr 8 mths
0305	Possession of cocaine with intent to supply	5 yrs
2183	Possession of cocaine with intent to supply	3 yrs 8 mths
0407	Possession of ganja with intent to supply	1 yr 9 mths
0404	Possession of ganja with intent to supply	8 mths
0406	Possession of ganja with intent to supply	1 yr 4 mths
2407	Possession of ganja with intent to supply	1 yr 2 mths
2185	Possession of cocaine with intent to supply	3 yrs 8 mths
2510	Possession of ganja with intent to supply	1 yr 10 mths
2554	Possession of ganja with intent to supply	1 yr 10 mths

	JAMAICANS	
2494	Possession of cocaine with intent to supply	6 yrs
0373	Possession of cocaine with intent to supply	4 yrs
2529	Possession of ganja with intent to supply	1 yr 4 mths
143	Possession of ganja with intent to supply	1 yr
566	Rape	1 yr 9 mths
2350	Possession of cocaine with intent to supply	11 mths
2153	Possession of cocaine with intent to supply	1 yr 4 mths
2360	Possession of cocaine	2 yrs 3 mths
2401	Possession of ganja with intent to supply	1 mth
2365	Possession of cocaine with intent to supply	11 mths
2643	Possession of ganja with intent to supply	2 mths
2344	Possession of ganja with intent to supply	2 mths
0374	Possession of cocaine with intent to supply	4 yrs
2515	Possession with intent to supply	3 yrs
0396	Possession of ganja with intent to supply	6 mths
0371	Possession of cocaine with intent to supply	1 yr 8 mths
0370	Possession of cocaine with intent to supply	1 yr 8 mths
1606	Murder	Life
2553	Possession of cocaine with intent to supply	3 yrs
	HONDURANS	
2349	Possession of cocaine with intent to supply	3 yrs 6 mths
2352	Possession of cocaine with intent to supply	3 yrs 7 mths
522	Consuming ganja/defaulting debtor	1 mth
2501	Grievous bodily harm and aggravated burglary	1 yr
2452	Defilement of a girl under the age of 12	2 yrs 1 mth
	COLOMBIANS	
2166	Possession with intent to supply	4 yrs 7 mths
2169	Possession with intent to supply	5 yrs 6 mths
	CUBANS	
1721	Rogue & Vagabond - consuming ganja	1 yr
	BAHAMIAN	
2480	Possession of ganja with intent to supply	1 yr 6 mths
	BRITISH	
2361	Possession of cocaine with intent to supply	4 yrs

SUPPLEMENTARIES:

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say if any of these prisoners pose any special health hazard to the general prison population by virtue of the fact that some of them may have extremely serious diseases?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, I am not aware of any such risks.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member would care to undertake to find out if any of these prisoners, of a foreign nationality, are HIV positive and, if so, could the Member pass the answer back to the Members of this Honourable House?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, I will so undertake.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say what is Government's position towards having these foreign national prisoners repatriated to the country of origin and also, if the Government, in the future, would give some consideration in these types of cases to levying fines and deporting the prisoners rather than having the expense of housing them at our facility here?

HON. J. LEMUEL HURLSTON: The Government's position is that where offenses have been committed in this country the punishment administered by the Courts is, normally, served in the jurisdiction in which the sentence is imposed. There are exceptions, however, in certain circumstances and these include where treaties are in place where persons may make application under the provisions of that Treaty to be transferred to serve their sentences in other jurisdictions. There is also an ad hoc agreement in place with one country where their particular nationals are transfer when there remains to be served on the sentence, after all appeals have been exhausted, more than nine months. In certain other circumstances, the Executive branch of the Government may consider remitting and deporting persons who have served a minimum of one-third of their sentence.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. The Member mentioned that there were 40 foreign prisoners at Northward Prison at the present time. I wonder if he could say what percentage this is of the prison population, and, also, if he has the information available, what does it now cost on a per day basis for maintaining a prisoner at Northward Prison?

HON. J. LEMUEL HURLSTON: The 40 foreign prisoners represent 28 per cent of the population and it presently costs $55 per day, per prisoner to maintain.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I noticed that the answer said that we would be given a list with the details, can the Member say what has happened to that?

HON. J. LEMUEL HURLSTON: I do have to apologise to the House. The answer did say that a schedule was attached to the answer, however, my staff did not attach the schedule. I apologise and I will bring it to the House at lunch time.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: As a follow-up, Madam Speaker, is there a reason why a foreign prisoner must agree to be repatriated, is there any reason why that situation could not be changed whereby, if a foreign national is charged with an offense here that they automatically would be referred back to their country of origin to serve that sentence in order to reduce the cost of housing those prisoners here in the Cayman Islands?

HON. J. LEMUEL HURLSTON: The provisions in the Treaty, to which I referred to earlier, explicitly require both jurisdictions to consent to the transfer and, in addition to that, the prisoner must voluntarily consent as well. That is the spirit governing the operation of the Treaty.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to comment on what the basis of the majority of the sentences among this section of the prison population is?

HON. J. LEMUEL HURLSTON: Could the Honourable Member explain the question a bit further for me, please?

MR. ROY BODDEN: I meant, if the Honourable Member is in a position to say whether, for example, drug offenses constitute the majority of the sentencing of those foreign nationals in the Prison?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, with a quick glance at the schedule that should have been attached to the Honourable Member's answer, it is true to say that the vast majority of these offences are drug related offences.

THE SPEAKER: If there are no further supplementaries, the next question is No. 22, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 22

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 22: (a) For what purpose is the floor model television purchased by the Northward Prison Authorities used; and

(b) how much money did this television cost and who authorised its purchase?

HON. J. LEMUEL HURLSTON: The Prison Department has never purchased a floor model television set.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder, then, if the Honourable Member is in a position to tell the House from what source this television set was procured? Also, does the Member have any knowledge that, in the recent past, there was some trouble between the Prison authorities and Customs over the import of some equipment for the Prison which did not meet the Custom Department's standards and expectations?

HON. J. LEMUEL HURLSTON: I am not aware of the existence of the television set which the Honourable Member is referring to. I have no information about it and I have no information regarding any recent experience that the department had with the Customs.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: May I, again, request of the Honourable Member that he investigate these matters and at some future date provide the Members of this Honourable House with the results of his investigation?

HON. J. LEMUEL HURLSTON: Yes, I will make the appropriate inquiries.

THE SPEAKER: The next question is No. 23, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 23

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 23: (a)How many officers were involved in bicycle or foot patrols around George Town; and

(b)for what reasons were these patrols discontinued?

HON. J. LEMUEL HURLSTON: (a) Foot patrols are a daily routine which usually involves two Officers depending upon availability. These patrols have not been discontinued. (b) Bicycle patrol was a special operation performed by four plain-clothed Officers to combat the increase in burglaries. These were discontinued on 8th February, 1993, when new and covert initiatives were employed.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member is in a position to say whether the bicycle patrol has now resumed and, also, on the matter of foot patrol, if the Honourable Member is in a position to inform the House as to the areas covered in these patrols, whether it is just the commercial environs of the town or whether the patrols reach into out lying areas such as Windsor Park and Rock Hole?

HON. J. LEMUEL HURLSTON: Those particular patrols on bicycle have temporarily been withdrawn, however, when they were operational they were operational in the areas of highest incidence and, therefore, the areas most likely to benefit from the operation.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I think the Honourable Member did not address the second part of the question which was concerning the foot patrols, are they used only to cover the commercial environs of the town or do they reach into the out lying areas such as Rock Hole and Windsor Park?

HON. J. LEMUEL HURLSTON: I am not familiar with the areas covered by foot patrols. That is very much an operational matter determined by the Chief Superintendent and the Inspector in charge of the particular shift.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you Madam Speaker. I wonder if the Honourable Member could confirm whether the foot patrols are restricted to the district of George Town or does the practice also exist in the other districts?

HON. J. LEMUEL HURLSTON: It should be an island-wide practice. I cannot, however, vouch for that. It should be in every district.

THE SPEAKER: If there are no further supplementaries, the next question is No. 24, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 24

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

NO. 24: What is the term of the contract awarded to the present Managing Director of Cayman Airways Limited?

HON. TRUMAN M. BODDEN: Cayman Airways Limited's Managing Director, Mr. Ray Wilson's contract ends on 30th June, 1993. There is a termination clause of two months notice in the contract.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Would the Honourable Member say if he is satisfied that so early a termination would give the Managing Director the time necessary to correct what, by all we can understand, is a major financial disaster in the airline in which structural changes, organisational, staffing and otherwise need to be attended to?

HON. TRUMAN M. BODDEN: The time is not sufficient to have the Managing Director correct the size of the problem that exists in Cayman Airways but I should point out, unlike previous Managing Director's and Senior Managers' contracts, the two months termination notice clause in it.

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

MR. GILBERT A. McLEAN: In light of the fact that the Member himself has noted that there are major problems in the airline, is thought being given, even now, to the extension of the Managing Director's term in office, particularly in that his contract has a break clause where notice can be given of two months?

HON. TRUMAN M. BODDEN: Madam Speaker, what I would hope to do is talk to the Managing Director with a view towards extending the contract subject to the two month termination clause.

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if there is any person, or structure, in place to benefit from the experience of the Managing Director as a safety net, or replacement section of staff to venture the take-over when he does leave?

HON. TRUMAN M. BODDEN: I think that the Honourable Member has actually asked me a question which relates to replacement of the Managing Director. When I say "I" in this instance, in relation to extension of the contract, I am speaking on behalf of the Board of Directors. Obviously, the establishment is there and, I think, Cayman Airways has already benefitted significantly from this Managing Director. I believe that, while I cannot speak specifically, members of the senior staff have also benefitted as a result of the vast experience in airline management and promotions that this Managing Director possesses. In due course, the new Managing Director, whenever the Board would chose to appoint one, would also benefit from the present Managing Director's experience.

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

MR. GILBERT A. McLEAN: Could the Member say if there has been any savings in terms of money in the salary paid to the present Managing Director and, if so, how much per annum?

HON. TRUMAN M. BODDEN: This Managing Director gets, roughly, the same as the other Managing Director.

THE SPEAKER: The next question is No. 25, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 25

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

NO. 25: If the recommendation of the airline consultants to Cayman Airways Limited that detailed route analysis should be done in determining routes is being followed at this time?

HON. TRUMAN M. BODDEN: It is common practice in the airline industry to produce a route profitability analysis and this practice is current in Cayman Airways. It is by use of the route profitability analysis that the airline determines its network and schedule to maximise profits or reduce losses and, as a result, to determine

its fleet type and size.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: If it is the case that the airline looks at the analysis of its routes, how is it that a few weeks past in one report from the airline it was saying that their flights would be increased on the New York route and then, about a week later, there was a report that it was going to be cancelled?

HON. TRUMAN M. BODDEN: I am not certain of that report but it seems to me that that would be somewhat illogical. I wonder if the Member could be a bit more precise, was that for this year or last year?

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

MR. GILBERT A. McLEAN: As I am not privy to anything that might be happening in Government, I read it in the newspaper. I saw one report which said that there was an intention of increasing the flights on the New York route and then a week or two later came the announcement that it would be cancelled. However, be that as it may, I would like to ask the Member what routes now are formally decided upon and if there is any sort of clear indication from the analysis that these might be somewhat abiding in terms of profit to the airline?

HON. TRUMAN M. BODDEN: As I understand it the Board has decided to terminate the New York route. I think that, since the number of aircraft are reducing down rapidly from the five, there should be an ongoing study of this to see what other routes have to be looked at in depth. I really do not have anything from the Board at this stage as to what they are specifically going to do on any of the other routes.

THE SPEAKER: If there is no further supplementary, the next question is No. 26 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 26

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

NO. 26: What is the projected profit/loss of Cayman Airways Limited on a route by route basis?

HON. TRUMAN M. BODDEN: It is not possible at this time to give an answer to this question. We hope Cayman Airways' fleet will have reduced from five aircraft in January 1993 to two aircraft by 31st July, 1993. This requires considerable reworking of the route network and schedule to match the reduced aircraft resources. In turn, the new schedule drives other costs such as, aircraft, direct and indirect operating costs, as well as overhead. This work is presently ongoing and these figures should be available as soon as the fleet is reduced.

SUPPLEMENTARY:

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

MR. GILBERT A. McLEAN: Can the Honourable Member confirm that, at this time, the airline is operating on certain routes to which they have no idea whether the route will be profitable or if there will be a loss? Are there any in-house figures giving any indication to management what is happening on the various routes, such as: Jamaica, Miami, Turks and Caicos, and the like?

HON. TRUMAN M. BODDEN: There are certain in-house projections, but I would rather not give those publicly because it is information which, obviously, the competitors could use. But I would say to the Member, he has seen these reports in the past and I would think that they may not have varied significantly other than, naturally, the cutting of the New York route from the type of percentage of losses which, perhaps, were there at an earlier stage.

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

MR. GILBERT A. McLEAN: Is there a possibility that there will be further cuts on routes that are shown to be unprofitable and is this, in fact, one of the objectives of the airlines in down-scaling to also cut out routes which are bringing losses to the airline?

HON. TRUMAN M. BODDEN: With the exception of the Cayman Brac and Little Cayman routes, my duty, as I understand it from the Government, from this Legislature, is to reduce the routes and eventually cut them out if they are not contributing something in the area of profit to Cayman Airways, Ltd. However, I must point out that (because of the difficulty of terminating aircraft leases) until we reach a stage where we are down to the minimum size Cayman Airways is driven by the fact that it has planes. It is better not to ground

them but to keep flying them on routes which contribute something to the overhead for the rental that we are paying on them. So, I hope, when we get to two aircraft it will then be clearer as to what can be cut and what will remain.

THE SPEAKER: That concludes Question Time for this morning.

The next item is the Continuation of the Debate on the Throne Speech and the Second Reading Debate on the Appropriation Bill, 1993. The First Elected Member for Bodden Town, continuing.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE OF THE THRONE SPEECH AND SECOND READING DEBATE ON THE APPROPRIATION BILL, 1993

MR. ROY BODDEN: Thank you Madam Speaker.

When We took the adjournment on Friday afternoon, I was in the process of articulating some observations on the Planning Department. I would now like to move on to a related area and to say that I have been disturbed by the comments I have received from some of my constituents. I have also taken note of the fact that this issue was raised by one of my colleagues, that is, the issue of exorbitant fees charged by surveyors.

Over the weekend, I had the opportunity of speaking with a person who I regard as the pioneer of modern surveying in this country. I was not surprised to learn that this person is in total opposition to what is being done now. This, again, is another of those situations where people come into this country, we are gracious enough to host them, and when they get wings and learn to fly they take advantage of us. I cannot understand how people of relatively modest means can afford to pay surveyors $120 per hour to demarcate a little house lot that a father may have giving to his son, or a mother to her daughter, for example. While I am not advocating any deprivation of a fair day's wage for these people, I am suggesting that, in many of these circumstances, the fees are of such a high nature that Caymanians with poor and modest income cannot afford it.

I would like to suggest that the people involved in this exercise should consider stratifying their fees according to whether it is a commercial venture or residential (surveying property for a hotel or condominium as against purely residential areas having to do with established Caymanians in areas such as Bodden Town, East End, North Side which, up to this point, do not have expensive commercial value). Either that or, maybe in the extreme, Government may have to do what is done in some other countries: assume responsibility for the survey. If we are to believe the complaints (and I have no reason to doubt) that we receive from our constituents, somebody is being pilfered. So I would hope that the Government will take some cognisance of this complaint and observation and encourage those people involved in the business of surveying to so regulate themselves to avoid the Government having to bear down on them.

I would like to offer a few comments on Tourism, Environment and Planning. I would like to begin by saying that, while I have some reservations with what conservationists advocate on occasion, I welcome the consciousness of preserving our ecosystem and conserving our country, particularly for our future. There is worldwide recognition now of the delicacy of the earth. And there is a worldwide move to provide and preserve the ecosystem, particularly where industry, like tourism, is concerned where the environment is likely to take a beating. So the steps and the consciousness that has been aroused in the Cayman Islands is in the right direction. While it may be a little late for us to save some areas, it is certainly not too late to begin to preserve and to contain what we have left untouched.

The area of tourism bears close scrutiny, if for no other reason, because of the fact that one of the comments most commonly heard regarding tourism in the Cayman Islands, is that we are an expensive destination. That is so, Madam Speaker, but I would contend, in many respects, that we are no more expensive than many other destinations. However, that does not give us reasons to continue to raise our prices, especially in light of the fact that we are surrounded by countries that are our fiercest competitors, who have an advantage by way of the fact that their economy and their standard of living affords them to price their tourism product at a much lower rate than we can price ours. We in the Cayman Islands must continue to be in a position to use as our drawing card the political stability and relative crime free nature of this country. I think that these two things are, perhaps, the most important attractions where tourists are concerned. While many of the people who visit take the opportunity to conduct financial transactions, by far, the majority, I believe, come just to enjoy the climate and Caymanian hospitality. So it is incumbent upon the authorities to ensure that the situation, particularly as it regards burglaries, is contained so that it does not rise to a level which is seen as problematic.

Allied to this is the whole question of labour, the provision of people in the service industry and the Labour Office. I have to commend the Labour Office. I believe that they are doing a good job under trying circumstances. For as much as time and opportunity allows I, for one, would like to stay in close contact with them and I am satisfied that, certainly, from the experiences I have had, where I have had the occasion to make complaints on behalf of my constituents, that those complaints were capably and professionally handled. But I also realise that the Labour Office cannot do it alone, and in many instances their hands are tied. Tied, that is, by institutions and by persons who should know better. I have a dossier of cases which I have collected. I will not divulge all of the contents to this Honourable House because some of the cases are lurid case histories which depict the cruelty and discrimination that Caymanians suffer daily in some of these institutions, like Banks.

Without divulging identities, I will just cite one case which I believe has been reported to the Labour Board. It is so striking, the discrimination is so blatant, that even Blind

Bartemaeus could see it, where in one of the banks a long term Caymanian staff member was literally forced to resign after daring to approach the principal for a pension which should have been due not only to this particular staff member, but to all of the other long serving staff members. I am talking about someone who worked in an institution for 18 years and in that same institution a young qualified Caymanian, a CPA, has been completely stymied and kept down when foreign national staff is being brought in, even when that Caymanian was promised to be sent overseas for further training.

Madam Speaker, if these banks do not mete out mortgages to Caymanian people, if they do not lend Caymanian people money to go into business, and if they discriminate against capable Caymanian staff, then I have to pose the question: what are they doing here? And I must admit that not all of the banks fall in this category but, certainly, this example is not an extreme case. These are the things that we, as Legislators, and relevant departments in the Government, have to be vigilant against because it is frustrating when we have trained, capable, and dedicated Caymanians being treated this way. That is why I am arguing for a closer liaison between the Labour Board and the Immigration Board. Because in these kind of cases, I do not believe that we should be quick to be lenient in granting work permits to institutions which have this kind of record. How can we encourage and justify scholarships to young Caymanians to be sent abroad for training on the premise that when they return they are going to qualify for some of these positions if this kind of blatant discrimination exists? It is time for some of these institutions to rid themselves of the hypocrisy, and self-righteousness and to treat Caymanian people who are loyal, honest and dedicated, as they deserve to be treated.

Madam Speaker, as a Caymanian, I take a dim view of, and I have absolutely no respect for, these people. I do not care to meet them and when I do I shall let them know, in no uncertain terms, what exactly my sentiments are.

I understand that as far as the Mosquito Research and Control Unit goes there are at least two young Caymanians interested in becoming pilots of the spray planes. One of these young Caymanians has gone to great personal expense to qualify himself only to be told that he needs some ridiculous amount of hours that if he were in the Air Force he would have to be a Five-star General to have that amount of hours. And yet, we have foreign nationals on contract, flying. I would like to know what stone needs to be lifted so that these Caymanians can realise their ambition, especially in view of the fact that one of them, who has spoken to me, is even prepared to use his own personal funds to further meet the necessary requirements. I hope that the Government will look into these kind of situations, as I would think employing a Caymanian should be less expensive than employing a foreign national who has to get a gratuity at the end of his contract.

Madam Speaker, before I move on to the next section of what I would like to say, I am reminded of that section in the Budget Address where the Honourable Financial Secretary detailed that staff retrenchment and the streamlining of the overall operations of the Public Service will not achieve the desired reduction in spending, if we reduce spending in one area and spend the savings in others. There are two significant instances that come to mind, as far as this is concerned, rather there are three, and they are: I understand that a staff member at the Public Works Department has had his salary reduced but the hours of work expanded. That is a very clever way of dealing with the situation. Indeed, I find it rather paradoxical and tongue-in-cheek and would suggest that it is a little creative. I also understand that there are a number of young Caymanians in the technical areas at the Public Works Department who, with a little training and encouragement, could be prepared to take the place of some foreign nationals who are employed there. I wonder if something could not be done in this regard to give these Caymanians the training and the opportunity which I think they deserve in the Public Works Department?

Secondly, I noticed from the answer given by the Honourable Member concerning the prison population, that we have 11 Americans; 17 Jamaicans; 3 Hondurans; 2 Colombians; 1 Cuban; and 1 Bahamian; all serving, what I would consider, relatively short sentences (some as little as one, two, or eight months) for drug offences. Yet, there is a proposal to add 65 new cells. I wonder if it would not be better, in light of the stringent economic circumstances, for us to work out an arrangement whereby these prisoners serving drug offences could be repatriated to their nations of origin and the space then saved be used for our own people, or when necessary, rather than to keep these. I am not suggesting that be done in the case with the prisoner serving a sentence for rape and murder, or even for grievous bodily harm and aggravated burglary, but I think we could give some consideration to repatriating those serving sentences for drugs. In that way, I am sure that we would be able to avoid having to build 65 new cells which, by the way, I am not supporting.

Then, also, the Government could save some money by vacating the Harbour Centre. I wonder if the Education Department could not be moved into the newly acquired Campbell Building. When we are talking about savings, saving to the magnitude and extent to which we have to save, we cannot only look at displacing people, we cannot only look at trimming the Civil Service and laying off people, we have to look at every aspect of the operation and I would repeat a point I made on Friday, laying off and firing people would be the last thing I would look at. I would search out all available savings before I reached that point because when you come to the human aspect of it, then that is going to have an umbrella effect. So, I believe that there are other areas which the Government could and should examine, in addition to laying off people.

Madam Speaker, with your permission, let me now turn to the matter of Education. I would like to preface my observation by saying that there is no issue which cuts closer to the core of Cayman's sense of itself than the character of its education system because education is that function of the Government which is closest to the people.

I am reminded that in these same hallowed halls (in 1989) in my response to the Budget Address, I asked the Government to consider a new initiative in education and I outlined those steps which I saw as being necessary and, indeed, crucial. I suggested that we should consider a national curriculum. I went further by suggesting what this curriculum could incorporate and also how we could set about

organising it utilising organizations in the society like the Chamber of Commerce; Bankers Association; Bar Association; Law Society; the Society of Accountants; etcetera, because I believe we are committing a fundamental error in this country by not pursuing this line and by ignoring technical and vocational education.

In a country of this size, it is patently fallacious to think that everybody can be educated to the white-collar level. There are areas in our economy which have gone begging for years because we do not provide enough of our own people to fill those occupations: carpenters, electricians, plumbers, auto-mechanics, air-conditioning and refrigeration technicians, are but few of these areas. What is needed is a venture and an effort at the high school level into technical and vocational education beyond the tokenism which exists at this time.

I favour the system which exists in Scandinavia, and some of the European countries, where there is a marriage between school and work and where, in the last two years of school the students on these kinds of programmes spend one day per week getting work experience or on-the-job training, and four days in the classroom learning the theory and the fundamentals of these vocations. In the last year of school the schedule is reversed; the students spend one day per week at school and four days getting work experience or on-the-job training.

A premier example is the SKF Ball Bearing Factory in Gothenburg, Sweden. In Germany there are a number of these kinds of experiments, some of them operated in conjunction with the Mercedes Benz auto manufacturing plants. This is the kind of system that I would like to see here. I am reminded that there was no less eminent a person than the French critic Renee Dumas, and in his book, "False Start in Africa", where he entitled a chapter: 'If Your Sister Goes to School, Your Next Meal Will be Her Fountain Pen', Renee Dumas suggested that what happens in a lot of developing countries is that for prestige reasons we focus our education on the white collar professions to the detriment of the technical and vocational areas so that what we have are people who are trained and qualified in these areas but we lack technicians.

I am not suggesting, by any means, that we should abandon our drive or encouragement for people who want to be lawyers and doctors, etcetera. I am just saying that it is pragmatic and realistic to realise that not everyone will have the interest, or ability, and we should try to, more realistically, cater to those who cannot meet these requirements. The future economic prosperity of the Cayman Islands depends on a closer relationship between school and the world of work. The future economic prosperity of these Islands depends upon our putting into place a sensible system that must have as one of its foundations a proper technical and vocational system, preferably at the High School level.

Our system is somewhat quixotic and paradoxical. I well recall the Second Elected Member for Cayman Brac, and myself, bringing a Motion to this House (which was accepted) requesting an extension of the school leaving age. Where the paradox comes in is this: the Motion was accepted and, apart from our positions taken in the debate, nobody has asked us what our conception was of where these years should be laid.

Madam Speaker, may I remind you that the Second Elected Member for Cayman Brac and I are both trained and experienced teachers. This is where our system breaks down because, interestingly enough, to this day there is still arguing and haranguing over where those years should be. And, as I have not been asked, I will certainly not be so presumptuous as to volunteer. But I chuckle when I hear the bantering that is going on because I still think that where the years have been added is not going to be as effective as it should be. Both the Second Elected Member for Cayman Brac and I know where the years should be added to be most effective because we have the class-room experience; we know the theoretical foundations; and we talked about it prior to bringing the Motion. Which leads me, rather conveniently, to say that there has been, recently, much acrimonious debate about the Five-Year Education Plan.

I am not going to rehash any of the arguments which have been given. I will only say this, that anyone who thinks that the CXC is not a recognised examination is fooling themselves. The weakness, perhaps, of the CXC is that it could cater to a more comprehensive body of students. It does not. Hence, I say that we should seek to develop a national curriculum with a school leaving exam which will at least be recognised within the Cayman Islands. I outlined this in this House on a previous occasion, so I am not going to go over it now.

Madam Speaker, I would also like to pinpoint that we should not depend on the GCSE because Britain is going into the European Community and Britain, itself, has educational problems in that there is an educational snobbery which exists on the continent in which the French and Germans believe that the British system of education is inferior to theirs. So Britain - and I was just following some debates recently - is having to review its own educational system and certainly its association with Europe takes away the flexibility that it would be able to offer us in providing a system of education that we could copy or we could use. For example, many of the European countries, most of them, if not all of them, are metric while we, in the Cayman Islands, still largely use the linear method of measurement.

So these are the kinds of differences and, while I am certainly not advocating any one system exclusively, I would only say, as a professional, it is sensible to carefully choose one or two systems then stick by those systems for as long a period of time as we can. Frequent change is upsetting, not only to the staff, but also to the students.

There are many areas in which our system needs improvement. Indeed, I would suggest that we do not have a system of education in this country for the reasons which I will outline. Any system of education must have a clear linkage between the levels, or elements, of that system from pre-school, nursery, primary, whether you want to call it Middle or High School, and tertiary education. Interestingly enough, in preparation for my contribution, I recently reviewed our Education Law.

Our Education Law, to my mind, has certain obvious shortcomings. For example, the Law contains no reference to higher education, technical and vocational education

or adult education. The Law does not even specify, in detail, the aims and objectives of the Middle School. Similarly it does not encompass the development of the Community College and, certainly, with Government's registration and recognition of the International College of the Cayman Islands, the Law needs to be expanded to encompass these institutions. Importantly too - and I speak from my tenure as a member of the Education Council - I think it is time that we change the Law so that the Member does not have to sit as Chairman of the Education Council but rather, the Member can sit as the court of last resort. It is awkward, if not nigh impossible, for the Member, when he is Chairman of the Education Council, to reverse a decision of which he himself, although not a voting member, was a part. That presents a certain kind of awkwardness and, indeed, impossibility. The Member should be removed to the point where he, or she, is in a position to where they can be the last source of appeal where, if necessary, they can rescind decisions made by the Council.

I also think, and this, again, is from my experiences sitting as a Member of the Council, that certain business of the Council should be made public, particularly where that business concerns policy issues and where that business concerns, for example, curriculum content, matters of school management, etcetera.

I fully realise that there are many areas of confidentiality and I am not advocating that all of the Council's business be made public. I would welcome a review and an expansion of our Law to encompass these things. I think the improvement would only be beneficial to the development of education.

Then, as our education system improves and becomes more effective, more strain is going to be placed on the Government by virtue of the fact that the Government is the major source of scholarship funds. So, I hasten to say that we are upon the times where the education system should be broadened, should be expanded, so that the system itself can provide some opportunities for the users of that system to get education.

Here I would say, that I like what happens in Jamaica where they have a system of school (particularly athletics and soccer) so developed that every year scores of Jamaican High School students get exposure in the United States to the Penn Relays to soccer competitions where, over the years, hundreds, if not thousands, of Jamaican students are educated with no expense to the Jamaican taxpayers. I think that we should look into seriously trying to develop, at our high school level, a standard of athletics where our high school students can get invitations to events like the Penn Relays, or they could get selected. This would not only lift an economic responsibility off us, it would provide exposure to our country, it would provide opportunities for the students to not only get an education, but also to become wealthy, for the system in athletics in existence now is so that the world class athlete can earn thousands, if not millions, of dollars in corporate sponsorships by wearing Reebock shoes, or Nikes, or any of the other athletic gear.

Instead we have a track at the Middle School which is like our highway, it is so hard. It is time for us to dig that up, invest a couple of thousand dollars and lay a proper Chevron surface. That is a national disgrace and the person who did that should never get to heaven. Madam Speaker, we cannot let the notion of selfishness, the notion of being in control, do things like that just because someone is in authority and does not want to take advice.

I say, again, our system breaks down when it comes to that. If I know that somebody is knowledgeable in a certain area, I am going to seek them out because Roy Bodden cannot know it all, does not know it all, and will never know it all. We have people in this Parliament and people outside who should be tapped into, who should be utilised. I do not care whether they be Government or Opposition; whether they be white or black; whether they come from Bodden Town or East End. If they have a contribution to make, let us seek them out. So, Madam Speaker, I make the point that if we develop these areas, then there will be more funds for those people who are purely academic to get scholarships from the pool of funds the Government has reserved.

I also think, along this line, that we should seriously look at what the International College of the Cayman Islands has to offer because every time we send a student away for four or five years it is a drain on our precious foreign exchange. There are bound to be some programmes that we can develop in this country that our students can benefit from. The advantage of that, the very obvious advantage, is that they can earn while they learn and then, maybe, what we can consider doing is sending them abroad for post-graduate studies.

I would also like to see greater use made the University of the West Indies, particularly in those areas where our geographical position, culture, and history, unites us with the territories in which these campuses are located. The essence of education is not only what is gleaned from the book, or from the lectures, but the experience which is garnered from meeting, dealing, and conversing with as wide a variety of cultures and peoples as possible.

I am glad that the National Team has at last afforded an opportunity for the Portfolios of Health and Human Services and Education to work together for the saving of our youth. I have great expectations of those people involved at the policy level, as far as this is concerned. I think that it is now time that we consider some form of national youth service. There was a time when a suggestion of this nature would warrant one being labelled 'pink' or 'red'. But I think that events in the world and, certainly, events in Cayman, have precluded that. Our young people are crying out to be rescued, and what we have set up as an alternative education system is a disgrace; two little old buildings, and no structured curriculum. We are just warehousing and biding time.

For the effort to be effective it demands greater organisation and a greater investment than that. What are we doing? Just meeting a legal requirement? Keeping them there until they reach the age where the law says the state has no more responsibility with their schooling, and booting them out? Or do we have a structured programme and curriculum which is going to enable them, at the end of their tenure there, to come back into the mainstream? That is what we need, Madam Speaker. We need someone

with the commitment and the foresight to do that because our hope does not lie in exporting them temporarily to the United States to Approved Schools, our hope is catching them before the situation is terminal and dealing with them right in our own jurisdiction.

In this system that I hope we can create during this four years, we need to pay some attention to the notion of alternative education programmes and get an effective programme where the young people who are in those programmes have as much exposure to the normal day-to-day functioning of society as possible. It is only by this kind of exposure, married to formal school work, that we are going to help these people. What is lacking in the Cayman Islands, and I have said this from day one, is that for some reason (and it escapes me to find out why) many of our people have a low sense of self-esteem. We have to try to structure situations where they can experience as much success, and acceptance as possible. We have to structure our school system to provide that sense of success and esteem.

It may well be that we will not get that until we get more of our own Caymanians in the system teaching. And it may well be that we will not get that until we have a strict code of standards set for those people in teaching; a dress code, for example. A level of commitment which can only be internalised and which can only come from someone who identifies himself, or herself, with the people whom he, or she, teaches. That, too, has been a dismal failure of our system because, after all these years, we have a minority of Caymanian teachers.

There should be some move to encourage more Caymanians, not only to enter, but, to remain in the teaching profession. Whether we have to do that by giving them attractive salaries, terms of working conditions, or making it easy for them to get sabbaticals to further their studies, I do not know. Maybe it is something that we should sit down and consult on with each other and talk about. It is a glaring weakness. Then, too, in fairness to those foreign nationals who are dedicated and committed to the profession (and I know many of them), I think we need to give them encouragement. There are many of them who have told me that they have been here for 20 years but are in a precarious position because they do not know whether they will be asked to stay or to go.

May I be so bold as to suggest that any of these people who are capable - and they must be capable, for any system where you can survive in for 20 years suggests to me that the inhabitants of that system have to be capable - that these people should be considered for some kind of security of tenure because, certainly, in teaching there is no fear of them displacing Caymanians, at least as it is in some other professions and vocations. May I be so bold as to suggest that we consider these people for some kind of security of tenure so that they can continue with their good work in education, and can continue to perform free of the stress of wondering whether, next year, they will get their terms of employment renewed or not.

THE SPEAKER: Would the Honourable Member be prepared to take a suspension at this time?

MR. ROY BODDEN: Yes, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:32 A.M.

PROCEEDINGS RESUMED AT 11:55 A.M.

THE SPEAKER: Please be seated.
The First Elected Member for Bodden Town, continuing.

MR. ROY BODDEN: Thank you, Madam Speaker.
When we took the break I was just about to say that it is with a sense of anticipation that I look forward to the new Government as I believe the time has come and the possibility exists for the Portfolios of Education and for Health and Human Services (which incorporates sports and community development) to get together so that we can have some national youth development policy which incorporates education, scholarship, and constructive socialisation experiences for our young people, particularly where those experiences can help promote and develop high self-esteem and positive self-concept.

One of the things I have noticed is that in the area of sports with which I am most familiar (that is soccer), our young people perform at a higher level when they are at home. It seems to me that when they go abroad they become introspective and shy. They lack a certain sense of pride and commitment to perform at their best. I do not know whether this has to do with our being a small country or whether they are intimidated by the sheer foreignness of the competition. But I think that these are areas in which we need to work. I have found that with the group of young persons I work with in the programme in Bodden Town, right up to the national level, when we send groups to represent us nationally, we are at a disadvantage even against our competitors from the region, let alone those competitors from Canada and the United States.

We are fortunate here, in that we have a standard of living which allows our youngsters to be just as equipped, as far as gear is concerned, with the most wealthy societies. Where we fall down is in our preparation and in the limitations which our facilities bring. So I look forward to the development of some kind of national sports facility. I believe, in addition to improving the physical skills and performance, there is also a psychological aspect in that. I would venture to say that the standard of play will be elevated once these players get into an arena which is only used on special occasions for special competition.

For many years the football fraternity has played on the Annex

ground. Governments have come and gone and there was no sense of commitment towards providing better facilities. Similarly, too, it is only with the constant goading of the (now) Member for Health and Human Services, that West Bay was able to get what is now a decent playing facility. Now that West Bay has one I hope that other communities can also get one; Bodden Town, East End and North Side, all should have a good facility, even if it is small, have it lighted and up to par. These are investments which unfortunately, at this time, the Government is not in a position to be able to spend large amounts of money on any kind of facility. But I hope that we can work out some method, even if it means cooperation and joint venture between the private sector and the Government, because the youth of this country is our most precious assets. It makes little sense to boast about being a rich country if all of our young people have criminal records or are serving time at Northward.

I would like to give credit to the efforts made in boxing because this too is an area where our young people can derive a sense of self-worth, self-respect and, indeed, if they have the aptitude and physical ability, can launch themselves into a recognised (and wealthy) career as professionals. I hope we can get off to a good start. I would like to see explored the possibility of having a programme like "Outward Bound", which is headquartered in Norwalk, Connecticut. We should have such a programme available for our Caymanian young people where they can meet, make friends, exchange experiences and ideas with people from other countries and other societies. If we are to lay the foundation for continued economic prosperity, continued political stability, we have to prepare the next generation who will occupy, not only these hallowed halls, but will occupy some of the offices in the Government Administration Building, and some of the offices in the private sector. It is not too far fetched to expect a serious commitment from the private sector, a serious commitment from the banks and such companies, the law offices, the accountants and all these other people who live here (even if they live here temporarily). If we do not make these types of commitments then our society will only be torn down by those elements which feel that they have been left out, be that left out economically, or culturally, or in the arena of sports.

Let me turn now, on my final leg, to home, to my constituency. There can be no more appropriate way of beginning than by saying that I shall forever remain grateful and humble to the Bodden Town people who, so overwhelmingly, elected not only me, but my two colleagues. It is an experience I shall long cherish, and it gives me a deep sense of commitment and reminds me that I should always strive to be their faithful servant.

I suppose that we are fortunate in that the current representatives for this constituency, not only have a relationship out of political convenience, but are also friends. That makes it easier for us to work to meet the needs of our constituents. I have to say that, for the first time in my tenure as a representative, I feel good about the possibilities of achieving something for my constituency. That feeling emanates out of my association, and sense of closeness, with the National Team. My constituents can look forward, even in these times of economic stringency and cutback, to receiving some of the things which have long been needed.

To this extent we have started to make plans for the development of a public beach in the middle of Bodden Town. There is also provision for a sports field, which has been long overdue, since we now use what is the property of the Bodden Town Primary School. There is also the probability that in the near future we are going to get at least two channels in Bodden Town, clean, cleared, and properly demarcated. All this in addition to some road work, which has been outstanding for the last four years.

It is with a great sense of pride that I say, for the first time in many years, there exists the possibility that Bodden Town people will get the long requested back road. But I must speak with a little caution. It may not be possible to finish the road within a year, once it has been started, because we must remember it is an expensive project and the Government does not have a lot of money. We have an offer, however, from a heavy equipment owner to donate equipment if it becomes necessary. There is some contention concerning this road. Some people would see the road as traversing the constituency in an east - west direction. However, upon the advice of equally knowledgeable people, we (that is the representatives) would prefer to see the road in a north - south direction because one of the objectives of the road should be to provide Bodden Town boaters and fishermen access to the North Sound during those times of the year when the prevailing winds from the southeast make Bodden Town rough and inaccessible. Additionally, it will serve to more effectively open the interior so that a greater amount of land will be available for those people who want to develop and build houses, or whatever other venture they want to move in.

The relationship between ourselves (the representatives) and the elected Government has, thus far, been excellent, and we expect that there will be continued consultation and dialogue so that we can stand in great hope of delivering to our constituents those few promises which we were sensible enough to have made, taking into consideration the position of the coffers which we knew the Government was going to inherit. Now that our guests in the Bodden Town Civic Centre have departed, we are looking forward to opening our constituency office so that we can be more accessible to our constituents. We can converse in confidentiality and conveniently position ourselves so that our constituents can continue to reach us with their concerns.

I am sure that I speak for my colleagues when I say that we encourage and welcome our constituents to contact us whenever they are in need. Our phones are all listed in the Directory and we are not bothered when people stop us on the road, or elsewhere, because we realise that our first call of duty is to our constituents. While politically my constituency is Bodden Town, I consider myself a representative of all the Caymanian people and, to this extent, I encourage anyone who has any concern in which they think I may be of some help, to approach me. I hope that for the next few years, and beyond if it is my desire to continue, that the people will see fit to exercise the confidence in me which they have had up to this point.

In conclusion let me say that I shall always strive to make them proud, to be accessible and to make them realise that they have made the right choice.

Thank you.

THE SPEAKER: The Lady Member from North Side.

MRS. EDNA M. MOYLE: Madam Speaker, I, too, would like to offer my congratulations to His Excellency for a very well put-together Throne Speech, this being his first since he has come to these Islands. To the Financial Secretary I also say congratulations on the Budget Address made in this Parliament. For being able to put forward a balanced Budget with a surplus, hopefully, of $300,000 at the end of this year, I think, the Government should offer him an OBE.

I would like first of all to refer to His Excellency's Throne Speech where he said, "A year ago my predecessor spoke of the economic problems then facing the region and the Cayman Islands.". It is a pity that his predecessor did not listen to his own words, then our country may not be facing the problems which we are today. When he says that our resources have increased by 26 per cent since 1989, despite the recession, but the spending has increased by 54 per cent, this country is in a worse position now than in 1989. For him to have made the decision to reduce the number of Government Departments is, I think, a great one, especially when we look at a country the size of Australia and he tells us that they have 18 Departments and the Cayman Islands has 37. I think that what has happened, in the past, with the Civil Service of this country is that the people at the top level thought that the answer to solve all the problems of services to the Caymanian people meant extra bodies. Putting extra bodies in place is not the answer. I think putting a heavier work load on Civil Servants then employed, and pushing them to their full potential, would have given us a better answer.

He has decided that there will be a cut-back of 7.5 per cent, overall. This has taken too long to come about. This should have been done years ago before the Civil Service became overloaded. Civil Servants, I agree, play an important part in the development of this country, but we cannot continue to just put extra bodies to fill places and expect the general public to pay for these. There are a lot of Civil Servants out there who are concerned that they are going to lose their jobs. I say to any Civil Servant that his pulling his or her load, that they have nothing to worry about. It is to be hoped that this cutting will deal with those members who enter their workplace at 8:30 in the morning to be shown to be present and then shortly afterwards cannot be found. When they are needed and called, they are at home asleep. I have known this to happen. The loyal Civil Servants will be there, those who are performing will be there.

While I am on the subject of Civil Servants, there are some matters which have been bothering me for a long time. I do not want to be labeled a feminist, but I must say that I am in this House to champion the cause of the women in the Cayman Islands. When I look at the General Orders of the Civil Service, I see sections under Chapter 18, Section 12:

"Women Air Traffic Control Officers:

> The Air Navigation Overseas Territories Order requires the practising licence of a woman ATCO to be withdrawn immediately if she becomes pregnant. The licence will be restored after the birth of the child and the Medical Officer has declared the Officer fit for duty.".

Madam Speaker, I think that this, in this day and age, is ridiculous. I have tried to locate a copy of the Air Navigation Overseas Territories Order but, as of now, I have been unable to get this copy. I feel that if there is something that a woman is using in her line of duty that could affect her or her child, sure. But I can see nothing in being an Air Traffic Control Officer why her licence has to be suspended and she has to be placed in another section with other duties. I feel that these are the things which must be looked at and must be cured.

The other matter is maternity leave for women. I think giving 90 calendar days for maternity leave (and out of that they must take their annual vacation) is ridiculous. Then they will get 30 working days on sick leave. It is no longer the time when there were one or two women in the Civil Service of this country. I think, if we check, the majority of employees now with Government are females and they must be treated in a better way.

The other section of the Civil Service General Orders which bothers me is Treatment Under Medical and the Entitled Officers. The extent of the entitlement reads:

"The entitlement extends to:

(a) A male officer himself, his wife and children.

(b) In the case of a married woman officer it extends to herself and, if the PS/P at his discretion, is satisfied that the husband's employment does not cover her children's medical and dental treatment, then it applies to her children but not to a non-civil servant husband.".

These things existed in the medieval ages. But this sort of thing must be removed from the General Orders of the Civil Service of the Cayman Islands and there must be equality in all aspects of the Civil Service. Where women are concerned they should not be treated any differently from a male officer. I am certain that my colleagues of the National Team will support me in this effort to remove all of the discrimination against the women of this country and the Civil Service.

Those two items under the Civil Service General Orders have

been bothering me from the time that I happened to have been a Civil Servant. I think at that time the Second Elected Member for Cayman Brac was the President of that Association and we tried to get some of those things removed, but to no avail. The time has come that we now must act and bring these things to a stop.

The Governor mentioned in his Throne Speech that extensions to the special block providing 65 additional places will make possible a re-balancing of the prison population and reduce the negative aspects of overcrowding. As previous speakers in this Parliament have said, they cannot support the provision of 65 additional places at the Prison. I too, would like to say that I cannot support an additional 65 places. When I visited that Prison as a member of the visiting panel and I looked upon the number of young Caymanians serving time for drug related offenses at Northward, I saw that it is no place for them.

The time has come that this country must commit itself to building a rehabilitation centre for these children in order for them to overcome this drug habit, or at least help them. They are crying out not to be placed at Northward Prison. If anyone visiting Northward Prison, and looking at these young people, and listening to their cries believe that Northward is the answer, I can assure them it is not. As a Member of the National Team, I do not support, as was stated here sometime in 1990 or 1991 (I do not remember the year), that we must be prepared to accept the fact that we have lost an entire generation to drugs. This I will not support. I hope that my colleagues will not support such a statement, and we will look, as soon as possible, into finding funds to build a rehabilitation centre. It does not make sense to spend thousands of dollars to send our young people to Hazelden in the United States then bring them back here with no follow-up treatment.

The other matter concerning the Prison which is of tremendous interest to me is the number of foreign nationals that are now serving time in our Prison. I, as a member of the visiting panel, on two occasions I think, in the report that we submit, have always stated that the Government should enter into negotiations with the governments of these people with a view to returning them to their own country to serve time. The question was answered this morning, but I still think that some pressure from somewhere should be put upon these governments to take these people back and let them serve the time for the crime that they have committed while in the Cayman Islands.

The other thing that bothers me with the Prison is that we have people entering Northward Prison, serving their time, coming out, then not being able to find a job. I ask the question - what good is it to commit these people to the prison to serve time when we are not doing anything to get them back into society? The time has come when we must set up, whether it be a committee or whatever, that when these people are released that this committee is there to hold their hands, to help them get jobs and get them back into society where they can become productive citizens of the Cayman Islands.

I have heard stories of a young Caymanian going into Prison on one occasion for assault. He served his time, came out, could not get a job, returned to prison, this time for robbery. He served his time, came out, and returned to prison convicted of murder. Had there been such a committee or organisation in place, when that young man committed his first crime, to get him back into society with a job and to work with him and hold his hands, that young man may not be in the position he is in today.

The other subject that I would like to speak on is Immigration. The Immigration Department of this Government, in my humble opinion, is one of the most important departments. If this department is not properly managed and run, it can destroy this country. If it is properly managed it can make us the gem of the Caribbean. It was heartening to read in the *Caymanian Compass* on Friday 12 March 1993, the report of the Chairman of the new Board. It says: "An amendment to the Immigration Law is eminent for tightening the issuance of Temporary Permits.".

I think that this has become one of the biggest problems of this country. People who apply for an annual permit, rather than going through that procedure, would apply for a temporary one and, in my opinion, it is being abused. I would call upon the Government of the Cayman Islands to put a moratorium upon the issuing of new work permits, temporary work permits, and cut out extensions altogether. When one comes to this country for two weeks, four weeks, on a visit, I think that they should be stamped for a four week visit and at the end of that four weeks, they leave. I am told that we have more people here on extensions than we have illegal immigrants. This must stop immediately in order for us to ensure that we are not getting the wrong element of people in this country.

I also note, from this morning's *Caymanian Compass* that the new Chairman has spoken out on substandard housing in this country. This is a matter which the Government must quickly address. For every work permit application that is sent to the Immigration Board in this country, there is an accommodation sheet. At the bottom of that accommodation sheet there is a clause which gives the Board, or Immigration, the right to inspect this accommodation being provided for the worker. I think it is time that this is taken seriously and an actual, physical, inspection of the premises should take place.

I have been told of instances where we have young people in this Island, in the dive industry and the hotel industry, where we have 10 to 15 people sharing one two bedroom apartment. I do not think that this is the type of living accommodation, the standard of living, that we want to continue in the Cayman Islands. I am told, as the First Elected Member from Bodden Town said (I think) that when it comes to construction workers it is even worse. The Chairman of the Immigration Board has also stated in this release that they are now sleeping on shifts. This is not what the Cayman Islands is all about. I am glad that he has also addressed the time that it takes for one to receive an answer on a work permit, whether it be a renewal or a grant. He is to be commended that they intend to let this be as short a time as possible.

The other matter that I would mention to the Chairman of the Immigration Board, and the Government as a whole, is how people advertise a position to be filled. I constantly see such requirements as, "Must be fluent in German, Spanish and French" (I do not know where these people got the idea that the Cayman Islands did not speak English). The other one that I saw in the *Caymanian Compass* last week, which I thought was an insult to the Caymanian people, stated that the person must not be fat. These types of

advertisements must be dealt with and any person putting such an ad in the paper, in my opinion, should be refused a work permit, period.

The other one that I have come in contact with, is when one requires a secretary. The requirements for this position, in one ad, is 12 years experience. Twelve years' experience to sit behind a typewriter all day? I think that every ad that is placed in the *Caymanian Compass* should be forwarded to the Immigration Board as it is now known, and bring in the employer who is placing these types of ads in the newspaper, sit him or her down and question what this job entails and let them stop taking advantage of the people of this country.

I would now like to touch on the Marine Survey Department. I see where the Governor, in his speech, stated that: "The Department also promoted the Registry at five overseas conferences in 1992, but gross revenue of approximately $65,000 was disappointing, and the future of the Cayman Registry is now under review.". I know that the Government has expended quite a sum of money to set up this Registry but, I think, what has happened to the Cayman Islands Registry, the last Head of this Department is responsible. He may have promoted the Cayman Islands Registry overseas, but I do not know what he achieved when he removed more ships from the Registry of the Cayman Islands than he allowed to be registered. I support the Governor's comments where he referred to the gross revenue of approximately $65,000 being disappointing, and "the future of the Cayman Registry is now under review". I support this even more when I look at the Estimates for 1992 and I see the cost of running that department, I think it was just over $300,000.

I am also aware that the United Kingdom Government extended the International Maritime Communication, such as the Safety of Life at Sea, and Pollution. Yet, on the other hand, I am told that the British Ministry of Defense has stipulated that one of the top three officers on any ship registered here must be British. It must either be the Captain, the First Officer or the Chief Engineer. I do not know what we are expected to achieve when they grant us, on one hand, the International Maritime Convention such as Safety of Life, and they tell us, on the other hand, that they are going to take this away unless one of these three officers is British.

I believe that this restriction has caused the Department some problem in effectively promoting the Registry of the Cayman Islands. It is to be hoped that the present Government will enter into discussions with the United Kingdom Government with a view to removing the British Ministry of Defense's restrictions of the nationality of one of the top three officers and let us see if we can then effectively promote the Cayman Island's Ship Registry. If this cannot be achieved, I will say that serious consideration must be given to the future of the Marine Survey Department? I wonder if there has ever been found a Caymanian, who are some of the best seamen in the world, to understudy anyone who is now in a top position in the Marine Survey Department.

THE SPEAKER: Would the Honourable Member care to take the luncheon break now?

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

PROCEEDINGS SUSPENDED AT 12:45 P.M.

PROCEEDINGS RESUMED AT 2:15 P.M.

THE SPEAKER: Please be seated. The Lady Member for North Side, continuing.

MRS. EDNA M. MOYLE: Thank you, Madam Speaker.

I would like, at this time, to touch on tourism. As we all know, tourism is one of the pillars of the economy of this country. There was a 10 year Tourism Development Plan brought about late last year, and it is to be hoped that the Member now responsible for tourism will not do with this Development Plan as has been done in the past, with various reports where thousands and thousands of dollars were spent by the Government to have reports done and they ended up shelved to gather dust. I am certain that the Member now responsible, along with other Members of the Government and the Backbench, will study this plan in depth and implement, as soon as possible, all aspects that will benefit this country.

The Second Elected Member for Cayman Brac and Little Cayman touched on the matter of a Minimum Wage Law or the revision of such a law. I, too, support this. I feel that a revision of this legislation is needed and, as was said by the Second Elected Member to the Sister Islands, this is one of the things that is being used by some of the employers of this country when employing people in the hospitality field and supermarkets. I see no reason why, if the Government has an occupational group and wage scale, we cannot amend or revise the Minimum Wage Law to come in line with this occupational group and wage scale where it applies in that field.

When I enter a restaurant, a hotel, or a supermarket in this country, my memory goes back to a bumper sticker I once saw in Florida. It says "When the last American leaves Florida, please bring the Flag". When I walk into these supermarkets and I see the number of Filipinos, the number of Hondurans, Jamaicans, the number of foreign nationals, filling jobs that our own people can fill, we must say the same thing.

The time has come when there must be a provision at our high school where children who are not academically inclined to go on and sit the final exam, that the facilities are there where they can be streamlined and trained for jobs in the hospitality field. For too long we tend to let our children go through the academic system knowing that they will not achieve very much, but should, rather, be sent into the hospitality field so that they can reach the higher jobs in that field. It is too late for us when these kids are 16 years old to say to them, "You have to go out there and become a waitress, a waiter or bartender or an hotel maid". We

Caymanians are very proud. When we reach the age of 16 and see that our friends have gone on to get jobs in banks, or wherever, there is no way we will be convinced that now it is time for us to move into those types of jobs.

I would now like to touch, very briefly, on the Portfolio of Health and Human Services. I see in the Throne Speech where the Governor said, "The mental health needs of the community will be assessed, and appropriate programmes will be developed". I do not think that the health needs of the community must only be assessed. This has now become a priority in the Cayman Islands. Two weeks ago today, I happened to have been at the hospital when my daughter brought a beautiful baby girl into this world and there were three mental health patients in the ward of this hospital. One, in particular, was constantly going in and out of the maternity ward and the only thing on her mind was that she wanted a baby. It was so distressing that my daughter was completely unable to sleep without my sleeping at that hospital with her. I spoke to the nurses in the maternity ward and they told me that they have to lock the doors of the nursery if they are having a delivery at the time because they are afraid of these people walking in and out and they do not know what they will do. These mental health patients are human beings. This Government must undertake to provide a facility to deal with and care for them. I will say to the Member that the Hospital's general ward is not the place. These people are walking all night going in and out of patient's rooms. I know that they are not aware of what they are doing but we that are aware must control this type of thing and remove the care of these people from the hospital.

While I am speaking about what needs to be done, I would like, at this time, to commend the staff of the maternity ward of the George Town Hospital. The Member responsible should be proud of the nurses that carry out the duties of this ward and do everything that he can to encourage them to continue.

The Cayman Islands, which is one of the most affluent societies in the West Indies, can no longer allow its mental health patients to be sitting at the Post Office (in the condition that one particular patient is doing) having them wander around the streets, on the docks when the tourists are landing, with no one caring for them. I would support, at any time, when the Honourable Member brings to this House, finding money in order to provide a proper place for their care.

I would like to touch on the Planning Department. I commend this department for finally reviewing the 1977 Development Plan. This has been long overdue and, in some instances, it may be too late. Particularly in my district of North Side, there are some stretches of land going towards the Cayman Kai area that should have been left a long time ago for scenic purposes. Unfortunately, they have allowed buildings to be put up on some of these tracts and I think we have now set a precedent where anyone else owning property of that size is now going to come back and say, "You allowed Tom Doe up the road to build a house, you cannot refuse me". Those pieces of property, when one builds on them, they step from their front door into the sea, they step from their back door onto the main road. We have got to do something, and we cannot wait much longer. I do not know what restrictions the Honourable Member can put in place to stop such building. I commend the Planning Department for the development and planning committees that they have set up in the districts. I feel that they will get input from the local people which has been one of the things that seldom happens in the Cayman Islands. We have the expertise here to help solve our problems, but we always go overseas.

The other matter I will mention here is that when I look through the Estimates for 1991 and 1992, and I see the amount of money that has been spent by the Government on roads to subdivisions. I hope that this money was not spent at the last minute during 1992, to obtain votes for the General Election. I hope that these roads were in genuine need of repair and construction. I hope that these roads were public roads. Also, I think that when one goes in to develop a subdivision one of the requirements concerning roads is that there is to be one coat of chip and spray. I do not believe that even this one coat of chip and spray was put on some of the roads of some of these subdivisions. I think it is time that the Planning Departments requests any developer of a subdivision to put at least two coats of chip and spray. I will even go further to say that the developers should be responsible for the maintenance and upkeep of the roads in those subdivisions. I do not even know where some of these subdivisions, which I saw mentioned, are. I hope that in the future, when monies are being expended on roads of subdivisions, we will make certain that these roads are public roads and not just private roads.

On a number of occasions I tried to get roads repaired in the district of North Side. Roads which were leading to someone's home, or three or four homes may have been on that road, but I was told that it was a private road and the Government does not upkeep private roads. We have got to make a decision whether we are going to let the little man, who lives on a private road suffer and bear the cost to have his road repaired, and allow the developers, who are receiving the money from the sale of land, to continue to expect the Government to upkeep and maintain these roads.

I would like to endorse what the Fourth Elected Member from West Bay said about (and I agree with his recommendation) the need for a Cadet School in this country. I believe that our juveniles, who the police are telling us are committing the burglaries in the Cayman Islands, are doing it to support a drug habit. I believe that these juveniles live with the feeling that they can commit these burglaries and that, because they are not 17, they will not be brought before the Court, they will not go to prison. They feel they will be brought to the Boy's Home or sent to the Francis Bodden Girl's Home. I feel that we have got to get more discipline into our homes and schools. We have got to provide an area where these juveniles can be sent to deal with these problems. We will have juveniles who will go on to be better men and women and we will then have a better society.

We must remember that one of the biggest assets of the Cayman Islands is our people. If our young people continue to go in the direction that they are going in, there will be no men and women of tomorrow. Since I was elected, I have been receiving telephone calls at all hours of the night from young people who are on drugs, seeking help. I have helped some of these young people, but some of the stories I am told are heart rending. I have been told that the amount of cocaine that is in this country at present,

you can get it with money and you can get it without money. I have been told, by one particular young man, that there are so many of our young people now hooked on this drug that if the Government does not take every step necessary to get the pushers off the street, it will probably end up with blood being shed when they cannot get this drug. They have sold their T.V.'s, their bicycles, their children's bicycles, their wife's jewelry, to get cocaine. I implore every Member sitting in this Parliament to unite to try to solve the drug problem in the Cayman Islands for the future of our young people.

We have people in this country who, if the problem does not affect them directly, do not care. Maybe their children are not using drugs, but if they are in association with a group that is, they will end up that way. The fight against drugs in the Cayman Islands has got to become a united effort. The churches must become more involved. I will continue to support CASA in their effort to wipe out drugs in this country. Some may say that while I have used the phrase "wipe-out drugs", that there is no such thing. They may be right, but I will say that if we can save two of our young people, it is better than losing all.

I will now touch, briefly, on Cayman Airways. I would like to congratulate the new Member who is responsible for Aviation on the actions that this Member, together with the new Managing Director, has taken concerning Cayman Airways. I am certain that there are going to be many more areas which must be dealt with, and I am only hoping that the press, who supported the actions taken with the overseas staff, will support the same actions if and when (should it become necessary) they have to be taken nearer to home.

When I am told by pilots of Cayman Airways about certain pilots making enormous salaries, with expense accounts running into thousands of dollars, being given phone cards to use for private use, we need not wonder why the airline is in the financial mess that it is in today. I hope that the new Member will start an investigation into the expenditure and who authorises it in Cayman Airways. Set up an investigation as to the authority, or lack of authority, from the Member last responsible for Cayman Airways. I believe that any Member who is given the responsibility, or Portfolio, for any section of Government must become involved in the running of that section.

I hope that the past Managing Director, who took it upon himself to put this airline into contractual agreement, will be investigated and the necessary action taken. I hope that the Senior Vice President of North America, the gentlemen who had the Portfolio during the last four years (I still have that newspaper that this gentlemen must go) was still there up until the new Member took over in 1992. We must know why so many actions were taken with Cayman Airways without the approval of the Board of Directors. I hope that the Honourable Member will not be lax in getting such an investigation carried out.

I agree with the cutting of the number of aircraft. If this is done and the staff is cut and we cannot come through (either realise a profit or break even) then the people of this country must tell us what they want us to do. I do not think that it is the Members of this Legislative Assembly alone who must decide the future of Cayman Airways. I feel enough public support or disagreement with this airline has been out there and those people, if we have to close the airline, must be the people to tell us, "yes". But I will say that I am not going to stand and support an airline that is constantly taking this country down the drain. If the people disagree, then this means I will stand on my own. But we must follow the wishes of the people of the Cayman Islands.

The Penal Code of this country needs to be reviewed and brought into line as far as the crimes committed against women. I should ask, at this time, I wonder if it (the Penal Code) should be amended or is it the Judges sitting on the Bench in need of getting together to give stricter sentences to the persons committing rape, attempted rape, defilement of a woman, or defilement of someone under the age of 12, and incest? When this schedule of offenses and nationalities was handed out this morning, I was totally shocked and taken aback when I saw; Rape - one year and nine months; Defilement of a girl under the age of 12 - two years and one month. I know that rape is probably one of the hardest things to prove and, I guess I could say there are different levels of rape, but there is no one that can tell me that when the Judge passed out the sentence of one year and nine months for rape committed (I assume the person was convicted) what deterrent do they expect that to be against rape in this country?

I read in the newspaper some weeks ago of a father going home (I think he was drunk) and raping his 12 year old daughter. It went before the Court and this man was given I think five years, I stand corrected, four years when, in the Laws of this country, the maximum sentence to rape is life imprisonment. I think it is time that the Judges sitting on the Bench reconsider their position and start imposing a deterrent sentence when it comes to rape and defilement of women.

I think, for too long we, as women, have sat back in this country, and the female Members of this Parliament were prepared to come here, sit down and support every measurement or issue brought to this Parliament by the men, forgetting about their own sex. I think, finally, in 1992, the people of this country have returned two women who are not afraid to speak out and stand up and protect the rights of women in the Cayman Islands. As a matter of fact, in 1996, God's willing, and there is a General Election, I hope to be the first female of the Cayman Islands who is prepared to stand for a seat in Executive Council to handle the affairs of women in the Cayman Islands.

I would like to briefly touch on my own district. I have already had my say with the Members of the National Team on provisions in the Estimates for the district of North Side. I have accepted the fact that there is not much money for us to spend in 1992. There is some provision for the resurfacing of roads in North Side. But I must say, at this point, that there must be some provision, sooner or later, rather sooner, for a road to shorten the distance of travel to the district of North Side.

North Side is fast dying economically. Our people are leaving to seek employment in George Town. Investors are not coming into that district and we all have been told it is too far to travel. When I look in the Estimates for 1992 and I see the amount of money that was spent on roads in the Sister

Islands, and see the amount of money that was spent on roads in North Side, I cannot but say to the two Members of the Sister Islands, I am going to find it extremely difficult to support further expenditure on roads in that district. The visit that the National Team made to those Islands, I feel, was some of the best money spent because we saw first hand the situation that exists in Cayman Brac and Little Cayman. They have better and more roads than we do here in Grand Cayman. I think it is time that we put some of this extra money into the outer districts, North Side, Bodden Town, and East End, are now prepared, and ready, for the Government to spend more in their respective districts.

North Side was very lucky, we got a very expensive Post Office, which we did not need. But if the Government would undertake that this facility can be used for the collection of garbage fees, and I am hoping that they will extend collection of licencing of cars, dogs, bicycles, whatever, to be handled at this Post Office to help the people of the district to not have to travel to George Town to pay these fees.

The Honourable Member whose Portfolio Caribbean Utilities Company falls under is not here today, but I would like to let him know that I have taken the liberty of discussing, with the Managing Director of Caribbean Utilities, the possibility of paying light bills at the Post Offices in the outer districts. He has assured me that he thinks it is an excellent idea and he would be more than happy to sit down with the Member and discuss such an arrangement. I would ask the Honourable Member to arrange this discussion as quickly as possible in order that our people in the outer districts are not put to hardships to come to George Town, pay travel and then have to pay further to get to Seven Mile Beach.

I am hoping that the Members will see their way clear to open some building, whether it be built or leased, for a Post Office for the people of Old Man Bay. For many years (since I was a young girl), there has been a lady in that district who has handled the mail efficiently. But, I think when it comes to Her Majesty's Mail sitting in someone's living room in a box, that this is no longer acceptable in the Cayman Islands.

I have tried to get a hurricane shelter. I know funds are low, but a provision should be put in for 1994 and I will tell my Members, colleagues, that I will not sit by and see a hurricane shelter built for the people of Little Cayman before there is one put in place for my people in North Side. The money that was expended on the elaborate Post Office in North Side would have been much better spent to prepare a place for our people to get shelter in case of a hurricane. I would like to tell my colleagues how important it is to the people of North Side to get a hurricane shelter. During Hurricane Gilbert we had our people in the North Side Town Hall and the Primary School. During the night (I was not the appointed warden but I got involved) the people in the Primary School had to be removed from that room because the sea came inside. Now then, Honourable Members, it is not only that the sea that will be taken into the Primary School if we continue to house our people there, but it will also be the Post Office. I am not going to sit by and watch other districts get a hurricane shelter that, I feel, is less needed than in North Side.

As you well know, Madam Speaker, I am not a long-winded speaker and this, being my first speech in the Legislative Assembly, come 1994, who can tell, I may be able to stand on my feet like the First Elected Member from Bodden Town and speak for four hours. But, at this time I would like to thank you and my fellow colleagues for allowing me to present my ideas, and my objections, on what I see happening in the Government of the Cayman Islands.

THE SPEAKER: Thank you Honourable Member.

CLARIFICATION BY SPEAKER
(RE: Sentences meted out to Prisoners)

THE SPEAKER: Before another speaker takes the floor, I think it is correct that I should bring to the attention of the Member for North Side, and other Members as well, when dealing with 'sentences', as listed in an answer which was handed out this morning - I do agree that it was belatedly handed out - but the column for 'sentences' reads "Time Left", that is, time left to be served not the actual sentence that was meted out to the prisoners. That is just a correction I thought should be made.

Thank you.

The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

I rise to make my contribution to this debate, and as I do so, I pray God's guidance on this, my maiden voyage. First of all, like those who have spoken before me, I too am compelled to offer my congratulations to His Excellency the Governor and to the Honourable Financial Secretary as each, in his own inevitable style, has given to this Honourable House and the people of this country, a reason for, and an informed synopsis, of the state of affairs of the nation.

The Throne Speech by His Excellency the Governor and the Budget Address by the Honourable Financial Secretary both painted a very clear picture to me and I must say they have given me much food for thought. In the Governor's Speech, I quote: "It has taken a while for us to realise how necessary it is to keep Government spending within the resources now available to us.". In the Budget Address, the Honourable Financial Secretary said, "In short our visions and aspirations may be bold and lofty but in terms of resources and priorities we have to cut our suit to fit our cloth.".

One of the Members who spoke before suggested that an MBE was in order, given the fact that a balanced Budget was presented. I am not here to judge but I will say that given the circumstances that I can glean so far, I am proud to know that this is the case. I would also like to pass on congratulations to the other Members within the Portfolio of Finance and Development who, I know, worked very

hard and spent many hours preparing this Budget. I am quite sure that the Honourable Financial Secretary will concur with me on that.

Lest is be misunderstood, I will clearly state my position on the path that I intend to fully follow as an independent candidate. I am the Fourth Elected Member for the District of George Town and I was elected after campaigning as an independent candidate. That has not changed. During my campaign I made it clear that I was prepared to work with whoever else was elected if, at the end of the day, I was to become one of the four elected representatives for the district of George Town. The results are now history and, Madam Speaker, here I am. Since the election I have gone on to work together with the other three representatives for the district of George Town, simply in an attempt to do my job. This I will continue to do as long as it brings positive results.

However, I wish to make it abundantly clear, to all and sundry, that I am not here to be absorbed like a sponge does water. I intend to be one of the watch dogs of this Honourable Legislative Assembly simply to ensure that good government is the order of the day. I have said this before but I feel that it is necessary to be repeated. I will not be the voice of dissention just to be heard. I take this responsibility very seriously and I know that I owe it to the people of George Town and, for that matter, to the people of these Islands, to always ensure that the decisions made in this Honourable House are those which serve the best interests of the country.

The winds of change are taking over. The people of the Cayman Islands no longer wish to hear the juicy war of words between their elected representatives, both on the Government Bench and those of us in the coach section. They want to hear that we are earning our keep; they want to hear solutions; they want to hear new ideas; they want to have confidence in their Government and empty words are certainly not going to build that confidence. The people of this country want to know what is happening and what we, their elected representatives, intend to do about it. I sincerely hope and pray that all of us here are up to the challenge. Only time will tell.

Before I move on to say some words regarding the two Addresses, there is another thing that I have noticed that I would quickly like to touch on. I know that with human nature being what it is, we tend to listen to some people more than we do others. During the deliveries of the other Members who have come before me, I noticed some very salient points and some very fleshy suggestions coming from these suggestions made by the Members. I trust that the Members from the Government Bench will use these suggestions to build, wherever possible, on whatever we have existing, notwithstanding the corner from which the suggestion came.

A very wise man once said, "We owe almost all our knowledge, not to those who have agreed with us, but to those who have differed from us". The final leg of these introductory remarks is simply to say to my other 14 colleagues that the people of this country are not going to stand for any of the decisions made in this Honourable House to be anything less than just that - honourable. So, let us not fall into the trap of making our decisions with political undercurrents. Let us ensure that the people of this country are content that their guardians are deserving of the mantle which they have passed on to us. Remember, justice must not only be done, it must be seen to be done.

In the Throne Speech, His Excellency the Governor, Mr. Gore, was very quick to point out that fiscal restraint must be the order of the day if we are to be able to manage our affairs in a prudent fashion. Because of this I know that there will be some tough decisions but, Madam Speaker, I have every confidence in the people of this country that, once they are kept abreast of development, they will do their part to help us move forward together.

Although we have our share of problems, I am certainly not despondent. There is a wealth of talent, ability and experience that is out there in the private sector and, I also know that, they have the same concerns that each and every one of us in this Honourable House have. Their future, too, is on the line. So, I am suggesting that this Government harness all of those talents, experience and various abilities, and head them in the right direction in order to bring positive results. Along the way I beseech this Government that I proudly find myself being a part of, not to unconsciously isolate any of these talents which are available because of the nature of the beast of politics.

I subscribe to the fact that if the country is hurting, all of us are hurting; I am hurting; you are hurting; the two Members from Cayman Brac are hurting; and the National Team is hurting. No Government, including this one, should ever fool itself into believing that it can function in an orderly and productive fashion without tapping into the resources of the private sector. I know, because I have spoken to many of them and they simply await the call. I venture to say that now, more so than any other time in our history, we need to do this. In every area that poses problems at a national level the private sector can be of tremendous assistance. They are of tremendous assistance right now, but I still believe that we have only scratched the surface. If I seem repetitious on the subject it is simply because I firmly believe that if the private sector has full knowledge of the needs of the country, they will do more than is expected to play their part for what I term, a good government to prevail.

As I touch on other areas of the Throne Speech and the Budget Address, I intend to develop more and to prove the importance of the private sector in relation to sound and stable government policies. In the Governor's Throne Speech, he mentioned in the very early parts of his delivery a few short statements regarding the Royal Cayman Islands Police. He said that public concern has been understandably raised by the high incidence of burglaries during the past year. He also said that the police continually review their methods of dealing with these, and other problems, but they must rely heavily on the cooperation of the general public in taking simple measures to safeguard their property.

There was one Member who went into a fair amount of detail concerning his thoughts about the Royal Cayman Islands Police Force and a brief overview of his thoughts are that

there should be an independent review of the Royal Cayman Islands Police Force. I have to support this. My main reason for supporting this is the continued lack of confidence that I sense and hear within the public sector with regards to the police. As the Member said, there are many officers who have continually worked long and hard hours and who still do so, and will always do so as long as they are in the Force. But I am sure that within the Force itself there are members who are uncomfortable being in the Force because of actions that they see within the Force. Whenever there is discord in the workplace, there tends to be lack of production.

In order to arrive at the point where we will know who is who, I subscribe to that independent review. The phrase "independent review" is used, simply because it is difficult to expect the right results if examinations are being done too close to home. I would not like to see anyone too closely affiliated with the Force given the task of performing this review because they would be at a disadvantage.

So, if the Elected Government of the day, combined with the Official Arm of the Government, see it fit then, so be it. I subscribe to that because I feel that regardless of how many attempts are made to regain this confidence and no matter how many "800 numbers" we put out, we will not get any results. The word has already spread, and I hear it, not on a daily basis, but often enough for it to stick, "You cannot tell anyone anything because you do not know who is listening". Madam Speaker, I am here today to say that all of us see and hear that happening on television and radio and other media. I am sure that none of us here today would have thought that we would ever be in that position. But sad to say, here we are! If it is allowed to continue unchecked, not only will there not be any positive results with regards to our crime situation but I have a strange belief that gradually there will be an exodus from the Force because of what I have been speaking about for the past few minutes.

The chief problem in any community cursed with crime is not the punishment of the criminals, but preventing the young from being trained in crime. In the Estimates, as was mentioned before, there is money to build cells to house 65 more prison inmates. I guess we could say that we are beginning to plan because we anticipate to have 65 more inmates not too long from now. I believe that this is a case of the tail wagging the dog. Remedial measures which we intend to put into place with regard to the drug and criminal elements cannot be better served by construction of more space to house these individuals than it would be to initiating programmes which will prevent this disease, as I call it, from spreading.

Before I go into the situation with drugs, because it ties in with a lot of other areas, including education, that I would just like to spend a few minutes on the Prison to give my thoughts as to what I see is not being done that should be done. There have been several half-hearted attempts (maybe the term half-hearted is a bit harsh, but the attempts that I am talking about are nowhere near the scope that they should be) made to give the inmates some kind of education during their tenure. I can but only feel sorry for the individuals who are making these valiant attempts, because I, after speaking with several of them, realise and accept their frustrations.

What our courts cost us to run on a daily basis, because of repeat offenders (I do not have figures) if not now, not too long from now will transcend the $55 per day it costs to keep a prisoner. The point that I am making is that to the best of my knowledge, as a general rule a person that is sent to prison basically makes up his mind to make the best of it at Northward; take advantage of what counselling is offered; serve his time; then go back to the same old routine and hope that he does not get caught again, and if he does, it is no big thing. It is time that rehabilitation for individuals who are incarcerated be conducted in a much more meaningful way. I know that times are tough and it is not easy for the country to off-load monies to the various programmes that we all see a need for. This is part of a complete social programme that I see must be developed if we are going to have any long term results.

We cannot put our people who have been in prison through the motions of sending them back out simply to open our arms and wait for them to come back. That is what we are doing. I am not saying that we are doing it intentionally, but I am saying that that is the end result. There is nothing in place for them so that when their time is completed they can be absorbed back into society as a normal human being. If we cannot do that, they may as well stay there forever. We may as well build 65 new cells to put them in, because putting them back out on the street with no improvement in their thought process is not only an injustice to them, but an injustice to society.

Besides this in-house training, which I feel needs to take place, I also firmly believe that the system of hard labour is not an out-dated one. I am not suggesting being harsh to an individual, or mistreating any individual, but my understanding of doing time with hard labour is that it is a deterrent, in more ways than one, to the actions that brought them into that situation. I do not want to go through a lot of tales regarding the system we have in place now to show how easy it is. That is not the point I wish to make. I simply wish to say that on a national level, there are many, many chores left unattended which could well be taken up as projects by the Prison. I know that a little bit is being accomplished now, but I also know that there are many things that could be done which those individuals in Northward would take pride in doing simply to see things in a better state of affairs nationally. There are many areas left unattended because funds do not allow certain things to be completed.

I strongly suggest that those responsible take a look at it because I think it can be done without creating any negative impact. In fact, since the Laws of the land dictate that capital punishment is out through the window, the least we can do is to go back, with certain individuals doing time, to hard labour.

THE SPEAKER: Would the Honourable Member take a break at this time?

MR. D. KURT TIBBETTS: Yes, Madam.

PROCEEDINGS SUSPENDED AT 3:40 P.M.

PROCEEDINGS RESUMED AT 3:59 P.M.

THE SPEAKER: Please be seated.
The Fourth Elected Member for George Town, continuing.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. Before we took the break I was rounding off the point regarding the Prison and how time is served in the Prison. I would just like to ensure that my zeal did not cause me to stray too far from the point. Just to make it clear, Madam Speaker, I am not suggesting that the individuals who are placed in our Prison be put to do any task simply with a view to it being punishment. I am simply suggesting that they do things within the community which will allow them to gain some self-esteem and allow them to see positive end-results, while at the same time letting them realise that their time could be a lot better spent if they were not there.

The final point with regards to the inmates of our Prison is that, I think, while training should go on, it should also be capped with some type of relationship between the service and the private sector in order to have these individuals placed in jobs when they are released. I have had conversations with several of those individuals who have been released and the problem, besides not having any money, has always been they cannot get a job. It is obvious that if those individuals cannot be integrated back into society when their debt is paid, that they will simply go on to do the wrongs that they did before. If they cannot get a job they might as well be in prison where they are fed freely. That may sound like a joke, but it was meant very seriously. And, again, I trust that the powers that be will take note of this.

On the subject of Immigration, there are two startling facts which are glaring at this entire country today, and I am very doubtful that we have all the answers in place. Either one, or both, may have been repeated before, but the basis of my delivery will surround these two facts. The first one is that the working population in the Cayman Islands is approximately 16,000 and out of these 16,000 individuals who work within the Cayman Islands, in excess of 10,000 of these people are on work permits. This is a sad state of affair for this country. The other very important projection is that, depending upon the way that immigration into the Cayman Islands proceeds, it is very possible that by the year 1995, which is only a few moons away, that indigenous population of the Caymanian population will be outnumbered by foreign nationals. Even at this point, if attention is paid and the right things are done, it is almost physically impossible for this not to happen by the year 2000 which is, again, just a few moons away.

I just want to bring a point across, because in matters such as these, people can and do get the wrong impression. Let me hasten to say that I know that there are many individuals who have lived and worked in this country for many years who are not indigenous Caymanians. Those individuals have helped make the Cayman Islands the success story that it has been. I, personally, have the greatest respect for these individuals and I have no desire to see them anywhere else or treated in any other fashion other than the fashion which they deserve which is, to my mind, as a part of us.

But, Madam Speaker, the sad facts are, that at the end of the day we are still going to be outnumbered. It is my belief that the entire Cayman Islands have become, what I loosely term "work permitised", which is to say that if there is need for a task or a job to be performed, our first thought as employers in whatever field is, "we need a work permit." This did not happen overnight. I do not think that it happened intentionally or by our own volition. I believe that the growth of the country, the pace of it and the fact that we, over the last 10 or 15 years, have not had the indigenous population to fill the employment gap, now that it has come to the point where it is hurting, it is going to require a new way of thinking to cure the problem. Let me also say that I am not one of those individuals who will simply say that if there is need for employment it must be a Caymanian. The truth of the matter is, that there are many Caymanians who are unemployed today because they are unemployable.

So, the point in hand is not a very easy one to solve. But it is my view that while policies must be geared so that if there is a vacancy in the private or public sector and there is a Caymanian who can perform the task of whatever position is vacant, that individual must have the first opportunity to get that job. But it also identifies to us the problem that we face with a system that has failed miserably by not producing individuals that are in a position to be accepted into the work force because of their inability. It is not sufficient for myself, or anyone else, to say, "the individual is a Caymanian, if he or she applies for the job he or she must have the job", that individual must be able to do the job. This is where our problem lies. So we are faced twofold. We are creating a social problem because there is an inherent animosity on the part of some indigenous Caymanians toward the foreign nationals who are working here because those individuals cannot get a job. There are instances when foreign nationals are hired when Caymanians can do the job. But there are also instances when the truth is that the Caymanian who applies for the job is not capable of doing the job and that is what we need to fix.

The immigration situation is one where, I believe, at this point in time, we have to bite the bullet and accept what has gone on because it most certainly cannot be undone. But we must prepare ourselves so that the pitiful situation is not allowed to continue or proliferate itself. I personally believe that the individuals who have been here for many years; who have been accepted by us; who have worked side-by-side with us; who have whatever they may have all here (and there are several of those individuals, Madam Speaker); that we need to devise a method whereby they can feel safe in their adopted homeland. But in that same vein, we need to lock shop now. If we do not, we are not going to be able to solve the problems that are presently popping up out of the wood-work, much less the ones to come. This all has to do with training and retraining and I will go on to that as I get into another topic. I will relate the two together as I go on.

Just briefly, I wish to touch on the subheading, In the Throne Speech of "District Administration". As the Second Elected Member for Cayman Brac and Little Cayman mentioned, it would be nice if there was a way to encourage a small cruise ship or two per week to Cayman Brac and/or Little Cayman, as that would revitalise their economy. For the next statement that I have to make I will probably face the fury of many in here, but nevertheless, I will have to face it. I accept that each of us representing the various districts will naturally find it important for things to be done in that specific district. It has been mentioned before that the infrastructure in Cayman Brac is at a higher level than it is in Grand Cayman; that is the quality of the roads, and the like. That may well be true, but I have to come to the defence of the Brackers. We must appreciate and understand that they are an industrious set of individuals, they are quite prepared to do whatever they have to do to survive. To complement that, if we examine today our failures in Grand Cayman with regards to infrastructural development, there are many of us who wish that certain things would have been done a long time ago and we would certainly be facing a task that is less up-hill than it is today.

It is my feeling that the Cayman Islands will be better off if we continue to allow for the development of infrastructure in Cayman Brac and, to a lesser extent, Little Cayman, simply because in years to come as those places develop (and they will, in a different fashion from Grand Cayman) we will not have those problems to face. But what we must remember is that, regardless of it being in Cayman Brac or Little Cayman, it is still going to come to this Honourable House to solve the problems that will ensue. So, with that thought in mind I have to say that, while we have to equate the little pittance that is available to spread at this time, Cayman Brac should not be put in a hole because they are 'okay'. I simply state that from the point of view of planning for the future which, in many respects, we have failed to do in Grand Cayman.

In the Budget Address, by the Honourable Financial Secretary, he stated that the Civil Service will be reduced by 7.5 per cent. He says, and I will quote:

> "As part of the measures currently underway to contain cost the Governor, in consultation with Executive Council, has established a committee to effect certain retrenchments throughout the entire Civil Service where such cutbacks will not impair the effectiveness of the Service. The overall goal will be to attempt to reduce the size of the Civil Service by 7.5 per cent and thus the cost.".

In the Governor's Throne Speech under the subheading "Personnel Training Management and Computer Services", there is one paragraph were he stated, and I quote: "There is a heavy programme of activity for the training units scheduled for 1993 with in-house training courses and direct advice and assistance for departments and Civil Servants.". I do not swim in waters that are too deep for me, so I am not prepared to go into a long delivery of whether or not the Civil Service should be reduced by 7.5 per cent. What I will say is that I have to trust the judgment of the powers that be, given the circumstances which surround us. What I will say, and I do not think I am swimming too deeply here, is that if the Civil Service is to be reduced, and it is mooted that the majority of the reductions will take place with contracted officers and temporary staff, if that is to be the case, then I think that the best thing that could occur would be to ensure that Caymanians within the Service are allowed every opportunity to be trained to take up posts higher than they now occupy. That is to say, that if this reduction is going to take place over a period of time, this is probably the best opportunity that we will ever have to put our Caymanian Civil Servants in posts which they can fill, or train them to fill these posts, so that we do not have to depend, down the line, on a foreign labour force for the Civil Service to function at a certain level.

It is time for me to say that, while I will talk about training in other areas, I think it is full time to state my case when it comes to Caymanians being placed in as many positions as possible after receiving training, or with on-the-job training, whatever. It is obvious to me that the more Caymanians earn the more Caymanians will spend. That money will be spent in the Cayman Islands. I am sure that the Honourable Financial Secretary will concur that this multiplier effect can only do well for our economy.

It suits our country to have our people in as many highly paid positions as possible in the Civil Service or otherwise. The self-esteem and the responsibility which go hand-in-hand can only serve to make this society a more productive one with less of the pain and heartaches of drugs and all of the other social ills. So may I beseech the individuals in charge of our Civil Service to take this opportunity to ensure that our Caymanians are placed as best as possible. I know that there are many who have the potential but who may not be qualified right now. We must put programmes in place, identify these individuals and let them know the plans that we have for them so that they can fall in line and fill these positions on a timely basis.

MOMENT OF INTERRUPTION - 4.30 PM
STANDING ORDER 10(2)

THE SPEAKER: Honourable Member, I assume you will not complete your speech this afternoon, it is now 4:30 P.M.

MR. D. KURT TIBBETTS: No, Madam Speaker, I do not think so.

THE SPEAKER: I will ask for the Motion of adjournment from the Honourable Leader of Government Business.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the Adjournment of this Honourable

House until 10 o'clock Wednesday morning.

THE SPEAKER: The question is that this Honourable House do now adjourn until 10 o'clock Wednesday morning. Those in favour please say Aye, those against No.

AYES.

THE SPEAKER: The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 17TH MARCH, 1993.

WEDNESDAY
17th MARCH 1993
10:00 A.M.

THE SPEAKER: I will ask the Honourable Elected Member for Agriculture, Communication and Works to say Prayers.

PRAYERS

HON. JOHN B. McLEAN: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed in the Legislative Assembly. Questions to Honourable Members, No. 27. The First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 27

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 27: How many persons with Caymanian connections have applied to the Cayman Islands Government for repatriation within the last two years?

HON. J. LEMUEL HURLSTON: Since 1970 there have been no repatriations to the Cayman Islands from Cuba, however, a number of persons have since been granted permission to enter and reside here. During the past two years, seven persons have been granted visas to reside here: 1991 - seven applications approved; 1993 - nil. The Government is presently reviewing the matter.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker. I wonder if the Honourable Member can say if the Government has received any complaints from Caymanian family members of people living in Cuba with Caymanian connections complaining of difficulties to obtain visas to visit the Cayman Islands?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker. The Government has had representations from time to time from families who are a bit disappointed in the length of time that it takes to process applications both for visitors visas as well as visas for residency.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

I wonder if the Honourable Member is in a position to make a statement as to how this time could be shorted and the business of applying and receiving visas expedited?

HON. J. LEMUEL HURLSTON: The policy in regard to this matter is currently under review. The Government will make a statement once that review has been completed.

THE SPEAKER: If there is no further supplementary. The next question is No. 28 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 28

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 28: What prosecutions have been initiated by the United Kingdom Constables since their posting to the Royal Cayman Islands Police?

HON. J. LEMUEL HURLSTON: Constables from the United Kingdom have been employed in the Royal Cayman Islands Police since April 1990. No records are kept of the number of prosecutions initiated by them or any other Officer, but the output of the United Kingdom Officers in all aspects of police duty is satisfactory.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could say, what criterion is used or what empirical evidence exist to lead to the conclusion that the output of the Officer is satisfactory?

HON. J. LEMUEL HURLSTON: That information Madam Speaker, is by virtue of their assessment conducted by their supervising officers.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could say, if that is the basis used for the extension of the tour of duty of these officers and also, if he is in a position to say, how many of these officers have had their tour of duty extended?

HON. J. LEMUEL HURLSTON: Madam Speaker, performance is one of the criteria that would have been taken into account in considering extension of contracts. The actual number of contracts that have been extended is a matter that I would have to do some research on. I could supply that answer to the Honourable Member in writing.

THE SPEAKER: If there is no further supplementary. The next question is No. 29, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 29

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 29: If he will make a statement concerning Government's proposal for the establishment of a system of national identification?

HON. J. LEMUEL HURLSTON: Government is not, at present, considering any proposal at this time for the establishment of a system of national identification. The Government will review the matter of a system of national identification in due course.

SUPPLEMENTARIES:

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you Madam Speaker. I wonder if the Member could define a little more clearly, his phrase, due course with regards to a time frame?

HON. J. LEMUEL HURLSTON: No, Madam Speaker. I am very sorry I am unable to do that.

THE SPEAKER: If there is no more supplementary the next question is No. 30, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 30

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE

ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

NO. 30: How much money has been lost on the Turks and Caicos route by Cayman Airways Limited for the first two months of 1993?

HON. TRUMAN M. BODDEN: No money has been lost by Cayman Airways Limited on these routes during January and February, 1993. However, Cayman Airways Limited's level of profit has been reduced during these months by the operation of American Airways. As long as the airline covers its "out-of-pocket" expenses on this route and makes a contribution to Cayman Airways Limited's fixed committed costs, it is in the airline's best interest to continue these operations.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, it is indeed good news to hear that Cayman Airways has not lost any money on this route. Has this always been the case or is it just those two months in particular, even in the face of competition from American Airways?

HON. TRUMAN M. BODDEN: Madam Speaker, I understand that we have done considerably better on that route in the past.

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Would the Honourable Member say, if there has been any reduction of flights on the Turks and Caicos route, or have they been increased?

HON. TRUMAN M. BODDEN: Madam Speaker, we now have five flights per week and I believe that we have reduced that down from seven per week. I am not certain of that but, I think it was seven.

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

MR. GILBERT A. McLEAN: Would the Honourable Member say, if he has taken any cognisant of the fact that Cayman Airways as a National Carrier could be working against its own self-interest been the airline to offer services into Turks and Caicos and that the tourist going there might be persons who would have come to the Cayman Islands had not those flights been offered?

HON. TRUMAN M. BODDEN: Madam Speaker, the Department of Tourism in the Cayman Islands does not promote Turks and Caicos at all, and the Member's guess is as good as mine. Otherwise, as to the answer on that question, I would think it does not affect us very much.

THE SPEAKER: The next question is No. 31, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 31

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

NO. 31: Which financial institution instructed the Government to remove the previous Managing Director as a prerequisite to lending Government money to be advanced to Cayman Airways Limited?

HON. TRUMAN M. BODDEN: No financial institution instructed the Government to remove the previous Managing Director of Cayman Airways Limited. Government was advised by the institutions, with which it was negotiating at the time, that they required a proper restructuring of Cayman Airways Limited to reduce losses and restore faith in the Airline's management.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Is it not correct that in an official statement made by the Honourable Member at the time the previous Managing Director of Cayman Airways was dismissed, that one of the requirements of the financial institution was that he should take such and action in regards to the Managing Director?

HON. TRUMAN M. BODDEN: Madam Speaker, I would have to ask the Member to specifically

refer me to that. I am not certain and I do not have any of the releases here with me.

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

MR. GILBERT A. McLEAN: Madam Speaker, I am speaking of his official statement and if he is not familiar with it I do not believe that I can refresh his memory on it. I was asking him if he could speak to statements made by himself in this particular respect? Madam Speaker, as a supplementary I would like to ask the Member if any of the financial institutions have now express relief or more attraction towards the loaning to Cayman Airways Limited the sum of money required in that the former Managing Director is gone and I suppose that would have formed a part of the restructuring?

HON. TRUMAN M. BODDEN: Madam Speaker, the banks basically wanted us to put Cayman Airways Limited back on a proper management and financial basis as possible. The steps that the Board and I have taken had been such that we have reduced losses, we restructured management and therefore, we are moving on a path which makes the banks more comfortable with the position now than they were when the company was losing $12,000,000 per annum and taking no proper steps to reduce it.

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

MR. GILBERT A. McLEAN: Would the Honourable Member say, if the financial institutions have expressed any concern about lending money to Cayman Airways Limited, or to Government, in the face of the contractual commitments that Cayman Airways Limited has which in effect could put it back where the loan is suppose to take it from?

HON. TRUMAN M. BODDEN: I am not certain if I understood fully what the Member is asking in the latter part of his question. But, what I must say is, the debt that Cayman Airways Limited has existed before this Government came in. The guarantees given by Government, which are very substantial amounts, have to be paid by the Government regardless of what happens to Cayman Airways. This is something where that money has to be repaid, because it has already been used not just last year, some of it was used many years before. I think he might be referring to the GPA jets coming back. Even if they come back, and in the next year or two there has to be a liquidation of Cayman Airways Limited, the money that was spent (I would say some of it wasted) prior to this Government coming-in has to be paid. So, whether the airline continues or shut down, that money has to be paid. Government, not Cayman Airways Limited is borrowing the money. That was what the resolution in July (I think) stated.

THE SPEAKER: The next question is No. 32, standing in the name of the Second Elected Member for Cayman Brac & Little Cayman.

QUESTION NO. 32

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

NO. 32: What, in summary, is the plan of action for the financial salvaging of the national airline, Cayman Airways Limited?

HON. TRUMAN M. BODDEN: Cayman Airways Limited has become a high-cost Airline in many key areas. The first estimates for Cayman Airways Limited for 1993 produced a loss of $12.8 million before subsidy. The plan is to reduce the Airline's costs in aircraft leasing, payroll, overhead and significant loss-making routes. This approach is well in hand. The Airline will also address its revenue side and will attempt to increase its average yield.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say, if there has been any negotiations going on with the view of reducing the lease cost on aircraft and indeed if, payroll deductions have made any reduction in payroll, and, what areas of overhead, such as perhaps the office in the West Shore Centre on the West Bay Road, what efforts have been specifically made in these areas.

HON. TRUMAN M. BODDEN: Madam Speaker, when the Government came in there were five jets. We have reduced that number now and the fourth jet will be going back in May. So we have reduced those cost and two jets will shortly be gone. We have had talks with ILFC in relation to the third jet, and as I mentioned in the question yesterday, I have good hopes that an agreement could be reached to reduce the very expensive jet, the 737-400, from $312,000 per months, which is nearly the cost of almost all of the other jet-leases put together.

So, I think that we have significantly reduced the cost of the leases. The reduction in relation to staff, that has so far been done, should net us approximately $600,000 per annum. As you know with the staff cuts we try to be as fair and equitable on it and we naturally can and try to

preserve as much Caymanian jobs as possible. All of the staff cuts so far has been non-Caymanians. The principle of being fair and equitable as far as possible apply to them as well.

The West Shore ticket office has not yet been looked at in any depth. Because, we have had so many crises and so many areas of large amounts of losses that it is something that is now been looked at, beginning with the smaller areas. But, I should point out that we had a spare engine for the 737-400 which cost about $3.3 million that has been returned as well. Reserves that was in the accounts, close to $4 million in total had been released, so we have reduced that debt by another $4 million.

As more jets go and we are getting nearer now to the two jet stage, there will have to be other cuts and I believe the Member would probably agree that within the three months the Board has endeavoured to move as fast as they can to reduce the $12,000,000 deficit that we have had annually. His policy and ours does not disagree in this area and we have to reduce that down to what is manageable.

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

MR. GILBERT A. McLEAN: Madam Speaker, I am sure that the House and myself thank the Honourable Member for the information regarding the details, which until now, the House and the public is aware of. I would like to ask, if the lease for the 737-400 from ILFC is one of those peculiar contract that cannot be broken for well over so many years?

HON. TRUMAN M. BODDEN: Yes, Madam Speaker.

It is for 12 years and there is no termination clause. The premises in Miami is leased for 12 years and you can give termination after 10 years. The Managing Director's contract, no termination clause. This has been the Board's difficulty because you have to negotiate in order to get out of the legal binding obligations. When you have nothing to negotiate with, it is nearly an impossible task and it is much greater than the Member asking the question expected, and I expected. Because on the airline policies, we are on all fours in most respects on what has to be done.

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

MR. GILBERT A. McLEAN: Thank you Madam Speaker.

Could the Honourable Member confirm that if we have to keep the ILFC 737-400 jet and take back the two from Guiness Peat Aviation in effect those three planes alone would be committing Cayman Airways Limited to approximately $1 million a month of lease?

HON. TRUMAN M. BODDEN: Madam Speaker, the Honourable Member is quite right. I think he has stated in his debate the answer to that. And that is, that Cayman Airways cannot survive with three 737-400s. So I have a duty, with the help of this House, to get out of those 737-400 contracts through negotiations.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you Madam Speaker.

Given his profession, I am sure the Member will be able to answer this question. With regards to the leases of premises in Miami, if Cayman Airways Limited did not exist after a period of time and those leases were still in place, is it not in such a way that the Government of the Cayman Islands will be responsible for fulfilling the terms of those leases?

HON. TRUMAN M. BODDEN: Madam Speaker, what I say here is purely from memory and I would ask that it does not be naturally binding on me. As I remember the leases are joint-leases between Cayman Airways Limited and the Department of Tourism. I am not certain, and I stress this - I am not certain that the liability is joint and several so that either party could be responsible for the full amount. I am not certain, and I will look it up and give the Member an answer as quickly as possible.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you Madam Speaker.

Bearing in mind what the Member just replied, I want to make sure I understand, "It is joint and several" meaning that if Cayman Airways does not exist and the Department of Tourism still exist would in that case, at the end of the day fall in the last lap of the Cayman Islands?

HON. TRUMAN M. BODDEN: Madam Speaker, subject to getting a legal opinion on the matter I believe that is probably the case where Government is stuck with it, and unfortunately is stuck with a lot of Cayman Airways debts.

THE SPEAKER: That concludes Question Time for this morning.

The next item, Statements by Members of the Government. The Honourable the Second Official Member.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

COMMISSION OF ENQUIRY - NEW GEORGE TOWN HOSPITAL

HON. RICHARD H. COLES: Thank you Madam Speaker.

Under Standing Order 30, I would like to make a statement to the House regarding the Commission of Enquiry recently initiated into the proposed new George Town Hospital.

On the 18th February, 1993 His Excellency the Governor appointed a Commission of Enquiry whose terms of reference were, to inquiry into the events, including the conduct of any person leading up to and the circumstances surrounding the tendering award and execution of the contract for the construction of the Dr. Hortor Memorial Hospital at George Town, Grand Cayman and to consider whether those circumstances has revealed any breach of standard Government practices, standard Board practices or policies of the Board of the Health Services Authority, or breach of the public trust, or breach of relevant laws and regulations, or into any matter relating thereto, and to make such recommendations as the Commission may see fit.

The Commission of Enquiry has already began work and I wish to draw the House's attention to Standing Order 22 (1) (f) (4) which states that, "a question shall not be asked which deal with matters referred to a Commissioner of Enquiry.". Honourable Members have mentioned in debates that this matter is sub judice and cannot be debated. I would like to reiterate that point for the benefit of the House.

Thank you Madam Speaker.

THE SPEAKER: The next item, continuation of the debate on the Throne Speech and the Second Reading debate on the Appropriation Bill, 1993. The Fourth Elected Member for George Town continuing.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND THE SECOND READING DEBATE ON THE APPROPRIATION BILL, 1993 (BUDGET ADDRESS)

MR. D. KURT TIBBETTS: Thank you Madam Speaker.

When the House was suspended on Monday, I was dealing with the training of Civil Servants and I would like now to move on in my contribution to the sub-head of Portfolio of Finance and Development in the Governor's Throne Speech.

I am pleased to note that one of the main area of focus for 1993 will be the development and implementation of an expanded budget monitoring system. Suffice it to say, that from time to time in the past and without pointing any fingers, there have been what I should call eyewitness accounts of blatant overspending, not only overspending but spending in the wrong direction. I trust and I am also confident that the Honourable Financial Secretary and his well experienced and able crew will follow this up and ensure continuity in this regard.

With regard to the financial performance in 1992. I will quote from the Honourable Financial Secretary's Budget Address from a section under 'Financial Performance - 1992'.

> "Revenue:
>
> 1.2 Underlying revenue performance in 1992 are the mixed results of the new revenue measures implemented during that year. Madam Speaker, you will recall that last year the Government put in place new revenue enhancement measures designed to raise approximately $10.4 million in additional revenues from increases in company registration fees, duty on diesel fuel, alcohol, cigarettes and tobacco, and planning permit fees.".

And, we come to the main point Madam Speaker,

> "We raised more revenue than we estimated from diesel fuel and cigarettes and tobacco, but fell below our target on company registration fees, alcohol and planning permit fees.".

Now, it is my firm belief that in this day and age, in a very competitive market both regionally and internationally that innovation must be the order of the day. It is in my humble opinion, that there is no sense for us to be using the same old time methods and flogging the same old horses to raise revenue. I grant, and I am very grateful for the year 1993 there have been no increases. I will go further to state that I believe that both Government and the private sector should carefully examine the fees that are charged with regard to company registration. I mentioned the competition that exists both regionally and internationally, for the benefit of those Members that might not know. There are other islands in the Caribbean whose company registration fees both regarding the private sector and the Government fees are in the region of a third of what is being charged in the Cayman Islands. There are other territories worldwide who are dealing with this matter in a similar fashion.

Many years ago when the ex-Financial Secretary, Mr. Vassell Johnson and others started to move afoot with regard to our tax haven status and the islands reaping the benefit of

this, we learned from other territories what they were doing wrong and how we could creep-up behind and past them. At this point in time the same thing is happening to us that happened to those territories then.

We need to make careful note. We no longer are regarded as the only place to go. There are other places who are offering as much and as good a quality of services. In order for us to remain competitive, I will stress again, that the private sector and Government need to have a serious look at the fees.

The analogy is simple, and there is no sense in raising your prices if you are only going to provide goods and services with a quantity of half of what you could sell if your prices were a bit lower because your net result must be less.

I would humbly ask that those involved in both sectors, not just for the sake of this country, but for their own survival to have a serious look at this matter.

With regard to the more sensitive subject of alcoholic beverages. The statistics show that revenue fell short of what was anticipated with regards to the duties. Now, whether or not we wish to entertain long talks regarding alcoholic beverages, the fact of the matter is, that it is a very important part of our tourism product. I am not wishing to give it that status, but it is simply the facts.

From the results of the revenue measures, we face a very similar situation to what I just mention with respect to the company fees. Because as the cost go up and has been passed on to the consumers with its multiplier effect between Government duties and the wholesaler, down to the retailers, down to the consumers, less has been consumed, and it is obvious by the statistics. I will draw attention to a simple example. I may not be 100 per cent correct with my facts but it will prove the point. I know of no other territory in the Caribbean where a tourist will go into one of the recognised, tourist related premises and has to pay five or six dollars for a beer. It is again, not the nicest thing to talk about, but the facts are the facts. I am simple saying, that Government needs to have a serious look at this matter in order to improve what we might term the 'quality of the tourism produce'. The private sectors who are also involved in the sale of these items should think of the Chinese man, with respect to quick sale and small profit.

Under the sub-heading of the Insurance Department of the Throne Speech, there is one area I would like to touch on. I am not totally familiar with it but I would like to make a statement with a view of hearing down the line as to what is happening. The Governor said, that "for 1993 the Insurance Department will concentrate on the satisfactory implementation of the Health Care Insurance Law.". I have noticed in the Estimates of Revenue and Expenditures that no funds were allocated for the Health Services Authority, and I understand that there is reasonable judgement to disband it.

I am not here to question that judgement this morning. Because we have a new Government and I fully expect for them to do what is best for this country given the circumstances surrounding it. I simply want to say that at this point in time, based on a lot of happenings in the recent past, that it is vitally important that this country involve itself at a nationally level with some type of Health Care Insurance, not only from a point of view of the burden to the Government coffers but it is one of the few items in daily life where no one really questions their collective responsibility in this area.

I am not here to tell them what the fees should be or anything in that respect. I am simply saying that it needs to be looked at and something needs to be implemented expeditiously.

With regards to the Marine Survey Department, again, I will simply state that the record show that, so far, this department has not enjoyed financial success. I do not pretend to know all the ins and outs of the workings of this department but I will say that if it is going to cost the country when revenue through that department is taken into consideration and deducted from the cost of running the department, close to a half a million dollars a year to operate the Marine Survey Department and if there are no benefits to be derived whether immediate or on the horizon, then it is all well and good to enjoy the status of having a Shipping Registry and a Marine Survey Department. But I can tell the Member on the Government side exactly where they can spend that money in a lot better fashion if there are no benefits to be derived that equate to some sort of profit.

With respect to the Registrar General's Department, again, I am please to hear in the Governor's Throne Speech that the Registry's main objective for 1993 is to improve efficiency in order to decrease the processing time for company registration to three days from the current turn around time of four to five days.

As I said before, I would urge the Government to look at this area to ensure that we do not go further with pricing ourselves out of that market.

With regards to the Treasury Department, I am not quite sure how the chain of command with regard to the responsibility of collections for certain Government fees is handled. I am not here to say that any one individual department is falling down on the job but I would like to make a couple of observations.

There is in the hospitality industry a six per cent Government Accommodation Tax and I would like to ask the Honourable Financial Secretary if he would seek to ensure, if he has not done so as yet, that the machinery is in place for proper collection of these fees. It is not a question of charging anyone with dishonesty. But when we were children, if we were going to the movies and the gentleman at the door was laxed and did not collect from us, we certainly did not want to say, "here Sir, here is your money", because we would want it to buy popcorn. So naturally, if he did not collect we did not pay. I simple used that to explain my point with regards to these collection of fees.

There is also a fee, if I am not mistaken, for boat-trailers. I suspect that there is revenue to be derived if the machinery is put in place and if these boats and their trailers are charged for on an annual basis with a view of having staggered fees depending on the size of these boats and

trailers.

There is an old Jamaican saying, and I trust that I will say it properly, "one, one cocoa full basket.". I think in this day and age we need to recognize and accept that that is the way we need to operate.

With regards to the Portfolio of Tourism, Environment and Planning. In the Budget Address by the Honourable Financial Secretary he stated that in 1992 the economy was improving to 1991 and there was an increase in the demand for labour in the private sector. However, tourism, wholesale, retail and Government sectors did not show a significant increase in the demand for new workers. This tells me that the industry really did not show much growth. Even if growth is experienced, sometimes efficiency is aimed for and increase in employment does not take place. So, if an increase in employment does not take place, I think if is fair to comment that there was no reasonable growth in that industry.

We have seen the advent of the Ten-Year Tourism Development Plan and I think everyone of us recognize that the manner in which it has been kicked off utilizing individuals within the industry and hearing their input, I am sure that there is much to gain if this plan is implemented in a timely fashion that it is anticipated.

There are a few areas that we need to address again in the hospitality industry and it is very similar to what I mentioned not too long ago in respect to company registration and the fees. As time goes by, and because of our usual nature not to look too far ahead, we have found ourselves in another competitive market almost to the point where we have out-priced ourselves and our product to the consumers, namely the tourist.

I am certain that there was no plans for it to have happened but, I am also certain that each and every one of the individuals involved in this industry are fully cognisant of the fact today that the cost of our tourism product is too high. When we unwittingly put ourselves in positions like these, it is always more difficulty to get out of it because there is no plan. It is not for us to sit and brow-beat ourselves for that is the state of affairs, it is for us to get out of it.

I know that it is a very tedious process and will probably be unfair to be asking premises to lower their rates because of labour cost and so forth. I want to say this, that if I was not aware of the serious implications to the employees within the hospitality industry with regards to the 15 per cent gratuity that supposedly is passed on to them, I would be the first one today to suggest that the 15 per cent go through the window. That would immediately decrease the cost of our product by 15 per cent. I cannot go as far as to say that because, I know that there are many individuals within the industry who would find it very difficult to survive without that 15 per cent gratuity because of the pay structure.

I am simply saying that there are means available. They need to get together, they need to talk about it because it goes back to the same Chinese man that I was talking about earlier. It makes no sense that their rates are high to enjoy a few months of the year with high occupancy when if the quality of the product is maintained and the rate are reasonable compared to every where else, the number of visitors here would certainly increase. They then would not have to have part-time employment within the industry because the demand would be there for full-time employment.

I do not have the answers to tell them how to do this, but I subscribe to the theory that if there are others who can do it, then we in the Cayman Islands can do it. It is therefore, in my opinion, virtually impossible for them and I know that they are aware of it and have been trying to address it, but it is vitally important for them to address it more seriously, so that within a very short period of time, another year or two, we can find ourselves competitive in that market and able to offer the product in a manner that will increase the volume of visitors to these islands.

Madam Speaker, as I just mentioned with regards to the demand for labour in the hospitality industry. It comes to mind that I need to mention that I too support a National Minimum Wage Law. If the Government can have their wages prorated in an orderly fashion - and I have seen it somewhere since I have been in this Honourable House, I believe it is in the Estimate of Revenue and Expenditure - then there is no reason why that cannot apply across the board. That, I subscribe, will not increase the cost of our goods and services but it will simply bring in line a disparity that has continue to widen within the labour force.

We live in the wonderful world of capitalism and I know that everyone prefers that way of living to any other. But what we must realise, is that right here in this country today the entrepreneur and the employees alike must come to grip with the value of our services.

As I mention this, it is going to lead me into several other areas and I hope that I do not get lost in trying to paint this picture. The disparity that I am speaking about, to use as an illustration, goes like this, if an individual is being paid properly for the task which he/she performs, it is only natural for the merchants and other providers of goods and services in the private sector to enjoy a more healthy turnover of their sales. If our people are earning a wage that allows them to live reasonably within their society, then it is obvious that groceries and other items will be bought more. So, the time that it takes for the employers to go on to make their immediate profits once they are in a position to do so, suits them in the long term to spread some of those profits within their work force who helps them to make those profits because that same work force is what keeps their business going. Madam Speaker, I trust that my point has been understood.

As we go on to the Portfolio of Health and Human Services, I am very well aware that the new Member has only been in office a few months. I am sure that part of his job description is still that he is on a fact finding mission in many areas. I would just like to say a few things with regard to his responsibilities hoping that as time goes by we will see some positive results.

Others, Madam Speaker, before have alluded to the mental health needs of the community. His Excellency the Governor has said this will be addressed and appropriate programmes developed. But the Member responsible for the Portfolio of Health and Human Services at this point in

time is also encompassing, under his Portfolio, the area of sports. I would like to say a few things with regards to the tie-in of all of the areas of his Portfolio.

During the campaign of 1992, I told the people of this country that I fully supported the erection and operation of a rehabilitation centre. I envisage a rehabilitation centre not to be limited to drug and alcohol abusers. There are many other areas on the periphery which could be handled under the same guises of this rehabilitation centre.

I think it is obvious to all of us in this country that the drug problem that we now have is certainly at a totally different level of proportion than even 5 years ago. Again, it just seems to me like it is our nature not to plan for the future. I remember distinctly about eight or nine years ago, there was a service club that was prepared to raise funds for whatever length of time it took in order to physically complete such a rehabilitation centre. Unfortunately, at the time it was Government's view that it was not a very important area and they were not prepared to deal with staffing and working the centre. As a result of that it went by the way side.

Today, we all know that we need it, but what we do not know is where the funds will be coming from to build it. Again, that is water under the bridge but we still need it.

The cost involved in effectively trying to treat these people who have this disease (and it is a disease), especially when they are to be sent overseas is prohibitive. Everyone can have their own theory of this, because I too have mine. On most occasions the individuals involved do not have the financial capability to take these treatments and the cost rests squarely on some of the service clubs who might be in a position at the time to help or otherwise it rests on the Government. I know that nothing is going to happen overnight regarding this problem, but I sincerely hope that the Member is moving realistically towards presenting a plan for some form of action in this area. The private sector and the public at large are doing many things to try to help the community with this problem. There are many organisations who are deeply involved and I wholeheartedly congratulate them for their efforts but there is much that can be done and this is one of the areas I spoke on Monday about, where Government needs to perform a marriage with the private sector and the public at large and they will reap the benefits. I sincerely hope that this is the thought of the Member, and I am confident that that will be the case.

With regards to Sports, during the election, I also campaigned about a National Stadium and I see in the Estimates for Revenue and Expenditure that at district levels there are plans to improve the facilities for sports. That is wonderful to hear.

I am of the belief that until recently, sports facilities and engaging in sports itself was looked on as a luxury. I speak from experience, there is so much good to be derived from proper sport programmes and proper sport facilities in any country. That is phenomenal and Cayman is no exception.

The spirit of competition is something that is made into us by God and if utilize properly more than anything else in this world, it can bring the best out of us. It involves discipline which we are all crying that our children no longer have, it involves the will to excel which when applied in the field of sports it naturally is passed on to their academic performance. It can be tied into any area during their school life in order to make them into more wholesome products of the society.

To this end, I have every confidence that the private sector is waiting with open arms to assist the Government of this country in such a venture. It is not something that we need for anyone of us to seek any glory. It is something that we will all derive satisfaction from when we see the positive results. There are many areas that it will enhance in the community if we were to have a facility that could accommodate international games. It may seem far-fetch because we see these games taking place in larger territories. We have done well for our size in many other areas and there is no reason why we cannot do well in this area. In the past we have chosen not to make this an important issue so we are behind the times. Let us make a start so we may see some results.

The Member for Education, Aviation and Culture also has to be involved in this area with regards to his plans. I am sure he fully recognizes that and I anticipate seeing both of those portfolios work hand-in-hand to see some positive results by working along with the private sector and putting our money to the best use possible.

In the Throne Speech His Excellency stated that, "Social Services will focus on services to juveniles. To achieve this, plans are in hand for comprehensive work on new juvenile legislation, provision of a remand facility for juveniles and improvement in treatment services both residential and non-residential.". While I have not gone into full details about what I was speaking of earlier, I firmly believe that a rehabilitation centre, if planed properly and even if it has to be in stages in order to end with the right results, that is fine and there are areas such as what I just mentioned that can be addressed under the same umbrella. There is family crisis, abuse within the family unit and all of these areas. If a comprehensive programme is deployed it can be dealt with sensibly. I know that is it a lot said than done but I cannot do it now so I have to say it. With regards to it being done, I am prepared during my tenure to assist in whatever way possible and let us shed the shackles of any partisan politics in areas such as this. I believe that for the country and all of us to survive there are several areas where we must unite in order to achieve positive results. And Madam Speaker, this is one of them.

Under the Housing Development Corporation, the Governor stated that,

> "The Housing Development Corporation will undertake a housing demand survey, with a view to accurately targeting the socio-economic groups that can best benefit from this service. The objectives will be to make the Corporation's loans more accessible to a wider segment of low-to-middle income Caymanians. The Corporation will also seek new sources

of capital with a view to reducing the costs of funds, and to improving the competitiveness of its lending rates."

I understand the limitations of the Housing Development Corporation and I am sure that, given those limitations, the Corporation is doing the best it can to fulfil its purpose.

Again, like a lot of other things we have not planned in this country and we now have hundreds of indigenous Caymanians who are not in a position to own their own homes and who will never be in a position to own their own homes, given the circumstances under which they prevail. I say today, that whether it be under the guise of the Housing Development Corporation or whether it be an incentive programme for the private sector, or a joint venture with the Government and the private sector, it matters not to me the make-up. But what I think is very feasible and possible in this day and age is simply by use of volume for one or more than one housing scheme to be developed in this country that is affordable to the Caymanians. I use the word volume because it is the single most common denominator which is more important than anything else to determine the price of a product.

It has been done successfully in many other countries before and there are people who used to say, "who wants to see 50 or 100 houses that looks much alike in one area?". Let me say this, I am sure that there are more than 50 or 100 Caymanians who, if given the opportunity, would take pride in owning one of those homes even if their next door neighbour's house had the same shape. They can always choose to have different colours and have different looking gardens. Esthetically you can make anything you want to make out of your own home. It is reasonable to expect that something like this is on the horizon.

As I stated before, it does not matter to me what form it takes to be implemented. It does not have to be a burden on the Government of this country but there must be some incentives in order that something such as this can become a reality. The ordinary Caymanian family can acquire a 3-bedroom house. There may be some who listen and laugh but I am confident it can be done. If enough volume is there that the ordinary Caymanian family can acquire such a home that is of a reasonable size, a reasonable parcel of property for no more than $70,000 and in that price range there are many people who would qualify if the mortgages are organized in such a way to cater to these needs, mortgages can be done in any form or fashion and there are individual entrepreneurs out there who do not have to get their money back today (because the banks only pay them two per cent right now anyhow), they would be quite satisfied, not only to build these houses but also to involve themselves in mortgages over long periods of time.

As we always know the problem our people is faced with is finding the down-payment. We are always able to make the payments because we pay the rent, but we are never able to put enough aside to come up with the down-payment. There are ways and means to handle this situation. I am sure that there are individuals who would deploy themselves into such ventures if Government gives the blessing.

So, I simply say that while what I have just painted to this Honourable House may not be the exact and correct form in which this should take place, I simply say it the way I know it to show that it can be done.

THE SPEAKER: Would the Member take a suspension at this time?

MR. D. KURT TIBBETTS: Yes, Madam Speaker, thank you.

THE SPEAKER: The proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:33 A.M.

PROCEEDINGS RESUMED AT 11:56 A.M.

THE SPEAKER: Please be seated.
The Fourth Elected Member for George Town continuing.

MR. D. KURT TIBBETTS: Thank you Madam Speaker.

When we took the break, I was dealing with the Housing Development Corporation. Right below that in the Throne Speech the next heading was the Water Authority.

I am very pleased with the progress of the Water Authority and I think we can envisage in years to come that this would have been very sensible planning on the part of the country. The only question that comes to mind as the Governor stated in his speech "The water supply to West Bay, which commenced in early 1992, should be completed by the Cayman Water Company in 1993. With his project completed, Cayman Water Company will have a piped water supply service along the whole of West Bay Road and the district of West Bay. The possibility of expanding supplies to East End and North Side will be examined later this year.".

The water rate island wide, including the district of West Bay, is consistent with the exception of the water rate on the West Bay Road. Now, I respectfully understand that when the Cayman Water Company incorporated this service on the West Bay Road their operating cost may have been higher. I also understand that it is not common business practices to lower rates, especially in an area that it is what we call an 'essential service'. But nevertheless, through this medium I will ask the powers that be if they would simply examine the situation with a view of putting the cost of all publicly supplied water, along with water supplied to the public by any private enterprise, at the same rate. I cannot accept that in this day and age, having gone on to

provide the service for the district of West Bay and being able to provide that service for the same rate that the Water Authority supplies to the rest of the island, that that service should not be the same rate on the West Bay Road.

It is certainly nothing personal with the Water Company, but as one of the four representatives for the district of George Town. I have been asked by some of the constituent why this is so. I do not know, but perhaps it is an oversight and I would like to believe that it is an oversight. If it is, then, I would like to see it corrected. If it cannot be corrected, then I think it would be simple courtesy to say why.

The very next page of His Excellency's Throne Speech discusses the Portfolio of Education and Culture, and Aviation. With regard to Cayman Airways, I am not in a position to entertain a very long monolog on the ins and outs of the problems. Suffice it to say that, having a fair understanding of the problems that Cayman Airways faces as of right now, Government will be making every possible effort to bring the airline back into a position of stability. During my tenure in this Honourable House I will not be party to a continuing charade of unlimited amounts of funds going down the drain when there are so many other vitally important areas that the Government of this country is not in a position to address at this time.

In saying that, I am simply watching what is happening and I will bat for Cayman Airways as best as I can in whatever area that I can, whenever possible and I am sure that everyone of us here feels the same way. But, if certain things do not happen within a reasonable period of time to show some light at the end of the tunnel, I too will be forced to say no to the continuity of the airline. The prohibitive cost that the country has incurred by the existence of Cayman Airways cannot, in my mind, justify no ending to its existence. So as a final word, I say, that I am confident that the Member responsible will do everything within his powers for good end results to come about but I would like him to know that if within a reasonable period of time and having continuous information fed from him (I am sure he will do this and I cannot see this going on forever) I sincerely hope that we will be able to see some positive results.

On the topic of Education I crave your indulgence Madam Speaker. A few areas from the Draft Five-Year Education Development Plan which started its implementations, if my memory serves me correctly, in 1991. The results of the rapid expansion of the Cayman Islands are as follows:-

"(1) a change in the balance in the structure of the population owing to the shortage of indigenous labour skills and of dependency of expatriate labour;

(2) there is an increase in the number of women in the work force resulting in a lower birth rate.

As summarised by the view of 1990,

...the inevitably socio-economic outcomes have been the transformation of the composition of the population and the work force as well as deep changes in the social and cultural characteristics of the indigenous population.

It is therefore apparent that the requirements of the economy are crucial for determining the objectives and the policy frame work within which the education system must operate. The review reports 'that to bring the supply of trained indigenous manpower more closely in line with the demand, the broader educational objectives to be pursued by all schools can be based upon the preparation of young Caymanians for the society that they will shape in the future'.

Consequently, to realise the potential of education as an instrument for nation building and development, especially in this era of an accelerated expanded Caymanian economy where the supply of trained indigenous manpower is relatively small, it is imperative that the following initiatives be taken;

(1) Simplify and consolidate the present school system to allow for 4 levels of education, a smooth and monitored transition between levels and the placing of students into appropriate vocational paths.

(2) Regulate pre-school/early childhood in terms of curriculum, teacher qualification and supervision.

(3) Create an environment where Caymanians will be better equipped to meet the current and future economic demands of the country.

(4) Develop a national curriculum (and this is very important) that will be more applicable to the needs of society, attractive to a wider range of interest, aptitude, and intellectual capabilities and which will improve articulation between levels of schooling as well as relationships among subject areas and the community at large.

(5) Improve the effectiveness of the teaching-learning process, cocurricular and out of school activities.

(6) Expand the mandate of the Community College to provide a firm framework of educational opportunity and training for all Caymanians over the age of 16.

(7) Strengthen the administrative and management capacity of the Department of Education and the school system.

(8) Institutionalise a comprehensive and obligatory human development programme for education personnel at all levels.

(9) Improve conditions of work for the teaching force in order to attract and retain Caymanians in particular.

(10) Encourage partnerships and Community participation in Education. And finally;

(11) Enhance Functional Literacy among youth and adults.".

As far as I am concerned, this statement was well put as I could have expected it from any review. It also says;

"The present system which responded well to the problems identified in the late 1970's is no longer appropriate to the very changed economic demographic social and educational situation of the early 90's.".

To my mind the statements which I have just read are very self-explanatory. I will try not to go on regarding the area of education. But it is important to me that while I believe that everyone agrees with this, and I might loosely term it 'a policy document', there may be differences of opinions with regards to the implementation of the Five-Year Education Development Plan, that whatever is being done and however it is being done, above and beyond everything else, we must ensure that the end results are the ones that are best, given what we have to work with, for our children.

There is some turmoil that has been started with regards to the Caribbean Examination Council (CXC). There is the thought that the CXC and the syllabus only cater to 40 per cent of the school children. In fact for all purposes and intentions I will accept that. What I believe is very crucial is that a national curriculum must be developed. Whatever examinations are in place at any point in time it is not going to cater entirely to the category of children attending school and taking these examinations.

In order to make the relationship between students leaving school and being able to enter into the work force with the right amount of ability to be absorbed properly, it is the curriculum that is going to bring them to this level. Not all of them are going to be in line for passes regardless of what exam they take.

Whether it is what we want or hear or say, it is very probable that the results of our examinations on an annual basis will still leave a large amount of the students not being able to go on to tertiary education. Those are the students which I believe will always comprise the majority. It is very important therefore, that the curriculum that is developed allows for these students to be able to be employed. This is where our problems lies today. They are not proficient enough when they leave the system to be able to be employed and at this fast pace that the country moves in presently, they are left out.

Those individuals are multiplying very fast, there were not that many of them a few years ago but every year adds several more to the already growing list of several hundred. Those are the individuals who will either make or break this country. They are the ones that we have to ensure that the amount that comes out of the system every year does not continue to accumulate and those who have already come out of the system and are left floundering are the ones that we now have to go back and grapple with. Those are the ones that we have to retrain.

Madam Speaker I am not going to get into all the technical aspects with regards to the Plan and implementing it nor the back and forth. I simply want to go through the exercise to ensure that we identify what we need to concentrate on most of all. Those individuals which I refer to, that certainly is not a selected group, but that group that is accumulating, that is where the majority of the social problems which is multiplying around us today emanates from. The devil finds work for idle hands. That is where a lot of the drug problems with which we are faced with stems from.

To my mind it does not matter the name that we are going to call it, but we must employ a system within the school age that we do not have this vast number of individuals leaving school and being called what I would term semi-literate and not be able to be absorbed into the work force. And it goes further than that. That is why we are having more problems with having to employ foreign nationals.

You can almost attach this problem to all other problems that we face today and I would hope that this is clearly understood and whatever it takes. Madam Speaker, when I say whatever it takes I mean whatever it takes from a dollar point of view for this country, it must be done. The roads are important, so on and so forth are important but there is nothing, nothing more important than the education of our children. If we do not address this in an appropriate fashion we are all going to be eternal losers.

It is not for us to say; 'well I do not have to worry because my child will get a good education and I am going to ensure that my child gets a good education'. That group of children is in the minority. Any system put in place must take care of the majority otherwise we are in a lot more trouble than we bargained for. I simply want to say, that that is the way it must be looked at and all the fancy frills

can be dealt with however they want to be dealt with but I think that education is the most important area to be looked at.

The only final thing that I would like to say with regards to the education system is, I have noticed, and I do not know where the rational has come from, that throughout the public system text books are provided for the students in the schools and the books are not allowed to be taken home. I understand that this method is used because if the text books were allowed to be taken home and had to be bought, there would have been many parents who could not afford to buy the books and the children would be without books if Government did not provide all the books and kept them in the schools. I understand that and I truly respect that but I cannot agree that there should not be an overlapping system which allows for the text books used in school to be purchased by parents who are of a will and who are able to do so. It is very difficult for me as a parent in a lot of cases to be helping my child with homework and I do not have a text book to refer to. And, while this may seem to be a simple matter, I have heard this frustration aired in many forums at Parent Teachers Association (PTA) meetings and from individuals. While I do not have the exact system in mind that I think should be put in place to relay to the Member responsible, I am simply saying that while everyone, in my belief, should have access to text books it should not be done in such a way that there is no access for those who would like to be able to take their text books home from school.

Madam Speaker, turning to the district of George Town I noticed that in the Estimates of Revenue and Expenditure there are a few capital projects and I quite understand Government's position given the financial constraint. And, while there are many areas that I would like to see addressed physically that is, with roads and such like, I can only wait it out during this initial period and see where we go from here. But I can assure the people of the district of George Town that myself and their other three representatives will be keeping a close tab on the physical requirements of the district and we will be bringing forth proposals as time goes by.

I would like to make special mention of the Post Office where the Governor has stated that "a 20-Year Postal Development Plan was completed by the British Postal Consultancy Service in 1992 and implementation of the Plan will begin in 1993 with emphasis being placed on personnel training, computerization of the Registered Postal Services and Philatelic Bureau.".

Madam Speaker, again I understand the problems that the Government faces with regards to not having necessary funds to do many other things, but I would like for the Member responsible to please bear in mind at least if not this year, for 1994 to have a very close look at the Post Office in George Town with a view to making some if not all of the many necessary improvements that are needed. There are certain physical attributes in the Post Office that need immediate attention and also, I find that the Post Office derives a certain amount of income annually by the sale of stamps. I think that there are many people who utilizes the service of the Post Office and less confusion and more efficiency should be looked at with respect to improving this service.

The one last area that I want to quickly address is the Public Works Department. I will say what I have to say under that umbrella but I want to make it clear that while I speak about the Public Works Department (because I am talking about certain physical parts such as roads), Caribbean Utilities Company also comes into play. In these days when crime has been on the increase as much as we wish not to have to say that, there has been a tremendous increase in burglary, especially over recent months and I personally know and other representatives of George Town have told me of individuals who have requested street lights in many areas where they are not placed. I physically have gone to several areas that have had request for these street lights and the needs are genuine. I gather that there is a system in place whereby Government has to pay for the erection of the street light and there is also a maintenance charge for these on an annual basis.

Again, I have not quite invented the right machinery in order to get these end results but I would like to point out to the Member the end results that I would like to see. I think that whatever method needs to be employed, whether it be addressing the franchise or management directly, that providing electricity in Grand Cayman in the fashion that it is being done now, namely operating under a system of monopoly, should at least allow for such a thing as street lights to be placed in the necessary areas and it should not have to be a huge burden on the Government.

If there are individuals who wish to pay for these street lights, I do not have the exact figures but I understand that it can be up to $600.00 in cost for the placing of it firstly, and there is also a monthly rental fee.

I know that the Member shares this concern and I will not say any more but I would respectfully ask him to look into this matter and bring us back some good news.

With regards to the debate on the Constitution, I simply await such a debate and I am confident that this will take place and at that point in time I will have my say.

Madam Speaker, while I know that I have been fairly lengthy, I just wanted to air my views to the public and to the Members responsible for the various areas that I have addressed and to simply say to them that I am here to be of any assistance at anytime that I can be. I have every confidence that they will diligently work towards bringing as many things on line as possible and I hope that as we meet from time to time in this Honourable House that we will be able to maintain the refreshing attitudes that I have seen here so far in order for us to do what we should do for our country.

In closing I would just like to repeat a short verse that a very tall gentleman Abraham Lincoln who was once the President of the United States said in one of his addresses. It reads: "With malice toward none, with charity for all, with firmness in the right as God gives us to see the right, let us strive on to finish the work we are in to bind up the nation's wounds.".

I thank you Madam Speaker.

THE SPEAKER: We have 10 minutes left to the usual time in which we take the luncheon adjournment. I do not know if anyone would like to utilize that ten minutes or we can take the adjournment now. I see Members looking as if they would agree with the suspension.

Proceedings will be suspended until 2 o'clock.

PROCEEDINGS SUSPENDED AT 12:37 P.M.

PROCEEDINGS RESUMED AT 2:03 P.M.

THE SPEAKER: Please be seated.

The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, it is a signal honour for me to rise and make my contribution on the state of affairs of our country as outlined by His Excellency Speech and the 1993 Budget proposals as presented by my colleague the Honourable Financial Secretary. It is more gratifying to me, since I have the privilege as a Member of Executive Council responsible for Health and Human Services, assisting in the formulation of the policies that have been put forward.

I wish to record my thanks to those departments including the staff of this Assembly which have rendered me assistance in the past year. I also wish to publicly thank my Principal Secretary and staff members in my Portfolio who have worked diligently to serve the people of this country since we took office on November 25th, 1992.

In the weeks following the General Election, this Government have had to deal with crisis after crisis including, but not limited to Cayman Airways, the new Hospital, the taxi situation, the Health Services Authority and the financial mess, all amounting to mismanagement left behind by the previous Government. Here I must put on record also, my appreciation for my colleagues on the Executive Council for the sterling job done under trying and difficult circumstances in putting together the Budget and dealing with the crisis areas as mentioned. This was no easy task. Anyone thinking otherwise have no real knowledge of the precarious situation this country was facing on November 18th, 1992.

This House has several new Members and I wish to say, I had hoped that we would have been able to offer more in terms of capital for works in their constituencies. But I am sure that the Members of this House quite well understand that the country is limited at this point and time in financial resources. I would like to guarantee them however, where there is a lack of funds today there will not be lack of programmes in which they all can participate in helping to bring about a better quality of life for our people. I am happy to be working with the group call the National Team and as I look across this House I see an abundance of expertise and goodwill in many areas and it makes it more easier to work with them because, as someone has already mentioned 'we are all friends'. There is no need to brow-beat anyone, we sit down around the table and we discuss a matter and put our best foot forward and this is the way we have been operating since we took over.

This country needs directions, and that is what we as a Government will give it, that is what we as an Executive Council will give it, along with those National Team members and other Members. We are here to do business for our people. The Cayman Islands today need workers dedicated and genuinely willing to put their shoulders to the wheel, to effect change in this country that is positive. Nit-picking and fault-finding without viable alternatives to a problem will get nowhere. Dirty opposition will be treated as such. The Fourth Elected Member from George Town said that, 'the people is sick and tired of a war of words in this House, where nothing gets done', and I agree with him. I know that it is quite easy for me to get into a war of words too, but for eight long years I have spoken on the backbench about every conceivable problem that existed and was facing this country. I spoke to no avail, nobody listened. As the result of a hard-hearted Government who paid no attention to the elected representatives of the people, this country was left in November of last year with an economy in a state of stagnation. Today we are shackled with a national debt which could seriously handicapped our development. We were burdened with extravagant white elephants, if they were not elephants Madam Speaker, they were something else, but they were big. Our social fabric is clasping and unemployment rises. There is an alarming escalation in the rate of crimes and our Police Force is called to question by the community.

There was a shocking indifference to viable policies for the positive development of our youth population which is suffering from many stresses, backwardness, ignorance and yes, under development loomed large in the future of many of our children because of an education policy which is in shambles, sometimes going and sometimes stopping. We found a confused and misguided Housing Policy which has barely done anything to touch the serious need for housing our people. We found an alarming infra-structural decline through lack of both improvement and routine management.

Let me say to the oppositions in this House, these are not problems created by the new Government, we have barely been here for three months. The fact of the matter is, that the previous Government failed to build on solid foundation laid by their forbearers. Today there is a lot of letter writing and unsigned names. When they had the opportunity they could have rectified or at least help to arrest the problems in this country. There is no other course now, but to attack our problems with the knowledge that there is a clear need to recover ground lost during the past years. What we propose from my Portfolio's point of view is no less than the assembly of an armada to conduct an all out assault with a view of gaining a beach-head in the next four years. The ultimate objective in the longer term being to reclaim possession of the territory for the future. The flag-ship of this armada is the good-ship, social and cultural development supported by the big guns of tourism, offshore finance and the many smaller guns of construction, real estate and so on.

Our flag-ship (if I can term it in this sense) will be decorated with

the banners of our most assiduous warriors who wage war against social decay and sickness of all kinds everyday, the banners of sports, of community development, of public education and of promotions of healthy life-styles. In this effort, every able-bodied men and women will be needed on board. And in this context that I will now speak every able-bodied men will be needed. They might not be the Captain, neither the owner or the navigator but what they can be is a good worker for a good cause. For too long we have left it to the wives and daughters to fight a great part of the fights of raising familes, running and supporting our social institutions, from the Churches to the PTAs (Parent Teachers Association) to the very football teams. I am therefore, making a clarion call to the men of this community, those who are not now pulling their weight, to be like men once again.

I am certainly tired of hearing of men not pulling their weight in the family. There is too much evidence of men in the community not doing their part and who should be assuming a greater share of social leadership. I wholeheartedly acknowledge all the good and hard work some of our men do everyday. Their application to their jobs, the accruement in running their business and their ongoing contributions to the economic well being of the country. We do however, have to ask ourselves, are we doing enough in our families as fathers? What about our churches, our schools, what about that football or netball team? Yes, we need all hands on deck to stop the slide into production of crack-heads, our girls who put their very lives at risk with teenage pregnancies, we have to accept again, a sense of shame, as sense of shame at the recent neglect in this country of our older family members. I am calling on all Caymanian men to walk tall, and I commend our women who have stuck with the fight in the areas mentioned. And this been all so, I am placing our young people on notice, that some of the slackness has to stop among the minority who are causing the problems. If they have a problem, let us try to deal with the problem, let us not try to establish a zone of comfort in life with chemicals or try to pretend that we have something in life by stealing or by raping young girls, who could have well been their sisters.

These are some of the ways in which we are currently mortgaging our future. I urge all Honourable Members in this House to lend their support to the equipping of the armada as we fight to reclaim that territory. Clearly what has been mentioned in the Throne Speech is not enough to do all this, we are doing other things to mobilize people as well. But, we have to be clear about one thing, and that is, that the that any government can only do so much to lead, to encourage and to facilitate. At the end of the day however, meaningful social change require the involvement of the people of the community - people power. The question I put to all our people, Caymanians and non-Caymanians who may reside here is this, are we satisfied with the direction in which we are headed? If not, what are we going to do about it?

I pray that God gives me the strength and the wisdom to deal with the many problems in this country today and I will fulfill my promise to my people for a better quality of life to all our families. This quality of life however, cannot be attained overnight it will certainly take some time. It is rather unfortunate that we have one Member in the House who have deemed himself the opposition and I had hoped we would have been able to debate the speeches without referring to what that Member has said. But, because of the nature of his attacks they must be dealt with. It is true that the Westminster form of government has a place for opposition, but every country is crying out today for peace and rationality to prevail.

What I have heard from the Swearing-In Ceremony until his speech ended the other day was neither reasonable, nor anything that genuinely sounded like he wished to work together. My hand of fellowship was extended a very long time ago but what must be understood is that they cannot be the leader. We have asked them now to be a worker to assist, not a complainer. It is sad Madam Speaker, because he has a problem as an opposition in the first four years that he was on the Backbench omitting some of 1991 and all of 1992. All the things that was talked about in his speech that we should do today as a Government were those things which was subjected to Motions put by myself and other Members of the Backbench at the time such as: A Rehabilitation Centre, the gratuity problem, financial assistance to the elderly and indigent and sports facilities. It is said that he is now also criticizing us in his new role as an opposition on those things which, when we were the Backbenchers together, he supported such as the stopping of the hospital and the madness of the Health Services Authority. But, that is politics and he has certainly said that he is an opposition.

Madam Speaker, the Member (out of ignorance or whatever, I do not know) has accused us of making the Chamber of Commerce a quasi-government. That is his and some others propaganda, the same kind that has pervaded in recent weeks in the newspapers in unsigned letters. Propaganda! This Executive Council has not proclaimed any such organization as quasi-government whatever that would entail. The Government has proceeded on a policy of discussion as open as any issue will allow and on one where we try to reach a consensus of opinions with the people we serve on matters that affect them. The Chamber of Commerce has long served a useful role in representing a wide cross section of people in these Islands. I do not always agree with them but, there are many issues on which we have commonality. Our role as a Government is to listen and discuss, and as a Government this is what we will continue to do.

There has been a lot of noise made about laying off people in the Civil Service. We went through the process with all our colleagues and let me say to the opposition Member this was not our doing. The Civil Service does not fall under Elected Members, the country knows that. When the plan was put to us we agreed and as I said, with all of our colleagues we agreed to what had been proposed. I find it hard to believe that anyone would come here and try to say otherwise.

The country is made to understand that no Caymanian would be made redundant where it could be helped. However, if a person is not productive and over the years has been told so, and has done nothing to shape-up, how can anyone expect that sort of situation to continue. We cannot let the nation suffer for a few people who will not shape-up. The very fact is, the Civil Service which I have proclaimed many times in this House and on the public platform to be a good one, is too large and something had to be done. Of course this has become a whipping horse by the so called opposition in this House and on the outset now calls for a proper review, whatever he means by that.

Over the years, as I recall this country have had several and varied reviews of Government personnel and Personnel Regulations. We had Mrs. Hall, Mr. Waller, Mr. Pudney and a United Nation specialist. In addition we have a full unit in the Government that on a daily basis studies and seek to implement numerous measures in the area of reducing staff and increasing the efficiency and effectiveness of the Government. After all of this the problem is still with us. Emoluments, $54 million I believe, if I am not mistaken. Therefore, the Government has taken the bull by the horns and set up a task force of our own people and have them qualified and why not recognized them and use them for that qualification. Why bring in someone else, an expensive consultant from somewhere? Have we not had enough of consultation and consultants? It is monies down the drain to tell us about a problem that we already knew existed, we have had enough.

This task force is dedicated solely to interviewing Heads of Departments and Managers of Statutory Boards and Corporations including the office of His Excellency the Governor, with a view in find appropriate solutions. This is a local problem and we will seek to find a local solution that is cognisant of our unique situation. Maybe the opposition need to hear this again, no more consultants. All we need to do is to look around the Caribbean and see who does or who has done the down-sizing. Nobody did it on their own, it has all been imposed by external bodies and by whom, the IMF (International Monetary Fund). Do we want a situation where because of our lack of prudent action, is left to the Mother Country to assist us and putting in place a suitable restructuring programme? They need to understand, as I have said before, the precarious situation this country was left with on 18th of November.

These Cayman Islands have reached a crossroad, we are faced with at least two painful options depending on which road we decide to take. Some pain can be accepted and dealt with today or we could delay treatment now and end up with more painful decisions in the future. As a Government we cannot do anymore, if they can do any better let us see. We very much appreciate the genuine concerns expressed by our Backbench, and no doubt it is important that we consider the effect of our people. We too are concerned and is committed to assisting Caymanians to find alternative employment if this becomes necessary. But in the face of a serious situation we would be please to have an alternative situation from the Opposition. We have heard about a study to find a solution but no alternative plans were offered. Does he have one?.

There was the usual chatter about the Constitution. This Member must understand that the issue of the Constitution has been debated in this House. It was very much debated in the election manifesto of candidates, it was debated in the Chamber of Commerce's forums in the districts and it was debated on Radio Cayman forums. The National Team's manifesto is very clear about what we support and we have said we do not support the Chief Minister system. In spite of mischief makers saying otherwise. We have said very clearly we intend to bring those changes we support in the manifesto and debated in the campaign to the Honourable House for ratification by those of us who are not against what we stand for.

He will have his chance to debate again, those changes will not include the Chief Minister system and as the minority in this House and I believe the minority on the issue, he should accept it. Perhaps Madam Speaker, they might invite the United Nation to interfere since they were mentioned the other day in regard to the Constitution. Any United Nation coming here I will tell him in the House today, what I will tell them, we need assistance from them in fighting drug, we need assistance in our housing policy if they can get us funds, we need assistance from UNESCO and UNDP but we do not need any assistance from anybody else. They can go or they can talk to those people that want to be set on a course of independence but not this Member.

The majority of the country has agreed with the National Team and those who are in opposition to us should accept this and stop wasting time on the constitutional matter. It is very clear what the people wanted. We have already spent too much time debating the issue of a Constitution. I do not intend to give it much more of my time, the people have spoken and very loudly and McKeeva Bush is satisfied with what the people have said.

Progress is being made with the review of the need for the development of the George Town Hospital site. An initial report outlining immediate needs have been submitted to the Health Services Authority Board by the relevant committees, which includes representatives of the Medical and Dental Society as well as private sector Medical Practitioners and any immediate needs which can be met this year will be dealt with as such otherwise, they will have to feature in the more comprehensive and longer term plan for facilities improvement. This plan is projected to be available for The 1994 Budget consideration. It is acknowledge that in the interest of producing a functional plan as well as accepting the existence of certain problems in the present George Town Hospital, some buildings may have to be demolished.

The purpose of functionally planned additions or renovations is to add ease and comfort for both patients and health care workers. As was mentioned from the Throne Speech a decision has been taken to have the public sector Health Services revert from an authority to departmental status. The staffs have supported the view that this will effect certain obvious savings by avoiding duplication of services with central Government. As part of this reorganization the Hospital here in Grand Cayman and Cayman Brac are expected to be run on a day-to-day basis by Management Boards involving senior staff of the institutions and some private sector representation.

The Health Services in Cayman Brac would be considered an integral part of the system, the hospital there only having a separate board for ease in management with possibly one or two members in common with the Grand Cayman Board. The opposition has criticized this announcement. Again, I have not heard or seen any alternative plan laid as usual in the Westminster form that an opposition do.

It may be all good and well as Oppositions to get up and say that the hospital should not be brought back into central Government. I wonder however, how the Member came to these conclusions. Did he speak to a wide cross section of the staff at the Health Services Authority and understand the staff relation difficulties that have arisen since the creation of the Health Services Authority?. Did he

consider the increase in staff since the creation of the Health Services Authority? Has he personally experienced an increase in the level of service provided by the hospital since the creation of the Health Service Authority?. If he had he should have said so.

It is also expected that certain management systems and processes can be simplified leaving more time and energy to devote to issues more directly affecting the quality of care offered to patients. Staff input are being sought on these matters. In fact, I am happy to note that even within existing constraints the Health Services Managers have began to respond to observations regarding the non-user-friendly, Out-Patient Registration and billing procedures. This has been simplified somewhat in recent weeks to reduce the amount of trips per patient to and from the front office counters.

On a very positive note, the health promotion side of Public Health activities will receive a boost from this Government. It has been observed that most of our health problems are in the so called life-style categories. In other words, with the necessary attention to our life-styles we could have a significant impact in the long run on both the well being of the community and the cost of health care.

Therefore, we propose to conduct more public education campaigns in this area. Radio Cayman and other news media will be utilized for campaigns of public education so that the populace of this country can better understand the ills and the better part of those things that affect our health daily. This campaign includes seeking out productive links such as the link that ought to exist between Health Services and Sports to encourage more attention to physical fitness. We intend to solicit the assistance of PAHO (Pan American Health Organization) and World Health Organizations and agencies such as UNESCO (United Nation Education, Scientific, & Cultural Organization), UNDP (United Nation Development Programme) and United Nations Arms. We have said, 'no more consultants', I am not too proud to beg but I will be begging.

The review of the Health Insurance Law and Regulations have already began. Insurers have been asked for their input and some useful discussions have already taken place, raising significant new possibilities which just cannot be elaborated on at this time. These will be pursued further at a very early date. In the meantime, I have requested the Chairman of the Health Insurance Commission to put things on hold as much as this is legally permissible. I have also made it very clear to insurers that the 15th of July deadline for having the programme in place will be extended if necessary to allow us to deal with the matter properly.

There has to be a better way than compelling people 65 and over to pay $179 per month in Health Insurance premiums. We intend to find that way. I see where the Opposition have made some noise about this saying, 'we are wrecking the scheme'. It is blatantly untrue to say or to insinuate that we are handing the scheme over to the Chamber of Commerce. A ludicrous statement spoken by an Opposition uninformed.

My belief is that there will not be very much claims paid if any, before premiums would be hiked. My personal view is that the Law is not realistic, the man who brought it was not realistic and those purporting it or pushing it now are not realistic. We are having a more in-depth look at it. It is quite easy to say, 'we will sell this package' but when problems arise they can easily say, we cannot pay because of this reason or that. It is easy to put anything on paper but making it work is a more difficult matter. You know what, just wait and see if we can force anybody, the man on the street particularly, to pay a premium. There has to be some education on it first.

Today in this financial state of affairs things are not easy, and some people do not have the money to put up for large premiums and any law that I pass or bring to this House is going to be properly worked out with those people that must provide the insurance. People in this country are very hard hit financially and I say that the whole matter was not conducted properly, from what I understand the premium rates were already in the Law when it was drafted and even before the consulting Actuary was engaged to prove their fairness to both public and insurees.

When it comes to the premiums for $179 per month for our older folks, if the Second Elected Member for Cayman Brac wants this to be put in place he and the previous Member will have to take over Government at a later stage. But, as long as I am the Member responsible, no senior citizen and/or no old person in this country is going to be forced to pay that kind of premium whether the opposition hollars or whether the previous Member on the outside writes an unsigned letter.

I do not know whether this premium was really and truthfully actuarially sound but I can tell one and all, it is not socially acceptable and I am not going to be pressured by anyone to enforce that kind of draconian measure in this country on a group of old people that barely can live on $50 a month much less to pay Health Care Insurance for $179. I am no actuary but I have a social conscience and I am the Member responsible for Health and Human affairs. They should get their information from the right source rather than little bits and pieces from people who might oppose us. Call up the Portfolio and ask, what is it you are doing. I have called the Member on a couple of occasions on different matters. He is not being left out in the cold on some matters, there are some things that he should not know, we know that! And I believe that where there is a will there is a way and God is going to help me find a good way of providing some acceptable and effective way of dealing with Health Care cost in this country. But as for those measures, I will come to the House if necessary and amend the legislation so as not to prosecute anyone because that is not my style. I am not going to put through the law in the way it is and that is the end of it.

The Environmental Health section covers a wide range of functions including food hygiene, sanitation, solid waste management, housing and environmental safety. It is arguable as being one of the most important aspects of Government's work. Our public are beginning I believe to understand what environmental health is about and recognises its importance and demands a high standard of service and protection. A sanitary survey of all premises is to be conducted during 1993. Uniformed staff will visit all properties to gather sanitary information which will be used to develop policies and programmes to improve the

standards of Environmental Health. In a effort to provide a wider range of services in 1993 the Environmental Health section will dedicate one day per week to the collection of road side litter, collection of recyclables and the clean up of illegal dump sites. In addition to providing the normal collection of household garbage on alternative week days. This change will provide an expanded range of service to the public and will save the country some money.

I do not believe that cutting back from the collection of household garbage one day per week, leaving it for two days is going to amount to any problem in this country. I do not believe that any household collects that amount of garbage that cannot be held over in a clean atmosphere until the environmental section collects it. I do not think that that is going to be too much of a problem. The Grand Cayman Solid Waste Plan is still under consideration by Government and a decision will be made on the setting up of the Grand Cayman Solid Waste Plan Management processing facilities in the near future. Some elements of the Solid Waste Management Plan is been given consideration to, as to the feasibility of privatizing with Government regulating the system.

The Cayman Brac Landfill project has been approved by the Brac Development Board and construction is expected to commence sometime in the very near future, I believe it is sometime in May of this year. Government recognizes the importance of providing a safe reliable system of solid waste collection and disposal. And as such will continue to give this matter high priority in national planning. However, we do not believe that constructing huge landfills and dumping all of our waste into it is the most prudent and scientific approach to this problem. We support an integrated system of solid waste management which emphasizes reducing the amount of waste that is generated, recycling as much as possible what we do generate and disposing of the remainder in line cells built to international specifications.

We have modified our operations at the existing landfill to prevent the incidents of fires by scavengers and reduce the need for the immediate expansion. This change will have the multiple benefits of allowing more time for public involvement and it will save Government something in the region of $1.5 million over the next two years.

This year much attention will be given to improving the aesthetics and facilities at our local cemeteries. Caymanians, traditionally, have a long heritage of honouring and paying needed attention to our loved ones who have passed on. Everyone in this country should consider it a labour of love to remove weeds from the graves of their family members. It is hoped that Government will make some provisions for community cemeteries where families can acquire plots. This has always been a tradition in Cayman and it is one that we wish to preserve. I believe that there is a plan by a private sector group to construct a private cemetery where lots can be sold and perhaps even a small chapel for services. I am awaiting the plans but I am very much in support of it. I believe that this is a good initiative that the country needs.

There is a need to reduce the amount of garbage that is been generated by each individual in these Islands. Some study have shown that approximately four pounds of garbage is produced by each person each day. On Grand Cayman this represents 100 tons per day or 33,500 tons of garbage per year. This amount of garbage would cover an entire football field four feet high. Since our Island is small and the land mass is not growing, at this rate we would be faced with the dilemma of not having sufficient space to safely dispose of our garbage.

A high level of sanitation and clean environment are some of the key ingredients that make these Cayman Islands a desirable place to vacation and a healthy place to live. The importance of this sector of our work cannot be over emphasized. From day to day garbage men come to our homes, to our businesses and we sometimes do not even bat an eye as the old people say, but they provide an important job in this country and some even that Caymanians do not want to perform. But it has to be done and I am very appreciative of the sterling job done by that department.

Approximately 1,600 people are involved in the preparation or sale of food in Grand Cayman. Many of these people have little or no formal training in this very high risk area. Having recognized the need to address this problem, this year the Environment Health section will implement a Food Handler Certification programme possibly in association with the Community College. This programme will be aimed at persons directly involved in the preparation of food that is offered for sale and would comprise of a five hour introduction to the basic principles of food safety and hygiene. I must also tell the House that increased attention will also be given to preventing the proliferation of itinerant food vendors and illegal jerk chicken vendors. There is a lot of complaints and genuinely so about this activity taking place.

Environmental Health is not a newly invoked concept that will certainly peek and disappear. It has developed from the days of the sanitary inspector of the 1960s to one of the scientific environmental monitoring in the 1900s. The department has two basic roles; (a) a regulatory one to prevent and monitor the unacceptable happening and (b) an educational role to promote the acceptable. It has been recognize that the legal frame work may not be adequate to support many of the responsibilities of this unit but this problem is also been currently addressed with the revision of the 1961 Public Health Act.

As announced the Solid Waste Management section of Environmental Health will shortly become part of the new department of the environment. The public health function of Environmental Health such as restaurants and Port inspection will stay with Public Health Department as part of the Health and Human Services Portfolio.

In this day and age, they say the world is becoming more and more conscious of those actions of mankind which affect our environment in a negative manner, and I am happy that in this country more emphasis is being placed on our environment. I want all and sundry to note that as a Government we are not going to tolerate for the sake of friendship, politics or anything else, any situation which could damage our beautiful Cayman Islands. Some reports have reached me recently regarding the discharge of raw sewerage into canals by live-aboard boats docked in residential areas. I have had reports of boats dumping sewerage in the sandbar area when that national beauty was packed with people. I am mindful of the fact that in the

canals and residential areas I sometimes see children playing, and this discharge of sewerage, apart from unsafe environmental impact that we are concern about, we intend to respond to any potential health risk associated with this practice.

All concerned should take note that this will stop. I am issuing a warning to all owners, fine a more safe way of disposing sewerage or else suffer the consequences of prosecution. I will not harbour the threats of disease of any kind which may arise because of this indifference to others around us.

THE SPEAKER: Honourable Member would you wish to take a suspension at this time?

HON. W. McKEEVA BUSH: Thank you very much.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:15 P.M.

PROCEEDINGS RESUMED AT 3:36 P.M.

THE SPEAKER: Please be seated.
The Honourable Member for Health and Human Services continuing.

HON. W. McKEEVA BUSH: I would like now to turn and report on the Water Authority. Last year the first and second Phases of the three Phase Pease Bay Water Supply Project was started. During the year the first phase was completed and the second phase was completed as far east as Northward Prison.

On the sewerage side, remedial work to the concrete manholes and pumping stations which was started in 1991 was completed and later in the year the investigatory work into the condition of the sewer lines was also completed. The arbitration case which the Water Authority brought against Camp, Dresser and McGee, the United States consultants who advised on the West Bay Beach Sewerage Project concluded in December with an award expected to be announced shortly.

This year, Madam Speaker, will see the commencement and conclusion of the third and final phase of the Pease Bay Water Supply Project. During the year thoughts will be given to expanding the existing reverse osmosis water production capability, if it is not possible to reach some reasonable agreement with Central Desal on the terms of a new licence that is presently been renegotiated after its earlier termination. Madam Speaker, it is our policy to provide potable piped water to East End and North Side and this will be reviewed during this year and a course of actions determined. There is a group of people in the private sector who are making some overtures in offering water to a section of North Side and the Portfolio, with the Water Authority, is having a look at this proposal.

The water supply to West Bay which commenced early last year should be completed by the Cayman Water Company later this year. With this project completed Cayman Water Company will have a piped water supply service to the West Bay Road and the district of West Bay. The rehabilitation of a number of sewer lines within the water authorities, West Bay Beach Sewerage Project will be completed in the first quarter of this year. At this time it is anticipated that the salinity of the sewerage effluent leaving the treatment works will have reduced to the point where it can be used for irrigation purposes. Work on the reuse of effluent will commence in earnest during 1993.

The Authority's research work will continue in aspects of sewerage treatment with the Operational Scientist continuing with a Doctorate Research Programme. The Graduate Research Assistant having completed his field work last year and is expecting to defend his thesis this year. This year the staff of the Water Authority will be strengthened hopefully with employment of a Hydrator Geologist who will be working on the management of the ground water resources concentrating on the allocation of ground water for agricultural development, the effects of agriculture practices and the quality of ground water. The Authority over the years has been very active with its social programmes and it will continue to support such programmes in the development of Cayman's youths in both sports and work programmes. But it will also give its usual consideration to the elderly in Cayman who rely on the Pines Retirement Home for comfort and peace.

I would like now to turn to the subject of housing. Housing is a subject which has long been a problem to all Governments of this country. As a Government we believe that all Caymanians should have a fair opportunity for adequate and affordable housing, so that our standard of living can be enhanced. I believe that the guidelines of the Housing Development Corporation do not lend itself adequately to housing our people. I have ordered that these be revamped and where necessary new ones put in place and these new guidelines, as I expect, will soon be put on my desk.

The great need in this country is for long-term money to be made available and I am currently seeking means of such funding for a policy of first homes, home improvement as well as property acquisitions. Of course, these funds will be only available to certain income categories. However, I would like to have been able to come to the House and say that I have identified certain amount of funds for housing but that is not possible at this present time. I can only at this time revamped the guidelines so that the few dollars that we do have will be more easily made available to our people. I am well aware of the needs and I will do all I can to put forward a proper housing policy, one that has funds.

I turn now to the subject of Sports. I am well aware that in these

Islands as in so many other parts of the western world, sports is considered an elective leisure time pursuit whose organization, control and financing remains, for the most part, in the hands of voluntary bodies drawn from the ranks of its converts. Perhaps its place as an institution in the sociological sense and along with religion and education, the law and the economic system has not been completely accepted with the result that it tends to bring up the rare when priorities are established. The National Team as a Government that cares, seeks to rectify this situation because we see sports as a catalyst for and controller of positive physical, physiological and sociological behavior. Our policy is to emphasize the significance of sports to all persons and to implement such a policy.

It is with some disappointment that I present this aspect of our programmes because Government's current financial position does not allow us to do all that we know we should to cater to this vital area of development. As I have said elsewhere, our youths are our most valuable, natural resource and we must not allow them to become wasteful or destructive. For by so doing we shall be weakening our society. I am painfully aware that many people unfortunately regard sports as just play and consequently do not realize its significance. Suffice it to say that we grow old not only because of age but primarily because we ignore the benefits of this play and the ultimate results being poor health and a decline in productivity. A decline in productivity also, obviously affects economy. So money spent on sports facilities for our youth must be regarded as an investment for the future. I would like Honourable Members to consider this: If we do not do everything within our powers to curb the present trend of deliquency, we shall be creating an unsafe environment in which all of us have to live. With our dependence on tourism to maintain our economy we certainly cannot afford that.

Permit me to provide some statistics to illustrate the current position regarding facilities in this country. The total number of playing fields in Grand Cayman including Cayman Brac is 11. Nine of this 11 are school fields. In 1989 statistics showed that there are 10,639 people under the age of 25 and 12,233 between the ages of 20 and 45, the most productive age. This means that for our most valuable age group, those under 25, the ratio is one field to 969 people in usage. Our most productive group, 20 to 45 for whom recreational facilities must be provided in order to keep them at the minimum level of fitness to ensure their greatest productivity, the ratio is one field to 11,013 persons.

Football being the largest sports in this country, which incidentally has so far received over $150,000 worth in equipment and technical assistant by being a member of FIFA (Football International Federation Association), can only use four of these fields. Two of which are undersized and none of them satisfies international requirements. As a new Government we propose to correct the situation so that our National Team can perform at home. In so doing, greater revenue can be attracted to the country. Many more people will visit these shores if we improve our sports facilities and we can use sports to enhance tourism. That is why I have coined the phrase 'tourism sports'. It is therefore proposed, during this year, to work on two new play fields, one in Bodden Town and the other in East End, at a total cost of $883,000.

With regard to the Bodden Town play fields, I have visited there with the elected Members for that district and I have looked at the facilities there. In regards to the sport facilities the school fields are in dire need of upgrading to a decent standard to accommodate the major games and some of the sporting needs of the district. We have taken a decision, after examining the property earmarked for the new field, that it is not sufficient to have a proper size play field with extended facilities. It is our intention with the agreement of the elected Members from Bodden Town to purchase some adjoining properties and some of the funds earmarked for this year's use shall be used to start this process and the balance of the funds earmarked will be used to upgrade the school fields in Bodden Town and Savannah. I believe that this is a more viable route to take and the Members for Bodden Town are also satisfied.

We also propose to continue work on the Ed Bush Playing Field by constructing a stand with permanent seats, some of which will be covered to accommodate approximately 12,000 people. Changing room facility for players will also be added and this is an ongoing development. I see in a letter today the previous member responsible for Sports had suggested that we take that and use it for the school. While I am all for education, because I think it is one of the most important thing for our children, that would not touch the mess that he left. Three Hundred and Forty Thousand Dollars is but a drop in the bucket to what is needed for the educational mess in this country through the mismanagement of a do-not-care person, like the previous member that wrote the article.

We also came in for some criticism from the Second Elected Member from Cayman Brac who said that we were building toilets. It is not just toilets that we are building, the toilets were built by the previous administration that he is friendly with. Toilets were built in West Bay for $90,000, can you believe that Madam Speaker? Two or three toilets for $90,000, no Madam Speaker! We are not taking $340,000 to build toilets in West Bay. That money earmarked will stand in place in the absence of a National Stadium. This will upgrade the West Bay playing field to FIFA standards where international games can be played until 1995 when we build a National Stadium for this country. He criticized the $340,000 going to West Bay for toilets he said but he never said anything about the $75,000 that is going for a seawall in Cayman Brac, nor the $250,000 that is been used to build a Hurricane Shelter in Little Cayman. All good and well, things that are needed and things that we support. But how can he as an opposition Member say that he is being fair. When we build the seawall, which will probably cost $150,000 (I think that this is the balance of it), but yet refuses to complete a project that is needed. We have to be fair to all concerned and West Bay has suffered long enough. But this is not a pet-project for West Bay this is a facility that is needed, one that FIFA has demanded that these Islands should get.

Madam Speaker, District Sports Councils will be established by law to ensure wide public participation in this vital area of national development. Also, you find as you go through the country many people working with our youth and they spend and spend until it hurts. We are hoping to give them some kind of incentive in the form of out-of-pocket subsistence which will be provided to assist in some areas of coaching. As I have said there are many people in the society who spend a lot of time and money assisting our young people. The least that we can do is to try to reimburse some of their out-of-pocket expenses.

At this juncture I would like to publicly acknowledge the work done by the many volunteers, sporting and social organizations in this country and to thank them for the work that they have done. I do not know where this country would have been socially without clubs like the Lions Club and the Rotary Club, now we have the Business and Professional Women's Club. These are good organizations and I intend to do all I can to assist them in any way possible. There are private person as I have said, individual people, who have spent many hours for which they sometimes lose a day or even a month's pay in order to service our young people by going on trips with them, seeing that they are taken care of and getting them organized. Services such as these which I doubt we could pay for, but I think we can offer some kind of subsistences to them. Naturally, we cannot offer it to all of them but we can look at the ones who have some organized plans for a start.

We propose a grant for national sporting organization for this year well over, I believe, $200,000 and we shall be seeking the public and private assistance in running an after-school sports programme and also in other recreational pursuit. Beginning this year, we will revive the football summer camps, the main emphasis been the provision of wholesome activities during the summer when children are out of school and are pruned to get involved in undesirable activities. In addition to this camp there will also be other camps cosponsored by the Government.

The play field in North Side is too small to facilitate most major sports. It is our intention, because of the visit there with the Lady Member, to extend this field so that the residents of that district can have football matches played in the district of North Side. There are other needs in regards to sport facilities. The Member has put these needs forward and we are presently examining them. The proposed field in East End will go ahead as planned and other sporting needs will be assessed in consultation with the elected Member and other concerned persons.

There are only one play field on Cayman Brac which belongs to the Cayman Brac High School and while this is currently been used, it is too small. It is incorrectly positioned and cannot accommodate international standards in most sports. It is the intention of the Government to examine the feasibility of establishing a facility on Cayman Brac that can serve to satisfy international standards for major sports as well as the other sporting needs of the people on the Brac. We hope to sit down with the Elected Members so that they can have their input. A sports development plan for the Brac has been submitted and is currently been studied, a development plan which takes into consideration facilities, personnel and equipment.

We offer support to all sporting organization. Since taking over this Portfolio I have attended many functions. There are a lot of things been done by small sports clubs and a lot of people are willing to put their best efforts on the youths. We have martial arts, athletics of all kind in all areas. Many good and positive activities for the young people to get involved in. We just have to give them encouragement and sometime you have to drag them out for their own good, but if this is what it takes, this is what we are going to have to do.

On the 27th of March there will be a professional boxing event at the Lions Centre. This is good development and I would like to extend my appreciation for the work that has been done in this regards by the Fourth Elected Member from my district. No one needs to question where his heart lies and he knows that he has in me a Member that is willing to listen and is going to assist in the development of his sports. I hope to soon assist the boxing club with facilities, by putting them together in a joint effort with another sports club to share a building facility.

A committee under the chairmanship of Mr. Jeff Webb has been formed with its main function of examining the feasibility of constructing a National Stadium of some kind by 1995. As a result I will call a national conference on sports and this is contemplated for May 1993 at which time the Draft Law for the National Sports Foundation will be discussed along with the draft Sports Plan, to ensure the widest possible public participation. Private sector involvement of course, is expected on these projects.

This Government will take the necessary steps to ensure that athletic talent is recognized and developed fully. We will also endeavour to provide equal sporting opportunity for every one. There are many needs such as for coaches and other personnel as well. Right now we are constrained by financial pressure but we have a plan. I would like to say that 'where there is a will there is a way' and I am going to find a way before my tenure on this front bench ends.

We owe it to the future development of this country to ensure a safe environment. Sports and sporting facilities will help us to achieve this objective. We have the responsibilities for our parks and playground. There is a serious absence of playground for our children. They need a place so that they do not have to ride their bicycles on the roads, or play ball on the road, a place where they can play in safety. The aim of this Government is to have these facilities in every district. We need a national park for George Town which is the capital, as we all will remember, we had the Princess Royal Park where this Legislative Assembly now sits, but I have located a property in George Town, it is adjoining the property next to the new Ugland Building. Until I was shown that property by Mr. Jimmy Powell, I did not know we had a place so beautiful in Grand Cayman. It is a beautiful property which might be expensive but I have earmarked $25,000 in this year's budget for that project. That will probably be just a drop in the bucket but it is a start and I hope the Members will put their shoulders (I know that they will put their shoulders) to the wheel and get the community involved with a national park project for our capital George Town.

As I have said, we have identified the property and I trust that we can acquire it. Other properties are been identified in other constituencies and we will do the best we can. I promised my good friend the Doctor, the Second Elected Member for George Town, to let him have the morning and I hope I can complete my remarks on Social Services by the suspension. As you might well recall, Social Services is something that I have talked about over and over in this House, having moved Motions and was cursed. Thank God, if I should say so myself, I am in charge of policies now and we are going to do things.

The department of Social Services with its commitments to

provide individuals and families with high quality professional services will continue to offer a wide variety of social work and social services in this country. Such services include, but not limited to, individual and family counselling, child abuse investigations, financial assistance and a range of other services for youths. A number of new developments have already started or are in the planning stages with a particular emphasis on dramatically improving the services which are offered to our young people.

These developments include the Juvenile Law. A comprehensive review of all recommendations made over the past three years, in particular by the Justices of the Peace, the Social Services Department and others in respect of juveniles has been carried out to prepare a draft document. This new piece of juvenile legislation will have as its conceptual frame work, the position that children have rights and parents have obligations. This legislation will seek to help our community realize the importance as parents been in charge of the home and of defining a precise place for children in that environment. It is hoped to bring this new legislation before the House in September of this year, God's willing.

We have many problems which stems from many situations, but I believe that it is time that parents in this country take up the responsibilities of been parents again. As I have said when I began 'that fathers in this country take up the responsibility of been father again', it is no longer that we are prepared, certainly not me Madam Speaker, to see young, old or middle aged men bring children into this world and leave them the fend for themselves with their mothers or grandparents. If you are man enough to father a child then you should be man enough to take up that responsibility of been the father and if we have to put it into the law to see that this is been done, I hope I have the support of this House, even if I have to lose my seat because of it. It is nigh time that the many problems which we face in this community or this country because of fathers not caring about what their children do after that child has come into this world, they then can push me out, but I am going to see that something is done by law and then I will push to see that the Courts carry it out.

Approved school orders, as we all know approved school orders which are presently made by the Juvenile Court must be honoured now so as to allow treatment for our youths as quickly as possible. However, efforts are on the way to develop a local resorts to which most, if not all, of our youths will be able to be sent to in the future. We know that many persons in this country and I, were against sending our children who needed the assistance of a correctional centre overseas. As it stands that was in place. Some orders have been made and I cannot do very much in this instance but, I promise this House that very early we are going to bring a plan which I hope will be supported, whereby we can deal with our own problems, rather than having to send children to some other foreign jurisdiction for them to come back a little bit more entrenched in their bad habits. Instead we will be having them at home where we can do things for them and with them in these Islands.

There is a treatment for juveniles and in keeping with the mandate to develop more services for youths, discussion are under way to bring on stream by September a day treatment service for youth who otherwise now are put back on the street by the Juvenile Court as it has no useful alternatives under the law. This service will allow juveniles to continue their education while also getting the necessary help to overcome their negative behavioral habits. This service will allow the youths to be given attention long before they actually come in trouble with the law. It would also take youth who are actually before the Court for criminal matters.

Many of our youths come from a very disruptive home and as such never get the basic training and development which is necessary to help a young person grow up into the world. For some the lack of parenting and negative peer-pressure from friends find them exhibiting antisocial behaviours. Ironically, some of these youths do not know any better. They had little if any parental attention.

This programme will provide alternative ways to manage life, enabling these youths to have a chance to make it in this real world that they face. The programme will have as its focus a maritime perspective which, as we all know, is very much in keeping with our Caymanian heritage of a long relationship with the sea. It is my hope to combine education with counselling and with the hard work of the mastery of good sea legs for each and every youth who enter this programme. I must say that the youth who enter this programme will be required to work hard and to achieve. It is a programme which will make our youths proud to belong and give them all a chance to make good in life.

Madam Speaker, I know that we are getting close to that time, but if the House is minded I could finish my speech this afternoon.

THE SPEAKER: I have no objection. If the House so wishes that the Member continue until after 4:30 p.m., is that what you are suggesting Honourable Member? Do you have to continue beyond 4:30?

HON. W. McKEEVA BUSH: Yes Ma'am, certainly beyond 4:30 p.m. if I could finish up.

THE SPEAKER: If the House is so minded, if Members are in agreement that the Member will be allowed beyond 4:30 p.m. to complete his speech. Please continue Honourable Member, it looks as if you have the agreement of everyone, I do not see anyone objecting. Please continue.

HON. W. McKEEVA BUSH: I will try to finish Madam Speaker very quickly. I would like to turn now to the Remand Unit for juveniles. For at least ten years now there has been much expressed concerns about the state of the West Bay lock-up into which our juveniles have been placed. This situation worsened over 1992, when a large number of youths were held in these cells which are absolutely deplorable.

In addition to the state of the cells, was the equally bad situation of putting juveniles in with adult persons who are been held for criminal offences. Over the years nothing was done

to improve these conditions and they have simply gotten worse. In order to correct this problem it is now proposed to build a proper Juvenile Remand Unit which will be able to hold only juveniles and this unit will allow juveniles therein to get proper exercise, counselling and education. None of which is now available in the deplorable existing arrangement.

I see a plan where we can utilize the Bonaventure Home property. To give the House a brief sketch of what I envisioned is that we will put forward an extended building on that property and we intend to further look at the possibilities of taking some of those children from the Bonaventure Home and putting them in different properties now belonging to Government. They can get the same treatment that they are getting at the Bonaventure Home. This might be a new departure from the old but I hope that I do not get too much opposition to the proposal. The House will hear more in details about this plan.

There is no need, if we can get families back on their feet, some of the children that are in the Bonaventure Home are there for years. We have to turn them back into the home sometime, at some point and let parents take up their responsibilities of been parents again.

I hope the House understands a little bit of what we are going to do. We know that we have to provide a building and that will require funds. So we will have to, as the old people say, 'inch and pinch' from this project and the next project to get what we want. But this is something that is needed, the whole country is crying out for and we are going to do it.

One of the jobs of the Social Services Department this year will be to respond to the situation of housing. What is proposed is that we will develop a joint project between the Housing Development Corporation and the Social Services Department. This project will assist Caymanians who can make a contribution towards their mortgage but cannot meet the full payment to get that necessary support, in order to be able to achieve that dream of owning their home.

All applicants will be screened by the Department of Social Services in consultation with the Housing Development Corporation and this project will not affect the ongoing work which is been done between the Social Services Department and the Public Works Department where much needed repairs are carried out for single mothers, the elderly and our handicapped persons.

Members would have also seen in the Estimates an increase in the vote for financial assistance. If you all remember correctly Private Members Motion No. 15/91 was passed which I brought to the House sometime back in last year or maybe 1991, but nothing was done. Over the past nine years there has not been an increase in financial assistance given to the destitute in our community. This means that since 1984 we have given one person $50 per month without any apparent regard to the decreasing value of that amount over the years.

I am fully cognisant of the strained financial time that this country is in but we are equally aware of the need for the poor to be able to survive. I wish that the Second Elected Member from Cayman Brac was here to hear this. In that regard, we have increased the basic unit of $50 to $75 per person per month. This is not as high as I would like to take this benefit but at least it will be more reasonable than the position of previous years.

I should say that Members nor the public are to construe that these funds are to be available to everyone. These funds are for those persons who are faced with difficult financial times and need some assistance. It is important that people see such a Government help as a short-term support rather than as a way of life.

We know that there are those persons that we will have to care for, because if we do not take care of their well being we will not be well. Children in this country are encouraged to look after their mothers and fathers rather than to leave them for the Government to care for. This is not the Caymanian way, this is not how we were brought up. All of us have pressures on us, plenty of us have parents that we still need to take care of and while all of us are hammered daily by the financial stress that we are all under, we still have to look out for our parents and our elderly where we can and where they will accept assistance. We cannot always do it, the fact that some of our elderly people are very stubborn and independent and prefer to take care of themselves even if they are in need.

Since taking over Office we have amalgamated the Social Services unit (in Cayman Brac) with the Grand Cayman service and this will allow for necessary social work attention to be paid to the development of Social Services on Cayman Brac. The primary activity which has taken place is to incorporate the unit into an account centre within Head 29 and the developments of this account centre has already demonstrated improvements in the services available which otherwise was not previously available before.

All services will be assessed to ascertain how they might be improved and will be supervised by the relevant supervisory personnel here in Cayman. It is appreciated that the Brac has its own unique attributes and as such, care will be taken to work closely with the wider community on the Brac in the development of new programmes. The need for a more suitable home for the Social Services Unit will also be looked into which will allow for computerization of that unit and therefore, allow the case management computer system to be taken over to Cayman Brac.

One of the early activities will be the staging of a community-wide meeting on Cayman Brac from which will emerge, hopefully, a comprehensive picture not only of problems but also of possible solution. The ugly-head of social deterioration has arisen in Cayman Brac. They are not devoid of the problems, they have serious social problems that we need to address unless anyone believe that we can just let it be. It will only be by reason of extension of Cayman Brac to Grand Cayman it will become here. We have to address it there it just cannot be isolated. That is why we have put the Social Services in Cayman Brac back under Social Services here in Grand Cayman.

The Cayman Counselling Centre. This unit has also become a

responsibility of the Director of Social Services Department now offered by our Government. This is all been pulled together with all the Human Services as an effort to reduce duplication and allow for an improved coordination of such services.

The centre has, over the previous 12 months, found itself serving a predominance of clients for reasons such as family disfunction and conflicts. The concern at this time is that the substance abuse side of the service is not as large as it should be and this particularly concerns me. Considering we do not need to look in order to see the scourge of drug abuse abounding. Efforts during this year will focus on strengthening the services in the area of substance abuse, additional to that is the preparation of a Short and Medium Term Plan which will provide some clear focus for the development of services within this unit.

The service provided by the Adoption Board will continue to seek to strengthen and formalize families. The Director of Social Services will work with the Board to keep a close watch on the trends which emerge, so as to ensure that adoption for convenience does not occur. This is one area that gave me a lot of concern, because I just cannot see why all these adoptions should take place in this country. I believe that if someone has a relative overseas, and that someone needs to assist that relative or that child, it is better to put the child on some sort of Immigration record rather than a full adoption by law.

Most of the problems that I see flowing through the Adoption Board are what I would term 'immigration problems'. A lot of these individuals are people from overseas staying in the country who have families in trouble and they feel that they can assist. They, themselves are on work permits. I say, if they can assist their relative and the Board or Government so determines then that child should be added to that person's work permit but not to be adopted under the Law. It presents too much problems, not only for the country in terms of man-power and other resources that we have to utilize on that Board, but also to the person adopting. It is far better in my view, to allow them to put that child on their work permit and they then have the child in safe keeping.

Much has been said about the rehabilitation of prisoners and rehabilitation facilities. They should all know that they are preaching to the converted. Our problem now in regards to rehabilitation facilities is not the will or the lack of ideas for what we need. We have found the model I wish to use and I am determine to get it on the way as soon as possible. Our problem is the money to do it with. I would be most pleased to sit down at any time and discuss with any private sector body that has an interest how that could be generated into a residential unit to offer rehabilitative placements and facilities. A place where weekly group therapy programmes, one-to-one counselling, special meetings, activities on practical sessions which have the potential to facilitate and change individual behaviour. A place which allows drug addicts space to reflect upon their drug use and problems and the cause of it and at the same time deal with the issues of daily living and adopt new healthy, coping behaviour.

The entire country, in the communities, homes, churches and social clubs must assist at this time. We need this rehabilitation centre, yes! for I see the basic fundaments of a therapeutic community. If people can be helped in having a will of change given the right encouragement and support, that change can be facilitated.

Clearly, our communities will need to harness all available resources if this war on drugs is to be successful. We have said that, as a Government, we intend to use CASA (Cayman Against Substance Abuse) as a means of getting some of our community programmes through. We intend to put more emphasis on CASA and its Parent to Parent Programmes, its Youth to Youth Programmes and together we have agreed on a course of community action to fight the disease of drug. A good start was made last night in West Bay, when a Community Development Action Committee (CODAC) was formed through the initiative of CASA, myself and other concerned persons. CASA is now going from district to district with this programme. I believe that the Lady Member from North Side has been pushing for this herself. CASA is schedule to be in George Town tomorrow night at a district meeting and is inviting people to come out to these meetings. This is the way to go, they are going to East End, Bodden Town and North Side. Let the community get involved. When the people get together as a force they can do anything.

In this year we have increased our funding to CASA which will go to specifically having a person employed to spend time on CASA Youth to Youth programmes and to see that this programme is working in each district. It is my intention to give more funding to CASA so that a specific person would be responsible for each district Youth to Youth Programme. I do not know how much more we can do, we have said that we are looking at a National Youth Service and this will give youths at risk and children in trouble a chance to develop discipline and be more conscious of the distress that are around them.

National Youth Service can build a patriotism which is sadly lacking amongst our youths and elders. With this National Youth Service we are presently looking at several areas and we have not yet been able to decide where this would be located and exactly what it would entail. I would like the National Youth Core attached to the Fire Service because I believe that this will offer discipline and I believe that the Chief and his staff will do a good job. But, again it will take some funding. Some of these programmes are already ongoing, there are people attached to young persons, who for instance the Fire Service might take up and be a sort of a big brother to. This is what a National Youth Service will entail.

However, the most benefit that I see from that National Youth Service would be community awareness, patriotism and self discipline. As I have said, there are other programmes that we are going to look at as far as community development such as national youth choirs with children choir in each district. We will put emphasis on the creation of a body called, 'Pan Cay`Isle' in an effort to support the development of steel band music (which has taken off in the country) and we will continue to organize community development for mobilizing and sustaining community participation as a key instrument in our nation building process.

I will close shortly, but I would like just to say that there are

programmes and district work planned for West Bay which I represent. We intend to build a parking lot for the cemetery and the needed road works which has to be done in many other areas. However the people of West Bay know that they are not going to starve.

In closing, I wish to say, that every Caymanian (I believe) must now assess where he/she wants to go and what kind of society we want to live and raise our children in. I believe that each of us as individual citizens must develop a sense of personal dedication and participation in our country.

The preservation and the development of these Islands must go beyond politics, beyond friction and beyond self-interest. In my view that it must be done through the wholehearted corporation of Caymanians from all political views and otherwise. Without this commitment on the part of the individual Caymanian for his country and for the ideals for which we stand, without the direct participation of individual Caymanians in the decision that will seriously affect this country's future, the decision unfortunately, will be made by self seeking persons, special interest groups and those who really do not love us.

We cannot allow this to happen, the Caymanian people in November said, "no, we want to see changes.". The work must be done by all of us, it must be done by all Caymanians. It is a job that cannot be done by temporary managers of our society. We can ask them to help and I know that some will help but we have to put our shoulder to the wheel as Caymanians.

We have to marshal our people into a striking force against the evils that affect our communities and our country. I have done what I can, and I am pleased as I have said that we have an Executive Council willing to work together. I know that we have a long haul. There is a lot to be done and there is a lot that has already begun but, the woods are lonely, dark and deep but I have promises to keep and miles to go, miles to go before I sleep.

I thank the House, I thank you, Madam Speaker, for your indulgence and may Almighty God continue to smile on these Cayman Islands that we all love so dearly.

THE SPEAKER: I will now ask for the adjournment of the House. The Honourable Leader of Government Business.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this House until 10 o'clock tomorrow morning.

THE SPEAKER: I shall put the question. Those in favour please say Aye, those against No.

AYES.

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

AT 4:57 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., THURSDAY, 18TH MARCH, 1993.

THURSDAY
18TH MARCH, 1993
10:05 A.M.

THE SPEAKER: I will invite the Fourth Elected Member for West Bay to say Prayers.

PRAYERS

MR. D. DALMAIN EBANKS: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

The proceedings are resumed in the Legislative Assembly.

Questions to Honourable Members, Number 33 standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 33

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 33: What was the amount paid for overtime to the Executive Officers employed at the Northward Prison in 1992?

HON. J LEMUEL HURLSTON: The amount of overtime credited to Executive Officers during 1992 was CI$26,009.82.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

I wonder if the Honourable Member is in a position to say whether, at this time of fiscal restraint, any efforts are being made to discontinue the custom of overtime work at the Prison?

HON. J. LEMUEL HURLSTON: Madam Speaker, whenever it is possible every effort is made to offer time off in lieu of payment for overtime. Overtime, in the past and in the future, will continue to be a last, rather than a first resort.

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

MR. ROY BODDEN: Thank you Madam Speaker.

I wonder if the Honourable Member is in a position to say what is the situation with regard to overtime; whether he has any word, that is, if a conscious effort is being made to curtail this work?

HON. J. LEMUEL HURLSTON: Yes, to my knowledge, every effort is currently being made to ensure that overtime is kept to an absolute minimum.

THE SPEAKER: Supplementary. The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Would the Honourable Member tell this House how many Executive Officers there are at Northward Prison?

HON. J. LEMUEL HURLSTON: There are two Executive Officers at Northward Prison, Madam Speaker.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member would undertake to investigate the situation as to whether any of these Executive Officers continue to work on Saturdays and Sundays which should normally be days off for them, and report as early as possible, to this Honourable House?

HON. J. LEMUEL HURLSTON: Madam Speaker, I do not have to give assume that undertaking because it is the responsibility of the Head of Department to ensure that overtime be worked only when operational requirements demand it on any day of the week.

THE SPEAKER: Supplementary, the First Elected Member from Bodden Town.

MR. ROY BODDEN: May I, then, request the Honourable Member to find out from the Head of Department, what are the hours of overtime worked by the Executive Officers up to the present time? Because it is my understanding that these Officers now work on Saturdays and Sundays.

HON. J. LEMUEL HURLSTON: I will simply reiterate the assurance that the Director of Prisons is entirely satisfied that overtime, whenever it is worked, is the last and not the first resort, and it is necessary for operational efficiency.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, from the answer it appears that the average overtime earned is in excess of $1,000 per month, per officer. Will the Member say if any effort is being made to either recruit another Executive Officer, or to arrange the work so that these two officers are not overloaded?

HON. J. LEMUEL HURLSTON: Madam Speaker, 1992 was a peculiar year for the Department for a number of reasons, the details of which I do not wish to get into. The level of overtime incurred in 1992 is not a normal level.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say whether the amount paid for overtime in 1992 was greater, or how does it compare to the amount paid in previous years, especially 1991, 1990, and 1989?

HON. J. LEMUEL HURLSTON: I do not have that breakdown with me, however, the information is fairly, readily, available because the Government undertook a comprehensive review of overtime in this, and all, Government Departments just recently. I will, therefore, be happy to circulate that information to Honourable Members.

THE SPEAKER: The next question is No. 34, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 34

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 34: What procedures exist to ensure that the Payment Voucher System, as practised at the Northward Prison, is not abused?

HON. J LEMUEL HURLSTON: The Payment Voucher System at Northward Prison is administered in accordance with Government's Financial and Stores Regulations. Invoices are double-checked against deliveries. A Payment Control Voucher is prepared and submitted, together with the original invoice, to the Treasury Department for payment.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: In the circumstances where officers use these vouchers to procure material, what is the procedure for assuring that materials ordered are exactly the amount received? Also, what additional procedure is in place to assure that the material, once received at the Prison, is properly stored or used?

HON. J. LEMUEL HURLSTON: Madam Speaker, the first check is when the materials are delivered. The counter-check is that the Department ordering the material is responsible for its custody and storage, therefore, the double check is at that time. Finally, when the bill is presented for certification and payment, there is a further counter-check at that time as well.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: To the same Honourable Member. In the case of materials which are stored, is there any system in place to ensure that these materials are adequately stored and also to see that there is some record of the issuance of these materials as, and when, they become necessary to be used?

HON. J. LEMUEL HURLSTON: To the best of my knowledge there is an adequate system of inventory control and storage operating in each of the major sections of the institution.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: May I ask the Honourable Member whether the system is administered by the Prison staff or by the civilian employees at the Prison?

HON. J. LEMUEL HURLSTON: I have to choose my words carefully. The Prison operates a central stores which is managed by a civilian employee and there are a number of sub-stores operating in the various departments within the facility. The system that I was referring to operates both in the central and decentralised stores facility and is operated primarily, although not exclusively, by civilian staff.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: May I then ask the Honourable Member whose responsibility it is to issue the vouchers; whether it be a civilian officer or a regular Prison Officer?

HON. J. LEMUEL HURLSTON: It very much depends upon the operation's requirement and the section who is making the requisition, it could be either.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker.
I would like to ask the Honourable Member, who goes over the vouchers and purchases? Is it the same person who is purchasing them or is it someone higher up?

HON. J. LEMUEL HURLSTON: The person who ultimately certifies the invoice for payment has to be an officer of a supervisory rank. Those are officers who are usually senior to the officers who are authorised to make the initial requisition.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, so what you are saying then, Sir, is that the higher officer verifies these purchases, and not the person in stores?

HON. J. LEMUEL HURLSTON: That is correct, Madam Speaker.

THE SPEAKER: The next question is No. 35, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 35

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 35: What is the Government's plans with regard to the implementation of Private Member's Motion No. 24/90 (Neighbourhood Watch System) which was passed on the 14th November, 1990?

HON. J. LEMUEL HURLSTON: The Government continues to endorse Private Member's Motion No. 24/90 and encourages concerned members of the public to contact the Crime Prevention Department of the

Royal Cayman Islands Police if they wish to form a Neighbourhood Watch Scheme in their area.

At the recent series of district meetings conducted by the Commissioner of Police and his Senior Officers, emphasis was placed on the desirability of forming such schemes as an effective means by which burglaries might be prevented.

Present at each meeting were persons who advised on both the concept of Neighbourhood Watch and the practicalities of starting up such schemes.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

I wonder if the Honourable Member can say whether the Government is disposed to try to obtain the services of someone who is knowledgeable and experienced in the area of organising Neighbourhood Watches, with a view to augmenting the efforts of the various communities and the Royal Cayman Islands Police Force?

HON. J. LEMUEL HURLSTON: Not presently, Madam Speaker. The Force is endeavouring to utilise the experience and expertise presently available within its ranks.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could give an undertaking to explore this possibility, since it is my understanding that, although the Royal Cayman Islands Police Force makes available certain officers to help, the services could be much more effective if there was a full-time coordinator of this programme working in conjunction with the various organisations within the communities and the Royal Cayman Islands Police Force in their attempt to set up these Neighbourhood Watches?

HON. J. LEMUEL HURLSTON: I would be loathed to advance that suggestion at this time when we are, in fact, cutting back the size of the Public Service.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: May I remind the Honourable Member that I did not ask him for a commitment but, rather, I asked him to explore the possibility; nor does he know whether the persons available will charge for or volunteer their services. So I will remind the Member that I am merely asking him to explore such a possibility.

HON. J. LEMUEL HURLSTON: I will be more than happy to do that, Madam Speaker.

THE SPEAKER: The next question is No. 36, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 36

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

NO. 36: What is Government's policy concerning the programme development of Radio Cayman and staff training and promotion?

HON. TRUMAN M. BODDEN: Government's policy concerning the programme development of Radio Cayman is to maximise the local input and local programmes carried by the Station. At the present time this includes: news information programmes; news magazine; women's magazine; young concepts; special interviews; audience participation programmes; special events and musical programmes, with special interview segments.

Government's policy on staff training and promotion is to ensure that staff be given every opportunity for promotion. In the first instance, vacancies are advertised internally and then locally. Staff training consists of in-house refresher training, basic broadcast training, and overseas training at accredited broadcast institutions through attachments.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Member tell the House what is the approximate amount of air time given to local programmes on Radio Cayman?

HON. TRUMAN M. BODDEN: Madam Speaker, I do not have that information available here, but I will undertake to get it an give it to the Honourable Member in writing.

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

MR. GILBERT A. McLEAN: I appreciate the undertaking by the Member. I would like to ask a supplementary. Does the Honourable Member knows if there are any ongoing efforts to increase the amount of local programming on Radio Cayman, in particular, with a view to the dissemination of public information regarding the workings of Government, its Boards, and other necessary information the public needs in applying to Government in its various areas?

HON. TRUMAN M. BODDEN: The aim is to promote as much local programmes as possible. As to details of the latter part of what the Honourable Member has asked, I do not have any precise information on that.

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

MR. GILBERT A. McLEAN: Could the Honourable Member say when was the last time a staff member of Radio Cayman was on an in-house training course, and on an overseas training programme?

HON. TRUMAN M. BODDEN: I am afraid I do not have that information. What I will do, however, is speak to the Director of Broadcasting and I will supply that information. The file I have does not contain that amount of detail.

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

MR. GILBERT A. McLEAN: It is unfortunate that the Director of Broadcasting is not here to assist in this particular instance. The question I would like to ask is; has there been any recent promotions in Radio Cayman, and are there any vacancies there now which need to be filled?

THE SPEAKER: Honourable Member, I think that is a bit farfetched from the original question which is, "What is Government's Policy concerning the programme development". The matter of vacancies is really farfetched from that question.

MR. GILBERT A. McLEAN: Madam Speaker, the question asks about staff's training and promotion, and I was asking the Honourable Member if he could say if there were any recent promotions in the Broadcast Department, and if there are any vacancies to be filled there now?

THE SPEAKER: I think the Honourable Member could answer on the matter of promotions.

HON. TRUMAN M. BODDEN: To the best of my knowledge, and subject to checking with the Director, there is a post for a Deputy Director of Broadcasting but, I believe that may be the subject of a review by the team that is looking at the Civil Service posts. I am just not certain if that was cancelled in the blanket cancelling of all vacant posts, or not. I think that is what the Member is asking in relation to.

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

MR. GILBERT A. McLEAN: Could the Honourable Member confirm that there is then sufficient staff and that the Radio Station is functioning in a manner that is acceptable and is not meeting any serious problems in carrying out its mission in terms of its policy in training, promotion, and broadcasting for the country and Government?

HON. TRUMAN M. BODDEN: To the best of my knowledge that is correct. I guess all departments would always like more staff but in this day and age, with our finances, they have been asked to make do with what they have now got.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I wonder if the Honourable Member would take a look at suggesting to the Director, in regards to programming, that there be an increase in local programming and also the news part of the programming, that more items on local interest be used particularly on sports and maybe just one sentence on Cayman?

HON. TRUMAN M. BODDEN: I will give that undertaking. I had noted that what the Member stated was mentioned in the Throne Speech and the Budget Address debate. I will give the undertaking to go into it more.

THE SPEAKER: The next question is No. 37, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 37

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

NO. 37: If a number of Elected Members of the Legislature and other persons travelled to Miami in December 1992 in connection with Cayman Airways Limited; if so, who were they, what was their mission, and the total cost involved with the exercise?

HON TRUMAN M. BODDEN: Yes, certain Members of the Legislative Assembly, and other Officials, travelled to Miami in December to familiarise themselves with the Miami operations of the Department of Tourism and Cayman Airways Limited.

Individuals in the group were: the four Elected Executive Councillors, Members of the Legislative Assembly; Mrs. Berna Murphy; Mr. Anthony Eden; Mr. John Jefferson, Jr.; Mrs. Edna Moyle; Mr. Haig Bodden; the Principal Secretary for Tourism, Environment and Planning; the Director of Tourism; and the Managing Director of Cayman Airways Limited. We were joined by the Chairman of Cayman Airways Limited, who was in Miami at the time.

The total cost of the trip was US$3,904.00.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Would the Honourable Member say which Members were paid for by Government funds in terms of travel and subsistence?

HON. TRUMAN M. BODDEN: What the Member asked for here was the total cost involved, and I have given that. I can get a breakdown. Mine would have been paid, and the Executive Council Members and, I think two, maybe three, of the MLAs.

I should point out, Madam Speaker, that, as a result of that trip, within a matter of a few weeks, certain cuts were made in the Miami Office which saved this country close to $600,000, so it was well worth the $3,900.

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

MR. GILBERT A. McLEAN: Could the Member confirm that in his travel vote, or in the vote held by Finance, or any other Portfolio, that there is money earmarked for Members of the Legislative Assembly, in terms of travel and subsistence, other than the Elected Members of ExCo?

HON. TRUMAN M. BODDEN: The people that I named here were Members of the Legislative Assembly or of the Executive Council or Senior Civil Servants involved with Cayman Airways and the Department of Tourism.

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

MR. GILBERT A. McLEAN: Madam Speaker, in the list of names given are various Members of the Legislative Assembly but, certainly, among those listed are those who are not Members of Executive Council, at least not that I know of. I think there are four Elected Members of the Council. My question, therefore is; were the passages paid for all Members of the Legislative Assembly, did these monies come from votes in his Portfolio, or whichever Portfolio, and is it now the policy that money is now put into travel and subsistence votes in these Portfolios for the travel of ordinary Members, as in the instance he has sited here?

HON. TRUMAN M. BODDEN: The payment actually came from the Department of Tourism's vote, I am told. But, the answer is yes, the Members of the Legislative Assembly are an integral part of the Government of this country and when it becomes necessary for them to see matters, such as Cayman Airways Limited, I feel that it is in the interest of this country that they do see it because they come back and sit in Finance Committee and vote or cut funds. The savings on this $3,900, was $600,000 of recurrent costs, a very good return.

SPEAKER: The First Elected Member for Cayman Brac & Little Cayman.

CAPT. MABRY S. KIRKCONNELL: I wonder if the Honourable Member could say what was the priority as to how Members were selected?

HON. TRUMAN M. BODDEN: To the best of my knowledge, I believe it was whichever ones were available to go at the time.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member confirm that the Government Executive has now expanded its role to include regular Members of the Legislative Assembly in making findings on behalf of the Executive, or the Political Directorate of the country? Will funds be spent, as have now been spent, in the future and does this include all Members of the Legislative Assembly, or only those connected with the group so styled the National Team?

HON. TRUMAN M. BODDEN: I do not know what the future will hold, but what I can say (and I repeat again) is that this trip for $3,900 has saved this country a tremendous amount of money. The Members of the Legislative Assembly, as Members of Finance Committee, are a very integral part of familiarisation of all aspects of Government.

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

MR. GILBERT A. McLEAN: Madam Speaker, will the Honourable Member say if the two Elected Members from Cayman Brac form an integral part of this group he is talking about; and exactly how did this trip save the Government $600,000? Did he order this to be saved, or how did this trip cause this money to be saved?

HON. TRUMAN M. BODDEN: I would leave it to the Member to answer what he regards is integral, or not. But as a result of looking at the Cayman Airways' problems in Miami, which were fairly serious problems, and knowing that I had to come back to this Honourable House to ask for funds for Cayman Airways Limited, I felt that it was in the best interest of the country to take a majority of Elected Members to see the Miami operation as, indeed, they have looked at operations in other areas from time to time.

THE SPEAKER: May I ask the members of the general public in the Public Gallery to refrain from making any sounds or comments during question time, or during any proceedings of the House. Otherwise I will have to ask the Serjeant-At-Arms to remove any persons so infringing the rules. Thank you.

The next question is No. 38, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 38

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

NO. 38: What was the total number of jobs, by post, terminated by Cayman Airways Limited in the United States of America and the exact dollar amount of savings to the Airline?

HON. TRUMAN M. BODDEN: The total number of jobs terminated by Cayman Airways Limited in the United States of America was 19. These were as follows:

1	Vice President (North America)
1	Training Manager
1	Advertising and Public Relations Manager
2	Assistants
1	Administrative Assistant (North America)
1	Sales Representative (Houston)
1	Sales Representative (Baltimore)
1	Sales Secretary
1	Station Manager (New York)
1	Station Manager (Baltimore)
3	Revenue Management Assistants
1	Airport Assistant (Tampa)
1	Airport Assistant (Houston)
1	Reservations Agent
1	Operations Agent
1	Cargo Agent.

US$575,000.00, per annum, will be saved as a result of these cuts.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Honourable Member say if any of these persons, whose jobs have been cut, have been re-employed in a station anywhere else in Cayman Airways?

HON. TRUMAN M. BODDEN: Not to the best of my knowledge, Madam Speaker.

THE SPEAKER: That concludes Question Time for this morning. The next item is Government Business, Continuation of Debate on the Throne Speech and the Second Reading Debate on the Appropriation Bill, 1993.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING DEBATE ON THE APPROPRIATION BILL, 1993

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, on this, my first contribution to the Legislative Assembly, I wish to commence by expressing how very, very, proud I am to be a Member of this Honourable House, and also how deeply grateful I am to the constituents of George Town for making that possible. I realise that I have an overwhelming amount of support in George Town and, for that matter, the entire Cayman Islands. With that support comes responsibility and I would like to assure every constituent that I will be undertaking that responsibility with very broad shoulders.

I would also like to thank you, Madam Speaker, and the staff of the Legislative Assembly, for all of your efforts and hard work, past and present, in ensuring the very orderly business of this House.

I would also like to thank the Governor for his Throne Speech, and the Honourable George McCarthy for the Budget Address which, in my opinion, were ably delivered.

I sometimes wonder how you were able to put up with so many surly men over the past four years. But, I can see the relief on your face ever since this Legislature started. Some of those men have been replaced with some burly men.

Before I forget, I would like to suggest that the Honourable George McCarthy be sure to put in the Estimates for 1993 amounts to replace some chairs around here; namely, for the Fourth Elected Member for George Town and the Member for Health and, possibly, for myself if I have to continue to sit as much as I have over the last few days.

There are so many issues that I will have to cover, I hardly know where to start. I would like to begin by commenting on the Financial shambles that this new Government has found itself inheriting.

The Budget Address indicates that over the last three concurrent years; namely, in 1990, $14.9 million deficit amounted before financing to this country's Government, in 1991 the deficit was $15.4 million and in 1992 the amount was $21.1 million. The total deficit amount between the 1st of January 1990 and the 31st of December 1992, was over $50 million.

The total revenue raised during that same period was $335.4 million. The total recurrent statutory and capital expenditure was $386.8 million. The accumulated deficit before financing was $51.4 million. The total capital expenditure over this period was funded by loans of $20.2 million, plus draw-downs from general reserves and the accumulated surplus and deficit account.

After financing, we were left with a deficit of $8 million, and $10 million in the General Reserve. We can see that over the past three years our Government spent in excess of $400 million. I am forced to ask, on what were those monies spent? This Government will not continue in the foot-steps of the previous Government and that is clear from the two addresses which were so ably made in this House.

The previous Government, in my opinion, knew as much about running Government as a one-legged man knows about winning a kicking contest. If it were not for the ways in which the previous Government discharged their responsibility I would perhaps be in my office today seeing patients. But seeing how this country was so affected by their poor judgment I, like many other people on the National Team, and others here in this Honourable Parliament, decided to go to the polls, truly represent our people, and do something about the mismanagement.

Many people say that hind-sight is 20/20. But those same people, in my opinion, should look towards and depend upon people whose foresight is 20/20. It will be as a result of the foresight of the Members in this Honourable House that we will be able to avert the problems that the previous Government caused this country.

The Third Elected Member for Bodden Town made some quotes, and I believe they are worth repeating. One was from by one of the Presidents of the United States, Thomas Jefferson.

> "I place economy among the first and most important virtues and public debt as the greatest of dangers. We must make our own choice between economy and liberty, or perfusion and servitude. If we can prevent the Government from wasting the labours of the people under the pretense of caring for them, they will be happy.".

I believe that this statement, as made long ago by that President of the United States, would do us all well if it was mounted on a plaque and kept in this Honourable House and also in our bedrooms at home. I do not believe that it is just a mere coincidence that we have a Thomas Jefferson sitting in this Honourable House on our Executive Council.

Similarly, I do not believe that it is a mere coincidence that we

have a Truman sitting on our Executive Council. Most of us are very well aware of that great President of the United States, Harry S. Truman who followed in the wake of the very powerful Roosevelt, a man who was very simple to look at, very ordinary, but was always much more than met the eye. He was known as a decision maker who, at Pottsdam, made that very critical decision to drop a bomb on Japan which shaped the future of the free world. He was responsible for the Marshall Plan; the Truman Doctrine; the desegregation of the armed forces; and the decision to fire McArthur, and, because of that, upheld the principle of civilian control of the Military Forces. I do not think it is any mere coincidence that we have any of those men, which we see over there, in the Executive Council. I am very proud of each of them as I am of every Member on this side of this Honourable House.

I would like to go on to something that has been weighing very heavily on me, and that is the subject of the refugees. We have recently been inundated by a number of Cuban refugees. I have been very annoyed by the ingratitude which has been expressed, not only by the refugees themselves, but by that horrible organisation known as PUND. I think we owe it to our country to make an international news release.

Many of us in this country do business in Florida and there are many Cubans there. I would strongly urge the Government to do an international news release on this subject. Some of us feel that, perhaps, this might result in even more Cubans coming; if we make it sound too good here in the Cayman Islands. But, I would recommend that we do an international news release. I hope that some action will be taken on this.

I would also like to talk briefly on the discontentment and unrest among watersports operators, tour bus drivers, and taxi drivers. On these I would like to inform the public, and all those people who have been affected, that the Honourable Member responsible, Mr. John McLean, has assured us that he has come up with a ground transportation policy that should solve the problem.

I am one who believe that we have a good Civil Service, and I have no qualms about saying that. In my opinion we do have a good Civil Servant and I would like to make comments and do things which will enhance the morale of our Civil Service. It is my opinion, however, that the Civil Service has become over burdened and I fully endorse the actions, not only the actions to cut 7.5 per cent of the Civil Service, but every action that has been taken by our Government since they were elected.

On the subject of Immigration, I have various concerns about the Immigration. Like others, I have suggested and I recommend that the Chairman of Planning, the Public Service, and Labour Board, act as ex-officio Members on our Immigration Board so that communications would be enhanced and, in so doing, many of the problems that we have in our country today could be averted. I also feel, for that matter, that any other Member in the Civil Service, or the public, who could be of benefit to the Immigration Board should also be co-opted. If there needs to be an amendment to the Law, I strongly urge that the amendment be undertaken.

I feel strongly about temporary work permits. I feel that we should reduce these three month temporary work permits (with option to extend for one month at a time for a total of three months) to one month temporary permit, with option to extend for one month more, and then that is it.

I feel that the Members of the Immigration Board should be increased to at least 10 and there should be Members on the Board who could be used to form small sub-committees who could handle some of the work that the Immigration Board has to handle now. I also recommend that Caymanian Status be granted by invitation of the Executive Council, only.

On the matter of our Constitution, most people in this community know my stance on the Constitution and the only statement I would like to make here is that I am fully assured that this matter will be fully debated in this House of Legislature in the future; hopefully in June of this year at the next sitting.

I am told, that the United Nations is sending a delegation here to see if we are interested in de-colonisation. That disturbs me a lot. I can hardly see why a reputable organisation like the United Nations would waste such money. But, that being as it may, I understand they are coming. In some ways I suggest that action similar to what was taken in the Brac some years ago when trucks were put on the air field to prevent them from landing be taken.

I will now go on to another issue that, so far, has not been discussed in this Honourable House. This is the need for a municipal sewage system in our Island. I would like to commend the Water Authority for all the work that has been done. But, I think, this country now needs a municipal sewage system. As soon as funds become available I would like to see that started. I understand that the Member responsible is also thinking along those same lines.

On the subject of the Marine Survey Department; I will talk about that a little later in my speech when I refer to the Throne Speech.

On crime, this is a subject that every sensible, responsible, citizen in this country is very concerned about at the moment. With the escalation of crime, our tourist industry is endangered. If something is not done about the crime situation, if we are not successful in combating the crime situation in the Cayman Islands, I am afraid that we will not be as prosperous in the future as we have been in the past.

I would like to congratulate all of those organisations that have been doing something about the crime situation. Most of the suggestions that have been put forward, I believe, have been quite valid. There are a few that I would not support, but, in particular, Neighbourhood Watches I would support, efforts by the police to effect more foot patrols, bicycle patrols, if necessary, scooter patrols. But we need to make sure that all of the districts in the Cayman Islands, particularly the George Town area, are properly patrolled, because we have some real trouble spots in George Town. I would recommend that instead of reducing patrols in this constituency, that they be stepped up.

I believe that some of the main reasons for crime stems from the home life. I believe that this needs to be attacked on all fronts, and I am sure that as parents become more serious about the matter, and as they try to address the problem by spending valued time with children, trying to inculcate in children those things that we have been accustomed to in the Cayman Islands, that some impact will be made. I will certainly appeal to all parents to make sure that their children will be crime free. Make sure they grow up with the proper attitude towards life, not expecting something for nothing but to be prepared to work hard and attain the goals that will not only make themselves proud but, in the long run, also their children.

Education is so important in the combat against crime. It cannot be stressed enough that we, who have been educated, know the benefits of education. I would like to see the day when all Caymanians are properly educated. We need to do everything in our power, as a Government, to ensure that this becomes possible. I am sure that this Government will do that.

We have a problem with drugs in our community. This is something that, of course, I have to deal with in my own profession. Night after night I am called out by some of the more elite in our community who do not want to expose their children who have been the victims of drug abuse. It is heart-rending to see how much parents and victims have to go through. The answer to the drug problem is to try to stop the pushers, in my opinion. We need to make sure that every effort is made to stop the drugs from coming into this country. Along side of that, we need to educate our people about the dangers of drug abuse. I know that much of this is already going on and, in this respect, I would like to congratulate CASA, and the other organisations that are so involved. We have to educate our people to let them know how serious, and how destructive, taking drugs really is. I believe that if we do this, it is going to make the desired impact on reducing drugs in this country.

Rehabilitation has been dealt with by previous speakers and, I think, it has been dealt with very well. I will not waste the time of this House by going into it in any great detail but, suffice it to say, I support rehabilitation to the utmost. It makes absolutely no sense to send our young people away for short term treatment, to be in programmes for six weeks, eight weeks, or even three months, then bring them home where there is a lack of follow-up where they, once again, get involved in drugs. All the money that has been spent goes down the drain. I will be one who will be pushing for a rehabilitation centre in the Cayman Islands that will address this problem.

I would like to go on to the problem with traffic congestion. The previous Government was rightly concerned with this problem and I feel that our Government too, is quite concerned about the traffic congestion problem which exists, in particular, along the West Bay Road and on the road into George Town from the east. As soon as funds become available, I am made to understand that we will be upgrading the West Bay and Red Bay Roads to facilitate more traffic and reduce the traffic congestion problem.

Our road situation has deteriorated over the past few years for a number of reasons. We had the works of the Water Authority going on, the constant digging up of the roads and, it is my opinion, they were never fixed back properly. Then we have the Utility Companies that are at work. Then we heard about sub-divisions, and the lack of responsibility on the part of the developers. That, being as it may, has left us with a road system in George Town that is not up to par, and I am very glad that monies have been allocated in the Budget to repair many of the Roads in George Town that so badly need it. I am also glad to see that roads in other areas of the Cayman Islands will be repaired.

I welcome and entertain a review of the Penal Code. I understand that this will be put to this Honourable House at this Sitting, and I support a complete review of the Penal Code. I will be careful in this respect. While we realise that there is an alarming amount of crime in these Island, we still have to be thankful that we do not have the amount of crime of many of the countries around us. I will not support any move that would give the impression that the Cayman Islands are completely inundated with crime, as this can affect our international image resulting in a loss of investor confidence. We have been mostly affected by a spate of burglaries in the Cayman Islands. I think it is mainly the burglaries that have been increasing the crime rate. I think that what we should do is take a serious look at our Penal Code and, as the Lady Member from North Side said, some of the sentencing makes one wonder. In fact, some constituents in George Town have complained to me about this very subject, and they referred my attention to certain articles which were released in the *Caymanian Compass*. One was about the rape of an 11 year old girl by her father. I think that is most repulsive and to think that individual only received a penalty of a few years. I think something is absolutely wrong with the Penal System, and it needs to be looked at and revised. I also understand that a 16 month old child was defiled and, again, a very small penalty of, I think, five years. That is absolutely ridiculous. So, I will support a review of the Penal Code.

I would like to go on to the Postal Service. Most people know how I feel about our Postal Service. We have an excellent Postal Service and, considering the conditions under which people have to work at the General Post Office, I think they do an extremely good job. I hope that something can be done to alleviate the problems that they are having at the General Post Office within a short while, but, I would like to take this opportunity to congratulate those who work so hard in the General Post Office.

I would suggest that we take a look at installing some postal depots in various parts of this Island, perhaps near gas stations, or shopping malls, etcetera. At those depots we could have stamp vending machines, people could drop off boxes, and we could also have some post office boxes. In general, I believe that a serious look should be taken at the Postal Development Plan which has been studied and released. I believe we can, in fact, relieve the congestion which is taking place at the central Post Office. I would certainly encourage the Member responsible to look in that direction.

We heard yesterday that the Member for Human Resources and Health will be looking into the establishment of a National Park in George Town. I was very delighted to hear that. This has been long overdue. I believe that the area in which he plans to put the park will become an added

attraction to tourists, and to all citizens living in this country. I wish this project well.

I have been approached by local building contractors who have informed me that various builders, masons, carpenters, etcetera, are brought into this country. People get them work permits and soon they are on the work market and it is depriving the small contractors of getting jobs. This is one thing I would like the Immigration Department to take a serious look into because many of our small contractors are hurting and, I believe it is an unfair practice. Many of the Caymanians who are getting these people work permits know nothing about construction themselves and, in fact, the people, once they get the work permit, hardly keep in touch with the person who got them the work permit. They have released a long list of names, which was passed on to the Member responsible, and I hope that something is done to help our small building contractors.

I am concerned about the mass media. I know that this is a very delicate subject, but I am concerned, to some extent, with the mass media here in the Cayman Islands. Here we are struggling with the crime problem and if we look at what is being shown on some of the television stations, and so on, I, for one, know that it is not helping the crime situation here in the Cayman Islands.

We are being bombarded, too much, by an American Culture here in the Cayman Islands. I believe that the mass media, in particular the radio stations and television, would do us more justice if they concentrated on healthier programmes for both adults and children. In this regard, I would like, because I was asked to do so, to bring to the attention of this Honourable House a concern which was expressed by one of the George Town constituents. I beg your indulgence, Madam Speaker, as I would just like to read a few words from this letter.

> "On my way into the office this morning, I had the great misfortune to hear the 'Your Confessions' spot, which airs each Monday morning. The woman being interviewed said she had need to excrete and then proceeded to reveal the disgusting details of what had happened. The whole thing was incredibly offensive to me.".

I have heard that programme myself, Madam Speaker, and I hope that it is taken off the air, if it has not already been taken off. I encourage the mass media to think about more healthy programmes, they have some, but I would encourage them to take off the air these kinds of offensive programmes that will not do our children, or any one in this community, any good.

One previous speaker spoke about Household Comprehensive Insurance, and I would like to support what he said. In my opinion, if something is not done about the Household Comprehensive Insurance in this country, we will soon have to sell our houses to pay for our insurance. So I hope that something is done. I realise that this is, again, a ticklish matter because, here again, it is private companies selling it. I believe that something can be done, especially in view of our Islands being a tax-free haven. These Insurance Companies make very good money, in my opinion, in the Cayman Islands and they should consider their experiences more here in the Cayman Islands, rather than grouping us in with what is happening in North America and other places which have been hard hit. I would like to see the Comprehensive Household Insurance reduced in these Islands. It is going to decrease the chances of many of us owning our own homes.

I was very happy to hear of the proposal by Mr. Harold Banks, about the ship-to-ship transfer of oil in the Brac. I am very glad, too, that the Government is willing to consider that and give full support to this very important matter. I would like to see the economy of the entire Cayman Islands, including the Brac, stimulated. I believe that his project will provide much needed jobs, not only for people in the Brac, but for people on this side also.

I also would like to see a small cruise ship go to the Brac from the main Island here, perhaps a 200 passenger ship. I have been approached by someone in the private sector who is willing to do this. I believe that this person has been referred to the Member responsible. This would also enhance the economic situation in the Cayman Islands.

I know that the majority of Members are looking forward to hearing what I have to say about the Health Authority and Health Insurance, which have been widely discussed here over the last few years. I believe that I will use the rest of my time to talk about this and I hope that in so doing, I will be helpful to everyone.

First, I would like to say, as we know the matter of the stopping of the new Hospital here in George Town, as pointed out by the Attorney General, is a sub judice matter, so I shall not be dealing with the decision to stop the Hospital. I would like to point out a few things about the Health Services Authority.

That Authority went into action and started to function on the 1st of January, 1992. We were told, by the previous Member responsible for Health, that it would save this country $3 million in 1992. I have before me the 1992 Financial Experience of the Health Services Authority.

In January 1992, a total of $2,272,434 was collected. Of this amount, $2,117,225 came from Government as a grant. The Health Services Authority collected, in fees, $155,209. In February the total collected was $157,983, which came from the collection of fees. In March they collected $2,365,557; $2,117,225, came from Government in the form of a grant. So it only collected $248,332 in fees. In April $306,322 was collected.

I will not read the other months for the purposes of saving time, but the bottom line shows that the Health Services Authority collected $13,710,077. Of that amount, Government granted the Health Services Authority $10,568,900. The Authority collected only, $3,141,177. I would like to point out that included in that $3,141,177, were monies paid to the Cayman Islands Health Services Authority by Government for treating Civil Servants and dependents; the sum being $1,171,000. So, in total for the year 1992,

the Government gave the Health Services Authority approximately $12 million, even though it had budgeted $7.5 million. There was no savings in that.

The public was promised that this country would be saved $3 million. Instead, this country has had to spend $12 million on health care by the Government; an excess of approximately $4 million more than what was budgeted. I think that illustrates that the Health Services Authority has not functioned, and has not met the targets that it set for itself - certainly not the ones Government put for it.

Most of us are aware of predictions that were made in 1991 in order to justify the formation of the Cayman Islands Health Services Authority, and also to proceed with the building of the new Hospital. Those projections, I would like to point out, were very, very unrealistic, as the actual figures for 1992 show.

It was predicted that there would be 18,092 patient days for the year; there were only 11,550. Because of this, there was a short fall of $1.5 million, approximately. In the line of major operations, the prediction said that there would be 525 major operations. The actual number was 354, a short fall of approximately $.5 million. In the line of delivery room fees, there were just 498 for that year. The prediction was 520, a very modest short fall there of $6,600.

In the out-patient department, including the Emergency Room, there was approximately $.75 million short fall. In 1992, there were exactly 20,717 Emergency Room visits, the amount predicted was 21,165. Out-patient visits were predicted to be 30,276, actual for 1992 was 12,511, a startling short fall. Honestly, I believe that the people who put their signatures at the bottom of those predictions should have their credibility called into question.

Consultant clinics, the predicted number of visits was 20,228, and the actual was 9,099.

On autopsies, they could not even make a correct prediction on post mortem examinations, 52 were predicted, and there were only 22.

In the dental department, the actual number was 14,951 procedures, the prediction was 20,625. There again, a short fall of, approximately, $100,000.

District Clinic visits - the prediction showed $20,541, and here, there were actually more (one of the few items) 20,194 district visits. But, still, there was a short fall of $194,940 and I will explain the reason. The prediction calculated the number of visits to be 20,000 but multiplied that by $15 per visit because they thought all of those visits would be doctor visits. Actually, something like 95 per cent of the visits in the district clinics are cared for by nurses. Therefore, with a charge of $5 per nurse visit, and $15 for doctor visit, we had a short fall of over $194,000.

On ambulance fees - there was a short fall of $75,000 because of not being able to meet the projected target, of course.

The same thing applied in most areas and most cost centres. Therefore, if this was the trend for 1992, I do not think it takes a lot of brains to see that something is drastically wrong, financially, with the functioning of the Health Services Authority. This Government needs to take a serious look at its functioning, and its efficiency, and take the necessary actions to ensure that health service is offered more efficiently.

THE SPEAKER: Honourable Member, would you take a suspension at this time?

DR. STEPHENSON A. TOMLINSON: Certainly, Madam.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:31 A.M.

PROCEEDINGS RESUMED AT 11:50 A.M.

THE SPEAKER: Please be seated.
The Second Elected Member for George Town, continuing.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker.
The Government of the day, I understand, has decided to stop and take a fresh look at the Health Services Authority as it is doing on so many other matters. I am reminded that the Honourable Financial Secretary said in his Budget Address that the results for 1992, speaking about the financial performance of the Government, and the results for 1991, "are indications that we should stop and make an assessment of where we are going. If we were to select a point in time to be noted as when actual expenditure began to seriously outpace actual revenue, we should definitely choose 1990 when the accumulated deficit for that year amounted to $14.9 million before financing. This development in Government's fiscal position was also observed and highlighted in the 1992 Budget Address in this Honourable House.".

This, if you remember, was the very same year that we had Motion 3/90. I would like to concur with the Second Elected Member from Bodden Town; that motion was, perhaps, more disastrous for this country than the hurricane of 1932.

I remember when that motion was being debated and the interest that I, personally, took in it. I could see that was not a good motion for this country. I remember objecting on the Court House steps by taking part in the march and I remember standing back and seeing the Financial Secretary who was giving sensible fiscal advice to the then Government, being treated as dirt. I believe that it was from that time that I started to think about running for George Town.

When it comes to this matter of frugal fiscal policy, a wise man said, "The man who will live above his present circumstances, is in great danger of soon living beneath them.". Or as the Italian proverb says, "The man who lives by hope only will die of despair". I take those words very seriously. When I think of the past Government, I am reminded of a joke. It is about this very, very optimistic person who was in a restaurant. There he was busy eating a lot of oysters. He did not have a dime in his pocket. When they asked him how he was going to pay the bill, he said, 'I will pay with the pearl that I will find in one of these oysters.' I believe that the Government of yesterday had no idea of what they were doing to this country. That is the only thing that I can imagine.

I am going on to talk a little bit more about the Health Services Authority. I mentioned that the Government of the day has obviously made the decision, as we heard from the Member responsible, to stop and take a look at how efficient the Health Services Authority is, assess its performance and then take the necessary action which will have to be a remedial one. I agree with the Member that it does make sense to consider disbanding the Health Services Authority and putting it back directly under Government. Too often, statutory bodies of this type get into financial trouble, they borrow money and then come on their knees back to Government. I believe in this case, it is obvious by the decisions that they were about to make which were so imprudent that this is exactly what would have happened if they were left alone. They needed better guidance from people in higher office.

I will now move on to Health Insurance. I would like to assure the Second Elected Member from Cayman Brac that, as far as I am aware, there is no move on the part of this Government to scrap Health Insurance in the Cayman Islands. This has never come to my attention. In fact, here again, the Member said that he will stop, assess, he will give the various parties concerned opportunities to give the necessary input, and if that takes longer than the next few months, if it requires deferring implementation of the Health Insurance Law, he is even prepared to do that. He has taken the commendable step of meeting with the health insurers and has heard what they have to say. They have, after this meeting, been busy contacting the Superintendent of Insurance trying to get clarification on this muddled Law that it seems the majority of them hardly understand themselves. In this respect, I would like to refer to some of the many questions that insurers have about the Law. But, before I do so, I would like to make some general comments about health insurance.

We all recognise the benefits of health insurance. Health insurance will cover the risks, catastrophic losses, etcetera, and, in my opinion, it is a necessity for this country. I, for one, have taken a look at many countries abroad and how they developed their health services. I have worked in many countries abroad including, England, Scotland, the United States, Barbados, and Jamaica. I have had first-hand experience of what things are like in those countries.

When we look at what happens in the United Kingdom, most of us are aware that in 1948 Parliament brought about the National Health Insurance Act. That has served the people of the United Kingdom relatively well. It has not been perfect but it has served the country well. The majority of people that are complaining at this time complain about long waits, of not being able to get various procedures done in a certain length of time. The system, if we listen to the latest reports, has been widely abused by many who use it. Because of not having to pay for medical care when they go to see the doctor or go into hospital, they go when they do not need to in order to see, especially, their general practitioner. This has resulted in abuse of the system and, as a result, that country is having great difficulty financing health care costs. That being as it may, the country has been able to keep health care costs down to 8 per cent of its Gross National Product (GNP). This we cannot say about a country like the United States.

In contrast, in the United States, in the 1940's and 1950's, health care costs were relatively low. That cannot be said about the United States at present where health care costs have spiraled to such an extent that it is giving President Clinton, perhaps, the greatest problem of most of the issues he has to contend with today. At this time, health care costs in the United States come up to approximately 14 per cent of the gross national product. Of the 24 industrialised countries that make up the Organization of Economic Development and Cooperation (OEDC), the United States, in fact, spends more on health care than any country.

What are some of the barometers of good health care? We can look at things like perinatal mortality, infant mortality, life expectancy for males and females. Whereas the United States is spending as much as 15 per cent of the GNP on health care, of those 24 industrialised countries which I referred to, it ranks 21st in infant mortality; 17th in male life expectancy; and 16th in female life expectancy. Those are not good figures. Something is wrong with their system. They are not delivering the goods either. It is because of the system that has evolved.

In the earlier decades, post World War II, in the 40's, 50's and early 60's, most people in the United States tended to buy health insurance policies that covered hospitalization. Blue Cross/Blue Shield was very important, in those days, in offering the policies. At that time, when people went to doctors, quite often, because they were not insured, doctors tended to charge as little as possible because patients were paying out-of-pocket. With the advent of health insurance, what has happened is that, although it has been a good thing in one respect in that it is covering the cost of medical care because of lack of Governmental control of the health insurance, it has just been allowed to get out of hand. It has become big industry and, for that matter, medicine, unfortunately, has become a very, very big industry in that super power also.

What I would like to mention is that medical care is different from most services offered by other professionals. If you go to a restaurant, or hardware store, you decide when, and where, you want to go, and what you are going to buy. When you go to an architect or a lawyer you more or less know what you want and roughly what it is going to cost. When you end up in the hands of a doctor, he makes the choices for you, he decides what you need and what has to be done. That is where the difference lies.

I would not like to say anything here today which would cast any aspersions on the honourable profession of medicine, neither would I like to imply that any of these practices

occur, at present, in the Cayman Islands. But it certainly does apply in the United States.

Many doctors, hoping to help patients, over-utilise medical facilities. They order too many tests, abuse things like MRI scans and CAT scans, because these scans are non-invasive and are of little risk to patients. Often times these are over utilised and it is very costly.

The cost of an MRI scanner is approximately $2.5 million. To operate it, per annum, is approximately $2 million. The CAT scanner is approximately half that amount. This is big business now in the United States. Often, if you have a sprained ankle, you will wind up getting a CAT scan of the ankle and that is not exaggerated. The abuse and over utilisation of the system is at least one of the reasons why medical costs have hit the ceiling in that country.

We also have to remember that medicine is not an exact science. There is still much uncertainty in the field of medicine. Some doctors propose and can give you every rationale in the world for whatever treatment they are prescribing, yet others think that another treatment is just as good. There is always a difference in the cost. This uncertainty often affects health care cost.

I will give you an example: In one town in the United States, called Stokes, just over the hill from Waterbury, approximately 95 per cent of the children have tonsillectomies, whereas, only 5 per cent have tonsillectomies in the town of Waterbury. It gives you some idea of the difference in thinking on even a simple subject such as recurrent tonsillitis.

Doctors sometimes too, because they want to do as much as possible for patients, especially when they have demanding patients who want more, are forced into positions where they offer more. That often jacks up the cost of medical care. Many people will not stay home, for instance, and take a few pills and wait until the cold goes, they must get a lot of antibiotics, and have a lot of investigation, etcetera. We know that there is much controversy regarding medical treatment. There is much uncertainty in the area, and it is an area where, if doctors do not remain highly professional and they consider their pockets more than the patient's benefit, the cost goes up.

In the United States, with the advent of Medicare, it was hoped that there would be some control on the cost of health care. But one mistake Medicare made was it said to the doctors that they could charge their 'usual and customary' price and, in so doing, the bills just increased, and increased until, in 1986, that country had to put a stop to it. They decided that Medicare would pay standard benefits, that only a certain amount would be paid by Medicare if that person was going to be admitted to the hospital for a particular condition. It is this type of thing that we have to look into if we are going to try to come up with a system of health care for the Cayman Islands.

On the other hand, in a country like Canada which, no doubt, has weaknesses and strengths in their system, what I noticed there is a form of National Health Insurance. It is not exactly the same as in the United Kingdom. In the United Kingdom, people pay taxes which eventually go into the National Treasury, and it is from that Treasury that the cost of medical care is covered. In Canada, people do pay a variety of Federal and Provincial taxes and these go into the General Treasury. The Canadian Government pays doctors set rates for performing various procedures. The benefits in that system is that health care costs have not spiraled like they have in the Untied States. The weaknesses, if you listen to organisations like Health Insurance Association of America, is that people have to wait too long for medical care and too many of them are coming over the border. But that speaks well, in some instances of Canadian medical care, if we look at it from another angle.

Over in Hawaii for instance, which is one of the United States, they have a different system which I have looked at. In that state, in 1974, they passed the Prepaid Health Insurance Act. They negotiated with employers to cover the costs of medical care. They had to buy insurance for their employees. At the beginning it was 50/50, as was proposed here. The exact amount, in fact, in the original Act it stated that the employer had to pay a minimum of 50 per cent of the premium and the employee should not pay more than 1.5 per cent of their salary or wages. With increasing salaries and premiums, the experience there has shown that employees have had to bear a smaller percentage of the cost of the premiums in that state. The one problem that they faced as the years passed in Hawaii, was that there was a gap group; the unemployed group, or people who worked too few hours for their employers to pay for their health insurance. The state then launched an Insurance Programme called SHIP (State Health Insurance Plan). Anyone who qualifies for SHIP has to pay a $5 co-payment fee if they visited a physician, and they pay a premium according to the salary that is being earned. It is then prorated according to their salary.

Hawaii has found that, basically, medical care not only the quality of medical care, but also medical care costs, are a lot lower than on the mainland on account of Government taking this action to regulate health care costs.

The country of Bermuda, too, has had a very successful programme. I believe that the previous Member of Health did look at the Bermuda system in order to try to come up with some system that would be beneficial to us in these Islands. But the Bermuda system works a lot different from what he has in fact proposed here. In 1970, Bermuda found out, as inevitably many countries found out, that health care costs out-strip inflation and, in some cases, it actually doubles and triples it. In order to do something about this, rather than Government continuing to pay out of the General Treasury, the Bermuda Government decided to pass the Health Insurance Act in 1970. That Health Insurance Act mandates employers to pay, at least, half of the premium for their employees, and also half of the premium for the employee's unemployed spouse.

Simultaneously, the Bermuda Government decided to do another thing that was not at first tolerated very well by Bermudians. They decided to charge a hospital levy or a payroll tax. They decided that all persons in Bermuda would have to pay 1.5 per cent of their salary to the Government, and this was put into a Consolidated Fund. Out of this fund, the Government of Bermuda would be able to provide medical care for people, such as indigents, and a host of people who could ordinarily not afford

medical health care. They, for instance, provide care for all children under school-leaving age; they subsidize people over 65; and for people between 65 and 75 they actually pay four-fifths of their medical costs if they have been in the country for 10 years of the preceding 20 years before application for insurance. If the people are over 75 and have no insurance, then the Government still pays four-fifths of the health care but if the patient has insurance then Government actually pays nine-tenths of the health care.

There are other people too, which the Bermuda Government provides free health care for, but the money comes from the hospital levy which goes to the consolidated fund. Monies that come from premiums, if the policy is bought from the Government operated scheme, goes to the hospital fund that is operated by their Health Insurance Commission. Perhaps I should clarify.

In Bermuda they have public and private health insurance. The Government operates the Health Insurance Scheme that sells to anybody who wants to buy, be they Civil Servants, or any one. They can buy from the Government operated scheme. The Government scheme is not allowed to sell anything but the basic package and this basic package, for those who do not clearly understand it, is a policy that covers hospitalisation costs with a few outpatient benefits. By law everyone working is supposed to be covered up to the basic package in that country.

They also have, in Bermuda, something known as Mutual Re-insurance Fund. A specified part of the premium paid for the basic package goes to Mutual Re-insurance Fund. That serves to cover a patient's long stay in the hospital, people who must stay in the hospital over 60 days, people who get renal dialysis, and people who have to use their CAT scanner, because of the cost involved.

Here in the Cayman Islands, this is what is important to this Legislative Assembly. What should we do? What we should do, in my opinion, depends very much on the result of negotiations between the Executive Council, namely, the Member, the insurance provider, and health care providers. I think that it is in order to compliment the Member to slow down the rapid rushing toward the flame that was going on in the previous regime, I think he has stopped, he has asked for time to reassess things, and that will enable everybody concerned to understand things better and, eventually, we will get a very, very, reasonable health insurance package.

I have my own suggestions which I would like to relate for the benefit of all Honourable Members here today. First of all, I would suggest that health insurance in this country be universal. By that I mean that it provides coverage for all, and that all have access to the system's health care providers. I believe that it should be fully portable. People should be eligible for benefits irrespective of who, or where, health care is provided. I believe that there should be a minimum coverage, there should be a specified time, otherwise, what will happen is there will be many problems between health insurance companies and the Health Insurance Commission. There is some wisdom in Bermuda fixing 60 days' limit covered by the standard health insurance contract. I recommend that we negotiate with the insurance companies, rather than it go the other way around. In the Law, the Member (and I have to compliment him on this one) actually got the insurance companies to agree to pay for unlimited insurance in hospitals. Section 3, subsection 4 of the Law reads:

> "(4) The inpatient's benefits specified in Part 1 of the Schedule shall not be limited as to the duration of the patient's stay in a health care facility."

It is that clause which is now giving many, many, insurers problems, and many of them claim that they did not even understand that was in the Law when they agreed to go along with the Member, reluctantly. It is also important to realise that only one company did apply to the Government to become an approved insurance company. No one else did.

I would suggest that, at least, 50 to 120 days should be covered by the minimum health insurance package. Physician's services should be covered. Diagnostic and lab services, and maternity benefits should definitely be mandated. It is my opinion that all employers should mandatorily provide at least minimum coverage for all of their full-time employees. By the way, the Health Insurance Law, 1992 is adequate in this respect.

We have to decide whether it is mandatory or not mandatory to provide insurance for the employee's family. As the Law now reads, the employer is responsible for providing health insurance coverage for the non-employed spouse, but he can deduct the full premium from the employee's salary.

I believe that a high quality of care must be assured and this can be done. I, in fact, suggest that a national health provider agency be set up in the Cayman Islands to make sure that we reduce the possibility of spiraling health care costs and ensure quality health care. I believe that a Certificate of Need Law needs to be passed in the Cayman Islands to ensure, again, that unnecessary medical equipment, which will only jack up medical costs, does not come into this country. This will require hospitals, and other providers, to show why more beds and new medical equipment are necessary before buying them. This will avoid duplication and waste.

The unemployed, and those who work too few hours to be covered by their employers, should not necessarily, in my opinion, be labeled "indigent", and become the full responsibility of Government. Such people should pay a small co-payment for medical services and pay a monthly premium based upon their income, as in Hawaii. The Government would then pay the remainder of the premium entitling these "gap people" to minimum coverage.

I strongly, advocate, and support, community rates. I believe a community insurance rate should be charged. By that I mean that people should pay the same kind of insurance irrespective of their age or medical condition. If this is done, what will happen is that the elderly people in our country will not be burdened with these high insurance premiums if we spread it over the entire community. So, I

propose that community insurance rates be adopted in the Cayman Islands.

I believe that one has to be careful about deductibles whenever we are negotiating with insurance companies, because to charge no deductible can cause abuse, but to charge too much deductible can result in many people not going to the doctor in time and, as a result, many could need hospitalisation and this will jack up medical costs, again. I believe that a small co-payment for medical services is advisable to avoid abuse also.

Government should review its policies regarding the groups of individuals now receiving free medical care. I strongly urge our Executive Council to do that. When we look at the groups - and I believe for the benefit of all that I will take this opportunity to remind you of the groups of people that are now covered in the Cayman Islands for free medical care - it states there that;

> "Except as otherwise provided by these regulations, the fees specified in the schedule are payable by patients of the health care facilities.
>
> A person ordinarily resident in Cayman Brac or Little Cayman who is a patient at the Faith Hospital in Cayman Brac shall pay fees at half the rate specified in the Schedule.
>
> No fees are payable in respect of a patient at a health care facility if the patient has not attained the upper level of school age as defined in the Education Law, 1983.
>
> No fees are payable for antenatal services provided at a health care facility to a person who is ordinarily resident in the Islands.
>
> No fees are payable for contraceptive services including clinics, devices, and drugs, provided at a health care facility to a person who is ordinarily resident in the Islands.
>
> The fees payable by a patient at a health care facility shall be waived, in whole or in part, if the patient presents a card issued by the Authority identifying him to be an indigent person.
>
> No fees are payable by a patient at a health care facility if the patient presents a card issued by the Authority identifying the patient to be a public officer, or the spouse, or the dependent of a public officer, to the extent provided in the terms of employment of the public officer, or a member of the Veterans Association of the Cayman Islands, or the spouse of such a member, or a member of the Veteran and Seamen's Association of Cayman Brac, or the spouse of such a member, or a person receiving a pension from the Government, or the spouse of such a member, a serving member of the Legislative Assembly or the spouse of such a member.
>
> A patient who is being investigated or treated for AIDS, tuberculosis or malaria, if so certified by the Medical Officer of Health.".

Now, if we figure how many people are embraced in those provisions, that accounts for, I am sure, easily, 55 to 60 per cent of our population. If the Government is going to have to provide free medical care for those people, then that is something for the Executive Council to start thinking about. I would certainly encourage them to look at those groups of people, since our Government is in such a very, very, strapped financial position. However, I will not say anything more on that at the moment.

I would now like to mention some of the concerns of the health insurance sector. The Law states: "Included in the inpatient prescribed benefits is treatment of alcoholism.". In the words of one concerned insurer:

> "Alcoholism is an addictive condition which requires long episodes of treatment which do not guarantee a successful conclusion. The result of treatment for alcohol addiction could, therefore, be high cost and an ongoing alcohol problem. This makes the benefit an insurer's nightmare, and is normally an excluded benefit. An alternative approach to the unlimited benefit for alcoholism would be to set a maximum benefit for the treatment of the problem.".

I will not go on anymore there. Suffice it to say, I am not here to plead the case of the health insurance industry but, at the same time, I believe that whatever is agreed upon has to be worked out in some reasonable fashion so that all concerned are happy to live with it and we will not have one problem after another once this thing is implemented. Having said that, I want to congratulate the Honourable Member for Health, again, for taking such wise, astute, and prudent action.

One insurer is so concerned about maximum liability of insurers (and I share his concern); another one is so concerned about off Island detention; another one is concerned about coverage for children; coverage for people over 65; coverage for temporary and part time employees; high risk pool; management and liability, and he writes: "During our last visit, in August, this matter was not resolved. It apparently was mooted that the management and administration of this pool would be put up for tender by the Authority. This raised the following questions: In the event the pool proves to be insufficient, who will be liable for the short fall? Will the carrier currently administering the fund at the time of the short fall, be liable for the short fall? Or will payments from the pool stop when all funds are used up? What would Government's liability be with this

fund?". All very reasonable questions, Madam Speaker, that went unresolved by the previous administration, and yet, they were willing to market this insurance plan. We would have been so burdened by problems that all the Health Insurance Commission could do, in my opinion, would be to deal with problems brought forward by the insuree and, perhaps, the insurers also.

This one talks about rate increases due to adverse claims experience: "This area causes concern because it is not quite clear to us the conditions under which rate increases will be approved. For example, in the event that an approved insurer has poor claims experience, will the insurer with the poor experience be given permission to increase his rates? The ability to increase rates appears to rest solely at the discretion of the regulatory authority. This, you can appreciate, puts insurers at a disadvantage, and a remedy should be provided to the unfortunate insurer in these situations.". By the way, Madam Speaker, all the rest of these notes come from concerned insurers, and there is no way that I could spend the time of this Honourable House telling you all of these concerns. But, suffice it to say, that the insurers out there in the public were never happy with the previous Member's insurance plan. This Government has got to do something about it. This is a different kind of Government anyway, this is a rather sensible Government, and we have to do something about it.

I would like to talk about some of the concerns about yet another insurance company. Some could not even understand what appeared in the Law. One asked; "What is 'Austin Moore', is it a problem to do with the heart? Please clarify the Schedule's reference to Austin Moore as a procedure. Our medical dictionary did not even contain such a procedure. It did, however, contain reference to Austin Flint which dealt with heart murmurs."

Imagine, in our Statutory Books we have something like that appearing, and insurers can hardly figure out what it means. How easy it would have been if the people would have put Austin Moore Hip Replacement; it would have clarified the entire picture.

There is no end to the questions. Like I said, I am not here to plead the cause of the insurance industry. All I would like to leave with this Honourable House is that there are so many questions, there are a lot more questions than answers as far as they are concerned, and it is up to us to meet with them and go over these muddled waters and get this thing sorted out so that it can make sense to all of our people. I am prepared, since the Honourable Member has asked me to serve on the Health Insurance Commission, and I will do everything possible to assist. You can count on me, Madam Speaker, and this country can depend on me. I will do everything I can to bring some sense into the Health Insurance Law.

Imagine the past Member suggested that surgical fees, first of all, the charge of using the operating room, the maximum charge for a major operation should be $350; the charge for a minor operation should be $250. Then he goes on, in the same Law, and states that the following figure includes: the cost of using the operating room, and the surgeon's fee. Then he gives the cost of doing a major operating procedure as $400. So that means that the surgeon's fee is only $50, and some are even lower than the cost of using the operating room. It is absolutely ludicrous, and this is exactly what the insurance industry is pointing out to us. I cannot see how a Member who says that he has medical experience could have done this to the Honourable House. I, personally, can forgive some of the other Members here, but not a man who had some knowledge of medical facts and figures.

I suggested, in answering one of these letters, and I do not think I was being facetious here, I said; "I hope I have been helpful in clearing up some of the misunderstandings about the health insurance as proposed by the last Government.". Perhaps it would be a good idea to send a copy of this man's letter to Ezzard Miller, to show him what a mess he has left behind. I honestly feel that this should be done, so I am depending upon the Honourable Member to do so. Our country, in this point and time, is strapped for finances, we have serious financial problems but, in my opinion, it is nothing that this able Government cannot handle. As we have heard, with the help of God and with the cooperation of the people, it will be done. I look forward to making my contribution to making good Government in the Cayman Islands.

Once again, I would like to thank the people of the Cayman Islands for such overwhelming support. I would like to thank the constituents in George Town for their overwhelming support, and we can guarantee the people of this country that we are going to right this country so that we can all feel proud again and, indeed, as the Member from North Side said, it will be, once again, the Gem of the Caribbean.

Thank you, very, much.

THE SPEAKER: Thank you.
Proceedings will be suspended until 2:15 P.M.

PROCEEDINGS SUSPENDED 12:45 P.M.

PROCEEDINGS RESUMED AT 2:16 P.M.

THE SPEAKER: Please be seated.
When the House suspended for the luncheon break, the Second Elected Member from George Town had apparently concluded his contribution. He has seen me in the interim and has stated that there are other remarks he wishes to present. In light of that, and since no other Member has caught my eye, I will put the question that the Member be allowed to continue with his contribution to the Throne Speech and the Budget Address. Those in favour, please say Aye, those against?

AGREED. THE SECOND ELECTED MEMBER FOR GEORGE TOWN WILL CONTINUE HIS DEBATE ON THE THRONE AND BUDGET ADDRESSES.

DR. STEPHENSON A. TOMLINSON: Thank you, very much, Madam Speaker.

When I look at you in that Chair I feel a deep sense of national pride. I would like to take the opportunity to congratulate you, and to thank you very much, for the contribution you have made to these Islands. I would also like to acknowledge the presence of the two female Members among us and, I am sure you would agree that the female ingredient is vital.

I had a few more comments to make about the Throne Speech, in particular, and also a few comments to make about the Budget Address and, in closing, I would like to make a few comments about the way forward with regards to the Health Services.

I found subsections (a) through (e) in the Budget Address very inspiring and enlightening to see the actions that Government will be taking in order to ensure that we keep within the expenditure target.

> "(a) selected reductions in the Civil Service and statutory boards and corporations' staffing levels through amalgamation and/or down-sizing of agencies and departments.".

I would like to have it registered that I fully support that.

> "(b) the establishment of targets for contributions to general revenue from revenue earning statutory boards and corporations.".

Again, very, very necessary.

> "(c) extensive screening of all Capital Acquisitions and Capital Development projects with the priority being placed on the completion of on-going projects and on the most essential, critical new projects.
>
> (d) significant reductions in selective subsidies and grants to less essential public and private sector organizations.
>
> (e) across the board reductions of up to 50 per cent in operating expenditures such as: overseas travel and subsistence costs, office supplies and materials costs; overtime costs; and professional fees.".

It has always been my feeling that there has been too much payment in the form of overtime payment in the Civil Service, in particular, as we heard this morning, to the Prison Executives, in the Immigration Department, and elsewhere. I would strongly support these measures. I have reason to believe that the Government believes in a very strong private sector also, and will be doing everything possible to provide the necessary incentives to jump-start the private sector economy.

I will now go on to some observations made in the Throne Speech. I noticed, with regards to Banking, that the Cayman Register, in 1992, was consolidated with the issuance of 22 new licences and the cancellation of 34. I noticed that the reason given was a combination of demand in local interest standards and various rationalisations within the international banking industry. For those reasons, I think that every Member here will support that.

I was heartened, too, to see the increase in the captive insurance companies; the licences granted. It says here that, "The Cayman Islands maintained their position as the number two off-shore domicile in 1992, with 24 new Captive licences and 19 surrendered, with a net gain of five." I certainly hope that this continues. The total number registered now in the Island is 372. I cannot say the same about the Marine Survey Department, and I found that report very disappointing. I sometimes wonder if the possibility of inspecting ship hulls and, perhaps, even repairing them in the Cayman Islands could not be further investigated. We have a very good diving industry here and, I believe, this could be done. I wonder if the person doing it would have to be British or, at least, British certified, seeing what has happened with regards to the Shipping Laws.

I noticed that the Registrar General's Department reported a great increase in registered companies and that is a good sign, that is very encouraging also.

Regarding the Port Authority, we too, I am sure, await the Port Master's Development Plan. It will be interesting to see all of the recommendations and what will be done as a result of those recommendations.

We the George Town MLAs have visited the project at Hog Sty Bay. We see where many more tenders will be accommodated there but I, personally, see where it will give rise to more traffic congestion and, perhaps, more parking problems in the area. I urge the Government to consider more parking facilities in that particular area to get some of the cruise operators and ground transportation off of the main road. That is a vital necessity.

I fully agree with the move to amalgamate the Natural Resources Unit, the Mosquito Research Control Unit and Environmental Health Department. Not only will we see savings but we will find that the new unit will be able to discharge its duties much more effectively.

Much has been said about Radio Cayman and I noticed there that in 1992 it contributed $530,000 to the General Revenue. That should not be frowned at, Madam Speaker, and I think that they deserve compliments for what they have been doing. I wonder what the expenditure was? I believe it is the Estimates, but I do not remember the figure.

The Agriculture and Industrial Development Board has been giving scholarships to many of our students and some have come back and have been of great service to us in the Islands. I certainly hope that they will be successful in their endeavours to get the necessary financing from the Caribbean Development Bank.

The only thing now that remains for me to say is a few words with regards to the way forward in the development of Health Services. The Honourable Member for Health, in fact, touched on this yesterday, and I would like to register my complete support for what he is doing. A Way Forward Committee has been formed, with members of the health profession participating, and they are giving some very interesting, and informative, suggestions about what to do about our local Health Services. I have been fortunate to be in attendance at some of these meetings and I believe that as a result of their suggestions, and pooling of ideas, that we will come up with a strategy that is very well suited to the needs here in Cayman.

I would like it to be registered that I foresee the development of the Health Services in an organised and orderly manner where it will be accomplished in phases. I do not believe that this country can afford a major development of the Health Services in one go. I recommend that to start with the more urgent things be done right away and these things have been put in writing to the Member and he will take the necessary action to make sure that these are implemented. When the immediate needs are addressed, then some Capital Expenditure can go in to provide in, perhaps, Phase I of the development of the facility and, finally Phase II, or Phase III, or how ever many phases it takes; but in a fashion and in a manner that this country can afford. Eventually we will end up with a very effective Health Service with the facilities that we need, not something that, perhaps, another country needs. The answers, I think, are all here, and we should not have to rely on any foreign consultants to tell us what to do.

I ended up saying, before we took the break, that I look forward to making a positive contribution to Government. I hope that what I have said has been of some benefit. I would like to thank all Members who have debated the Throne Speech and Budget Address, I found it most enlightening, and I look forward to hearing those who have not spoken.

THE SPEAKER: Thank you.

The Honourable Elected Member for Education, Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.

I would like to congratulate the Governor on the fine delivery of the Throne Speech, and the Honourable Financial Secretary for his very able delivery of the Budget Address.

I would like to welcome back the Members of the House and, especially, you, Madam Speaker, and the new Members who have joined the House. Specifically, I would like to welcome and say thank you to my three George Town colleagues who are with us this time in the Legislative Assembly. We have (the four of us) had one public joint meeting and, I believe, this is a step in the right direction. For us to achieve what is necessary to bring this Island back to a good financial position and to get the security that the community requires will take cooperation and team work, not only among the Members within the District but among the Members in this Honourable House. I have always believed that, even though we may not agree on everything, it is important that National issues are discussed and looked at from different points of view. Not only has there been an elevation of the standard of debate within this Honourable House, but the Island is bound to be better off for the constructive speeches which have been given in this Honourable House this time. To me, it is a pleasure and a welcomed innovation to this House.

I would like to begin by talking about the Budget. This is the first time, in many years, that we have had a Budget that is truly balanced. By 'balanced' I mean that our receipts of our revenue is sufficient to cover our expenditure. In the past we have had presentations of Budgets where there was very substantial borrowing on the receipt side to balance it. There are flow-through loans from Cayman Airways, the Airport, and the Hospital Authority. These have been excluded in relation to this. The forecast for this year (at least the nine months that we are responsible for) is that we are living within our means. I think it is important to get the economic principle right, because if we begin this sitting, and this Budget is wrong, in my view, we will never get back on the right foot within our four years.

To achieve that, hard decisions have had to be taken by all Members of this Honourable House. They are taken in the interest of the country and the people as a whole and, in my view, unless a decision had been made this time to support a balanced budget, this country could not have survived for any length of time at the rate that money had been spent, especially in the past three years.

The Honourable Financial Secretary pointed out, in his paragraph under Revenue, that in 1992 there was a short-fall of $4.2 million between what was estimated to be collected, and what was actually collected. He has also pointed out, in that same section, that when deducting the loans that were raised in 1992, the deficit of the country was $21.1 million. That was one of the things that shocked me when the true financial position of this country was revealed. We now have put a future to the economy of this country. We have moved forward, in a positive way, from what was quite a serious financial deficit and problems in the past.

What I find very difficult to understand is how so much money could be spent in those short three years, with the wrong economical principles being applied, by an elected Government, who were there for four years, who knew better. No one can tell me that they did not know the difference between deficit budgeting, and the balancing of the budget.

Perhaps one of the things not highlighted in this Budget is that, not only do we have the substantial increase in the Central Government Public Debt but, when we look at the

statutory corporations (including Cayman Airways) we are looking at a further debt of contingent liabilities, or guarantees, resulting in a further $100 million during that period. So, basically, $150 million has been spent in a deficit position, and that is money that is gone forever, because there is very little to show for it.

The problem that we face as a Legislative Assembly is to, basically, do a U-turn in the right direction. I am very happy to say that the constructive approach of the Honourable Members of this House, in supporting a Budget in which we are living within our means, is one which must give the private sector the positive approach and the confidence that we need at this time. We have to remember that, while Government has substantial assets, many of the assets are not what are regarded as good security by banks. Therefore, the choice this time to do both cutting expenditure as well as raising no loans and raising no revenue has to be a move that will strengthen the Government's position.

One of the things, I hope, that the public understands is that time will be necessary to turn the country around. I will not dwell on the past, but they must have known the bad financial position of this country, in the overwhelming way in which they spoke in the General Election. I believe they are going to give us the necessary time to develop the right principles which we have put in. Much of the cost-cutting, not only in this Budget, but also in Cayman Airways and in Statutory Corporations, takes time before they come into effect. The full effect comes further down the road. I ask the public for patience in this area.

The Honourable Financial Secretary has clearly stated, and there is a Law this time that will require Statutory Authorities to comply with the Finance and Stores Regulations and the other Government Regulations that are time proven. Much of Government's problems in the past arose because the Statutory Corporations, including Cayman Airways, had too much autonomy when they were spending the public's money. I believe that anyone who spends the public's money must answer to the public, and it will mean taking away the power from politicians, especially in things such as the Health Services Authority; where one person, the Member for Health in the past, had nearly absolute power in relation to money, staff and control over a very large part of the public's money.

I personally believe that there is safety in numbers and when decisions are made by this Honourable House, or by the seven Members of Executive Council, the chances of error or wrongdoing are very slim. When decisions are made by one man, regardless of who that one man is, who has vast powers under Law, then the chances of deterioration of the decision, and the possibility of wrongdoing, creeps in.

I am very happy to be associated with the Honourable Financial Secretary in presenting this Budget and, indeed, with all of the Official Members of Executive Council. We have tried to work as a team and have shown, in this instance, that when hard decisions have to be made for the benefit of the country, and provided it is the wish of the people, we are prepared to do it.

For better or worse, Cayman Airways and Aviation is a part of my responsibility. A very hard responsibility rests on this House in relation to it. I say that because, not only is it a very important and integral part of the economy and the life of this country but, in the last few years, it has been a very heavy and crippling financial drain on this country. I believe that the duty of this House is to support Cayman Airways as far as it possibly can. My specific duty is to do everything within my means to get Cayman Airways to a stage where it can be supported with a reasonable subsidy which I would ask the House from time to time to appropriate.

I believe that together, and with God's help, we can, perhaps, get Cayman Airways to a stage where it will be, once again, a national pride of this country. I realise the many difficulties which exist in reaching a stage where the losses are substantially reduced. I believe, given a bit of time, that it will be possible to achieve this.

I have, from time-to-time, had people say to me that with a large strain on the country why not shut down Cayman Airways? That, I think, would be wrong at this time. If Cayman Airways were to be liquidated at this time the Government of this country would have to find funds, very substantial funds, which have already been spent or committed by Cayman Airways and that, I think, would be extremely difficult to find at this time. So I believe there are two good reasons to ask for the assistance of this House, and in asking for that assistance I can assure you that I will not push your patience too far when it comes to how much time you give me, or that we spend on Cayman Airways to get it back properly on its feet.

I think that provided within the next few months I can see falling in place a relief from the leases and contracts that exist, which will have to be negotiated out of, then I really and truly believe that Cayman Airways has a future. But, I believe that there has been one very expensive lesson learned with Cayman Airways and that is; that never again should a statutory corporation or, in this instance a company, become so autotomous that it can spend and waste the public's money without being accountable to the public. This has been, in my view, wrong and I have put what I believe is necessary, as best I can, to have accountability to this Honourable House if you are going to put the public's money in any statutory corporation or in Cayman Airways, then its Board and it staff must be answerable to how that money is spent. I believe that if that had happened we never would have seen the losses rising to the stage that they did, some $12 million at one point, and, in fact projected for this year at US$12 million. But that, hopefully, will be considerably less by the end of the year because that accountability to the public was not in place, I believe that decisions were made which never would have been made if they were made with the blessing of the Finance Committee and especially if the Finance Committee had been comprised of the capable and good people that now sit in this Honourable House.

I guess it is, perhaps, ironic that next year and the year after the airline would have owned the two 727-200's and would have had no lease payment. In fact, the $12.5 million and the $5 million to Government, the $17.5 million that was received from the sale of the jets, the lease payment made during the period that we had them, was less than what we got back.

A lot has been said about the Noise Regulations and that the

United States will be bringing in 1996, and this continuously raises its head, but already on the market are what is called "Hush Kits", they are basically very expensive mufflers that go on the engines of the planes to reduce the noise. You will see not only the 737 but also the 727 flying for many years to come.

The other problem that I think we have now reversed in Cayman Airways is having an expansionist's mentality. It is all well and good to expand and expand if you are making a profit, but if with every extra jet you add you make more losses, it is stupid financially, to continue it. If, when Cayman Airways had two jets it managed to have very small losses (in fact in one year it made $1 million profit), then I believe our hope has to be to go back to what has worked in the past.

In relation to the air rights negotiations with the United Kingdom, the United States, and ourselves, I will do all I can. I have told His Excellently the Governor that I will leave on whatever short notice that is necessary to attend those negotiations.

However, Madam Speaker, while I will push for as much protection as I can get for Cayman Airways, I am a realist and I know, and I have spent a lot of time in international negotiation and our case has to be put realistically, rather than to put the case that is totally unrealistic.

Most negotiations with the Americans are basically a situation where, when they give something they want something in return. It is that type of bartering that I am afraid at this precise time we have very little to barter with. However, I feel that the new air rights will perhaps have a better mechanism for policing matters, such as the setting of airfares, if it contains a fair competition rights, it will be better policed so that there will be some type of Arbitration Committee, or Board, or an arbitrator, who can sit and deal with the matters that come before it and avoid a lot of the bureaucracy that arises when you have matters being dealt with on a government-to-government basis.

My duty is clear as to what I would like to achieve there. But I merely caution that some of what I have seen written in the past, I believe, is totally unrealistic to expect to get.

There exists, perhaps, one very important area where there has to be improvement in relation to the routes, and that is in relation to the Cayman Brac, Little Cayman, Grand Cayman service. At present there is a committee of the Board which consists of three members. They are working on this with a view to improving the schedule, not only with relation to the frequency of the jet but, I think, the answer ultimately has to come from a smaller plane such as an 18 or 19 seater, that the private company that now flies to the two islands could provide. It is not really possible and, I believe, it is a lot more feasible that Island Air, or some other private company, come up with a commuter service because Cayman Airways, in the past, has really not effectively run that route with a smaller aircraft. The answer will have to be found between Cayman Airways and Island Air running that route. I know, and it is uppermost in my mind, that there is an overriding duty of this Legislative Assembly to see that the Sister Islands are properly serviced through Cayman Airways or through the private company. It is towards that goal that I will and I believe this House will work. It is one of the routes that does not come into the question of any reduction because of cost. If there are routes outside of the three Islands that have to be cut because of losses, that is a totally different principle from what applies to the Sister Islands service. I know that we will have to subsidies that and it is something that I accept, and I will do everything I can to see that they get the necessary air-links which is important to the people and the businesses of these Islands.

So, in leaving this phase of my speech on Cayman Airways, I would like to say that I believe that with the help and support of the people of the Cayman Islands, and with the understanding and support of Cayman Airways' staff together, despite some difficult measures which may have to be introduced from time-to-time, Cayman Airways does have a future and I will endeavour to do everything I can to see it continue and to see that staff are treated fairly and within the Law.

Madam Speaker, when dealing with the Budget, there was consultation as indeed there is on all major issues with Members of the National Team, and we have worked together throughout. We meet regularly, about once a week, we strive to work together and produce what we feel is in the best interest of the people in the Cayman Islands. Therefore, anything that has been said in relation to any surprise about the 7.5 per cent reduction in the Civil Service should have been no surprise to the Members of the National Team. I would like to look at the reduction that is planned within the Civil Service from a very positive point of view, because I view it as a golden opportunity, for once, to produce a smaller, but more professional, Civil Service and to effectively begin Caymanisation of the Service to a large extent.

While I feel all staff, including foreign staff, have to be treated fairly (and I honestly mean that) I believe that for too long we have really never tackled the problem of having a hard look at the Civil Service from a point of view of ensuring that it is smaller, more professional, but continues to be well paid. So, I differ, considerably, from the Second Elected Member from Cayman Brac in that I believe that to have reduced the salaries by 7.5 per cent is a very negative approach to the problem. It is the mentality of third world countries because what you are doing is keeping a larger staff at a reduced pay. It has got to be better to reduce the staff but keep the pay in place because, in my view, if you reduce the pay of a person, you are going to get less work. So, I believe, the third world countries that have taken that approach, presumably, to appease more people, that, economically, it is not correct.

I have been a Civil Servant, like other Members of this House, and I know how important it is to work with Civil Servants. I have always tried to do that and I believe that the Members of this Honourable House will continue to cooperate and to work with them. Conversely, I think that Civil Servants will well understand that what is being done is necessary in the interest of the Cayman Islands.

The Second Elected Member from Bodden Town mentioned, and spoke quite clearly and ably on certain areas. I would like to mention one of these. He did make a request to me in relation to the lights at the Bodden Town School and also the school zone. I got together with the Member responsible and I understand from him that that is now in hand. I also share his concern with relation to ICCI as it is an integral part of the Cayman Islands. When dealing with education, generally, I would also endorse what he

has said in relation to more scholarships and the question of the final exams.

Several Members spoke in relation to releasing of prisoners. While this is not my subject, I will be very brief on it. I believe that if we could get workable agreements with foreign countries to return their nationals to serve their sentences without the bureaucracy of having to have the consent of both countries and the prisoner, then that has got to be the proper way to go. While there is no system in place for early release of foreign prisoners, such as parole, I think that the principles that apply to parole could perhaps be applied to foreign prisoners who have served a considerable period of their sentence so that they could then be released and deported from the Island, at which stage they could not be any further harm to society.

I believe that one has to look very carefully at this and parole because it could send a wrong message to foreign criminals if they believed that they could commit crimes and, perhaps, be released at considerably earlier periods of time, after serving one-third of the sentence they then come up for parole. What I would say, is that the nature of the offence, naturally, the Parole Board, or if it is His Excellency the Governor, in relation to foreign criminals, would have to be looked at because there are some types of offences which harm society more than others and I feel that those people should definitely spend their full time less period remittance for good behaviour. I endorse what several Members have said in relation to this that it is something that should be looked at and should be gone into thoroughly because it has its advantages.

In relation to crime and drugs generally, this worries me, it worries all Members of this Honourable House. I believe that we have given, and continue to give, support to CASA and to the other organisations, including the Churches which are in the fight against drugs and crime. I believe that for prisoners who are in the Prison for drugs it should be mandatory that they attend sessions in relation to being, from a psychological point of view, dealt with for drugs. They are already in a position where they are mandatorily behind bars so I see no reason why it should not be mandatory that they have to attend the programmes that are being run in relation to rehabilitation on drugs.

I support the move that while the best aim is to prevent a person going on drugs, we cannot shut our eyes to the fact that there are people out there on drugs that need help and rehabilitation is something that has to come in an effective way. The saving of one life, in my view, cannot be measured in money and if it takes $.5 million or $1 million to put down what is necessary to assist people who are hooked on drugs, alcohol or whatever, then I think that this is money well spent.

I know the Lady Member from North Side dealt very ably, and in depth, in relation to this and the Penal Code, and to the offences of rape and defilement. I fully endorse and agree with the sentiments there and, indeed, there is a Motion this time that we will be looking at the Penal Code.

While on this area and, perhaps, lastly, one of the most shocking things that realistically came back to me was to find that juveniles were being held in a police lock up for periods of time. I believe that has already been given the necessary attention by the Honourable Member and it is something that has to be corrected quickly because the principle of dealing with juveniles is that they should be, normally, put in an atmosphere which is away from the rigidity and uniformed officers of a formal Court of a police station. They should be dealt with more in a family type of atmosphere because, by Law, they are not yet of an age that they feel the full force of the Law as do the adults. I will support whatever the Members need for dealing with juveniles because, when you really think of it, children are not capable of protecting themselves in most instances and society has a very heavy duty to protect them whether it is protecting them from their own, or from others. I know that the Domestic Violence Law has gone a considerable distance, also, to dealing with this.

I agree with the concern that has been expressed to the police, ourselves, and in the press in relation to crime, generally, and I believe that it is necessary to work with improving the flow of information from Members of the community to the police. I think that without this we will go on for some time continuing to have growing problems in this area.

I am not certain if it is out of necessity or choice, but the fan seems to stop just before it reaches me and I just wonder if the Serjeant will assist me, thank you. (Laughter)

From there I would like to go on to deal with education. The education of our children, which has been stressed by many of the Members, is one that has to be paramount, and most important, in the life of Members of the Legislative Assembly, and the community. And, indeed, with my three elected colleagues in George Town, we have spent a lot of time discussing this and looking at different areas of it. We are lucky that the First Elected Member for Bodden Town, and the Second Elected Member for Cayman Brac are teachers. But in George Town as well, we have the Third Elected Lady Member who is not only a qualified teacher, but she was a principal of a full school; meaning from the young up to the final exams, and very capably acted as principal of the Triple C School. So, we do have a lot of expertise with our George Town Members in relation to this.

I had hoped that with education it would have been possible to have spent more time and waited a while longer before it became necessary to have to deal with any serious problems in the system. However, contrary to what I thought, and I believe that the public now thinks while a lot of radical and serious changes have been proposed to the education system, most of them have either just been started or not been started at all.

I was under the impression that many of these changes had been put in place and had been there for some time and I found, to my surprise, that a lot of what has been proposed in the Education Plan is in its infant stage of introduction or has not been introduced at all.

Early in January I received a memorandum from the Chief Education Officer saying we have to deal with the problem of the two high schools that the plan has brought in, the changes there. I would like to assure this Honourable House, because I think it was the Second Elected Member from Cayman Brac who mentioned that change has to be brought about because of money, that is not correct. Even if there had been all of the money in place from September or June of last year, much less this late in the year,

it was physically impossible to do the changes to the old Middle School that could turn it into a full high school in the time that was left and this came about because of the fact that so much was being implemented that there was no follow through in getting done what was necessary.

When you have a school that is built for younger children you just cannot take the size desk, classroom, the type of equipment in computers, lab, and put in older children. It just makes no sense. They are older, they are more advanced, they are bigger physically, in size. It was this problem that caused the decision to be made as to what would happen in September of this year. With that problem, what I did was, I attempted to consult as many people as possible and to discuss it with as many people as possible including on several occasions, the National Team Members, to come up with a solution to the problem. It was just not good enough for me to say the problem has arisen and I not treat it. If the problem is there I must solve it regardless of what or who created it.

We are now dealing with childrens' lives. It is not like senior staff at the hospital or senior staff at Cayman Airways, or any other Government department, we are dealing with children and childrens' lives. Effective solutions have to be found in time to ensure that they do not suffer as a result.

So, there was consultation, Madam Speaker. I started with the Portfolio and the Head of the Schools and there were meetings with the staff of the schools, the teachers and the PTA. I had a meeting with the executives of all of the PTAs in the Island, including the private schools' PTA. But, in the end, the decision had to be made early enough to get out the notices to get staff in for September. We are not talking about September 1994, we are talking about September this year. The reality is if that had not been done, then the children would have suffered considerably in September as a result.

There are many areas of the education plan, some of which are now in effect, that can continue. But there are some which have to be looked at because if proper planning is not in place, we are going to continue to have problems within the education system. I learned, from my eight years of being in charge of Education, that you cannot do things quickly. Things have to be phased in over a period of time. This is why I continue to stress the fact that a decision had to be made now. It was not of my own timing. I had to do it because it had to be done. That decision should have been made and the proper facilities, curriculum and teachers should have been in place from over a year ago. It was simply left until it was too late.

One of the first things that was recommended by the Education Plan was that the Education Department should be restructured and strengthened. That was not done. It should have been completed in September of last year. What we had was a situation where an implementation unit that dealt mainly with the curriculum, implementing a lot of changes, and the Education Department had not been restructured to deal with the heavier work load. It was at that stage that things began to slow down and problems began to arise. It would have made sense to have taken the first year and restructured the Education Department, get that working well to handle the extra work. It is a lot of work. I would say that their work has increased 50 per cent as a result of what has been introduced.

We have decided to suspend the restructuring of the two schools. This has been based on two main areas. First, it was just not possible, regardless of how much money had been put into it, to have constructed what was necessary in five or six months. Second, I do not intend to go and hand out contracts myself, so it would have had to have gone through the proper tendering process, then go back to the Tender's Committee, and something that size would also have had to have been looked at by the Public Investment Committee. I can assure Members of this House that process would not have been completed by September, much less the building.

The second point was that in the meetings that I attended I found that, nearly unanimously, the Parent Teachers Association members (the parents) felt they should have their younger children separated from the older children in the High School. They preferred having a Junior High School and a Senior High School. I know that two of the Members have expounded about parents not being teachers, and not being experts, but in this House we represent the public, and if the parents wish to have the school structured in such a way which is possible, good and feasible then, I think, it is my duty to carry out the wishes of the parents. If I cannot carry out their wishes I must go back and clearly say to them why and what the problems are. It is a well recognised system of having a Junior and Senior High School and, in fact, at the meeting where we had the executives of all PTAs of all Government and Private schools, only two people put up their hands to have the schools structured into two full High Schools with children ranging from 12 to 17 in both schools.

Indeed, the views that I got were very much different from what I was under the impression I would get when I went there. I was told very clearly that the PTAs had not been properly consulted. They were told what was going to be done. And while some of my colleagues said I was brave to have gone to so many public meetings during that short time (because in those meetings one does take a lot of pounding, politically) it was good to see that they really appreciated it, and they were happy that someone had come there and asked them what their views were, and how they felt about it.

That, to me, has got to be the way that we go. If there is serious objection by parents to a part of the school system, then it is not going to work in practice. No one can really say that if I do not want, as a parent, my child to go through certain changes in the system, that I must just like it and put up with it. In the end, the system will not work.

So what has been done has the popular support of the parents, the support of teachers, and, I believe, it is in the best interest of their children who have got to be happier, and less exposed to the problems of drugs, immorality, and everything else which is more prevalent among older children.

It does not affect the syllabus, the curriculum, or other changes (which I will now go on to deal with) which the system has brought in, which are good. My duty is to keep the good parts of the system. But where there is any doubt as to whether the parents want or do not want, or the public

wants or does not want a part of the system, and I feel that there has not been proper consultation with them, then I am going to go back and consult with them on it.

THE SPEAKER: This would be a convenient time for the House to be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:31 P.M.

PROCEEDINGS RESUMED AT 3:55 P.M.

THE SPEAKER: Please be seated.
The Honourable Member for Education, Culture and Aviation, continuing.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.
When we took the break I had reached a point in dealing with Education where I was going to move on to another major area of that. What I would like to do, in the interest of time, there were some other less heavy areas that I would like to touch on before I go back to the Education Plan and what parts of it have been implemented.

The National Museum is one that we can be proud of. It has now become a landmark in George Town, preserving our heritage for our children. It is also a very important tourist attraction, having had some 60,000 plus visitors in 1992.

The Library, which is also under my Portfolio, is one area I hope to, in the near future, spend a fair amount of time on as I feel that a library is one of the most important tools for the children, and people in general. As a lawyer I have to rely totally on my personal library. Much of my life has been spent researching and going through volumes of books.

There must be some upgrading to our library along with expansion into the districts providing good libraries there as well. Good books as well as sports are good for keeping children out of trouble.

The National Archive is a fairly new area of Government, and it goes hand-in-hand with the Museum. In the past few months it has been reproducing and producing books on the history of the Cayman Islands. More and more interest is being shown in relation to our history and our past.

The Broadcasting Authority, Radio Cayman, and the radio side of the Portfolio, this area is moving along well. The move with Radio Cayman is to do away with the AM broadcasting. It will be a considerable savings and we will end up with two high quality FM broadcasting services. In Cayman Brac and Little Cayman, notwithstanding what may be said from time-to-time, they will get their extra FM band and will have equal rights with the Grand Cayman Broadcasting Service here. The AM station, to my understanding, was not being clearly received there anyway. I believe that the upgrading, which is being done now, will give the second high quality FM broadcast there and should be satisfactory.

Somehow it seems that we have all received some Portfolio areas which have more problems than others. I had originally thought that, maybe, Cayman Airways would be the sole area of problem. In Education, and also in the Television area, there seems to be, from time-to-time, problems there. I would like to explain what the position is in relation to this.

There are two licensed companies (CITV and CITN) that are broadcasting on the UHF Channels, free over the air. There is a third company, Cayman Christian Television, which re-broadcasts religious programmes, also on the free UHF channel. Three of these companies, CITV, CITN, and another, have been given approval, in principle, for the MMDS for the cable broadcast. I must stress that none of those companies hold licences for the cable or the MMDS broadcasting. I understand, and perhaps should mention here, that the station CITN has been given approval to test its MMDS Channels. I now understand, or understood afterwards, that connections had been made and deposits had been taken by them. We hope in the near future to be in a position to grant temporary licenses for the cable, or the MMDS, to the companies that have approval in principle.

I think the public needs to clearly understand that, at present, there is only approval in principle and there is the right of testing that is now going on. The full licences have not been issued for the pay channel (MMDS) that are now under test by CITN.

The licensing of television stations or radio stations has to be looked at carefully. It is important to ensure that the public gets the necessary benefits and proper protection as it is a very powerful media. It is important, as well, that the content of the broadcasts are in the interest of the public and for the benefit of the people who are listening.

In summary, there are three UHF, or over-the-air, licences that are now in operation. The three television stations that have approval in principle for the pay channels, one of them (CITN) has approval to test its equipment. I should mention that they have been told that they should be extremely careful, especially in the taking of deposits, until the proper licences are in place.

The Government has assisted, and I would like to point this out, because the testing went on beyond the period of time that they were allowed. The Government assisted by extending it, and allowed them to do free hook-ups, and I stress the word 'Free', until such time as the licence comes in. We will continue to cooperate, and have always tried to cooperate, with the television station, but in the end, things have to be done properly and the proper temporary licence which is now in draft, and should, in the near future, be going to CITN, should be effectively in place before they attempt large-scale broadcast.

The areas of the Hospital and Medical have been quite adequately covered by the Member, especially in specific details where we have further expertise in this House. The Second Elected Member from George Town, who very capably dealt with the complexities of the medical insurance and the regulations that have many medical terms which, to me, are Greek, but which he has an expertise in, properly assisted this House and the Government very much.

I would now like to revert back to dealing with areas of Education. The restructuring which has been suspended at the George Hicks High School and, by the way, Madam Speaker, one of the Members stated that I was re-introducing a Middle School. That is not correct. The Middle School is gone. What the parents asked for is a Junior High and a Senior high. That decision does not affect any of the areas of the Education Plan which are now in progress. The grade six which has been added to the primary system remains in there, it is already added, and is in progress.

The Reception Class that was removed and some 205 children were placed in pre-school. There is nothing that I can do about that because there was an intake of 300 children that are now in the system. What will now happen is that this Honourable House will be asked to appropriate substantial sums of money to pay for those who cannot afford the pre-schools. While I do not agree with what happened there, because we have had children at a very young age who were in our system who now have to go into private pre-schools and I do not believe that some of them will be placed in schools, I think they will, perhaps, be left at home and they are not going to get the benefit that they would have gotten if they had been in the pre-school, in the Government School System. I will ask the Education Department to try to find out how many of those 205 children were placed in pre-schools. If there is a large amount who are not in then, ultimately, the system will suffer because those children will come in at a later age with less skills than those children who have been placed in pre-schools. I would have rather seen a proper inspection system in place to cover the 23 pre-schools, many of them recently started, which may have avoided the closing down of one of them where 17 children had the chickenpox. There is nothing, realistically that I can do about that, Madam Speaker, because there is no place in the schools for these children to be put in. That was, once again, a lack of detailed planning.

The grades seven, eight, and possible nine, if it is possible to get three of the years in the George Hicks School then it will be three years there and three in the John Grey School. However, because the classes are one year ahead now because of adding one more year in primary, and because of some structural alterations of the George Hicks School it may be necessary, on a temporary basis, for this coming year, to place two classes in the George Hicks and four in the John Gray High School.

I would like to deal, in detail, with the additional year because much has been said about that. The students who have begun their course of study on the CXE will continue. The repeaters of the GCSE and the CXE - there will be a problem there with housing them, but this will come up next year. The removal of the A Levels to the Community College is not too much of a reality yet, that will be for 1994, but a lot will have to be done structurally and with staffing before that can be done.

Perhaps where I differ with the past Government on repeaters is that I believe that every child who the teachers feel has reasonable chance of getting further subjects in their final exams should be given an opportunity to do so. I do not think that because we can only take a class of 30 that it must be restricted to 30, that is unfair to the children. I would like to see that opened up more than it was in the past. I must caution the House, again, that with the addition of the extra year we now have very little space for repeaters. So there is a substantial part of the Education Plan which continues on.

The Draft Five Year Education Development Plan had in it a lot of nice words, however, I have to deal with the reality of the situation. The unfortunate thing about this plan is that there are no details. The best example is that a year was added and nowhere, in fact, nowhere, within the system, when I came in, did they know where the year should go. I think it was a lack of detail in this and I will point out other areas as we go along, where things were being rushed just to get the changes in because change was the order of the day. They failed to realise that implementation is one thing but carrying it out is another. So, while the implementation unit may have capably dealt with introducing certain changes, the Education Department was not restructured which was the first thing which should have been done to deal with the extra work. Our duty here is to ensure that the children do not suffer as a result of this and whatever is best in the interest of the children is what has to be carried out.

The Fourth Elected Member for George Town, and, indeed, several other Members mentioned the national curriculum. I fully agree with their views on this. I think that the National Curriculum was the single most important change in this Development Plan. Unfortunately, we had a lack of planning and practically nothing has been done towards major areas of this. The National curriculum should have been developed first over a number of years.

In the Bahamas and Bermuda it took between five to eight years to develop it and it should have been in place before the other changes were made. It is, in my view, stupid to abolish, for example, the National Achievement Test and have no test for the children. I have to now ask the Education Department to put in some sort of testing to get profiles of children leaving the extra year (year six of the Primary Schools) so that they can be placed in the George Hicks High School. If they were going to abolish that then they should have developed a National Curriculum, or they should have developed the three-tier testing that is recommended, before they did away with the other one.

The national curriculum is something which, in my view, and at least in relation to this area, I think most Members would agree - I know the First Elected Member from Bodden Town also stressed it - is something that will finally deal with as full a range of the children as possible. What has happened is that there has always been a band of children who have not been properly covered by Leaving Certificates and who find themselves disadvantaged in going into the work force. I want to come back to deal with the national curriculum in some depth because it is, to me, one of the key areas in this whole plan and is,

unfortunately, one that has not been touched.

One of the Members spoke, dealing with the training of teachers, and I fully endorse that. In fact, an example given was the Law School. I found that a compliment to me because as Members of this Honourable House know I was one of the early movers for the Law School to come in. It is an institution that I have a lot of pride in, the standards are very high and there is no reason why that cannot be done in relation to teachers and in other areas such as banking and perhaps insurance.

I fully endorse the proper training of teachers and I believe that a lot of this can be done locally because if we can upgrade the standard of teachers, or any Caymanian locally, it saves money and, I believe, a better standard will be reached. The slight disadvantage of not training in a facility overseas is vastly outweighed by the contentment of being in your own home country and undergoing the training. I will support that and whatever training of teachers is necessary from time-to-time.

I want to mention something now and I would like to stress that this is purely my view. It is something that relates only to my personal views and I would ask that it be taken this way. I have always been one who believes that we should, where necessary, take steps to support, as far as possible, the private schools and institutions. I know all Members support that. It is what I am going on to say next that is my own view. We are now spending $16 million a year on education and it is costing, at present, an average of (between the George Hicks and the John Gray School) $41,39.64, together with $630.67 for administration to pay the recurrent cost of one student in the High School. The capital cost, at present, is $8,270.69, per student.

If there is a private school that wishes to establish any school, but now I am dealing with the High School, whether it is Junior High or Senior High, then, in my view, if we are looking at say, 300 students and we multiply this out, it is saving the Government $1,430,000 per annum in recurrent expenditure, because we must remember that they have to be schooled because under the Law it is compulsory that they go to school and Government has made it compulsory. The capital costs of 300 students is $2.68 million. I believe that is has to be in the interest of the country, in the interest of economics, of the Budget and everything else that we contribute towards assisting private schools to build their schools and assist them, within reason, on their recurrent expenditures.

If we pay, say, 10 per cent of the recurrent, or if we pay 20 per cent of, say, the $1.4 million we are looking at $28,000, but it...sorry it would be a bit more than that, it would be $280,000, sorry..., but it would be saving 90 per cent, or 80 per cent if it is 20 per cent, to the country. So if we are saving the vast amount of it then, surely, it is better to take the largest part of the Budget which is Education, assist the private schools and get them to take in these extra students.

It will do several things, Madam Speaker, if there is no assistance to private schools to do a High School then, in the next few years, Government will have to build another High School and the cost, for example, of building the Red Bay School, was $.25 million per room. That is astonishing, but those figures are facts and what I would strongly recommend, because it is good economics, and will also provide competition in education which is important in keeping standards high if you have private schools out there competing, and we do have the Triple C, and when I speak of this I refer to both systems because both are good, and as I will state at a later stage. I believe the English system in Grand Cayman has a lot to do with tutoring towards the SAT and other tests because the majority of the students go into North America. That is besides the point. If we assist them to create a high school with 300 students we are probably saving this country $1.2 million a year. In my view, while it may be looked at as a gift, or whatever, over a period of a few years, we have saved the capital costs and we have saved very substantial recurrent costs. It is these recurrent costs which are important because Education went from $8.2 million to $16.5 million in a matter of four years.

Where we have to deal is with cutting expenditure and, in my personal view, and I stress this, it is in my view only, I would fully support any primary or high schools with reasonable sums from this House because in the long run it will be good for this country.

The Community College is extending its technical and vocational programmes. At present it offers a considerable amount of programmes in business studies, hospitality, auto mechanics, construction, electrical, and other areas on the technical side. In that, the First Elected Member for Bodden Town mentioned work experience as being an integral part of the Education System and work experience is also important in the Community College. Students in the technical side, as I mentioned earlier, follow one full day of work experience per week. In the Hospitality Studies Programme they go on a full week of work experience once per term. Students in the second Business Studies Programme spend a half of each week day at work and the other half at class.

I would like to, at this stage, take the opportunity to thank the 60 or more firms, and Government Departments, which have taken part in this programme. I think, especially important, is that we have had a joint venture between the Careers Department of the High School and the Education Committee of the Chamber of Commerce. I would like to thank the Chamber of Commerce for their help and assistance in this and they have shown a keen interest in Education and other areas of the society and they have not just done it with words, they have done it with actions, which is what counts at the end of the day.

THE SPEAKER: Honourable Member it is now 4:30, I expect you will not be finished.

HON. TRUMAN M. BODDEN: Madam Speaker, I would probably need another three-quarters of an hour, but I will be happy to go on in the morning.

THE SPEAKER: What do Honourable Member think, shall we adjourn now at 4:30 p.m.?

The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I was going to say what I think the Clerk has just conveyed to you. They have asked us to meet at 4:30 p.m. for a meeting of the Business Committee.

THE SPEAKER: That is correct. I will ask for a Motion at this time for the adjournment from the Leader of Government Business.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the Adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

The Speaker: The question is that the House do now adjourn until tomorrow morning at 10:00. I shall put the question. Those in favour, please say Aye.. Those against No. The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 19TH MARCH, 1993.

FRIDAY
19TH MARCH, 1993
10:04 A.M.

THE SPEAKER: I will invite the Honourable the First Official Member to say Prayers.

PRAYERS

HON. J. LEMUEL HURLSTON: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings in the Legislative Assembly are resumed. Questions to Honourable Members, No. 39 standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 39

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

NO. 39: What steps are being proposed by Government to implement Private Member's Motion No. 2/89 (Vehicle Inspection, Licensing and Collection of Fees) which was passed by the Legislative Assembly in May 1989?

HON. JOHN B. McLEAN: This matter was the subject of the last Government which took no action on this Motion. However, may I hasten to say that this Government is aware of the over-crowding at this department and is taking the necessary steps within the financial restraints of the Government to rectify the problem.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker, I would just like to ask the Honourable Member if there is likely to be any alleviation of this over-crowding within this year?

HON. JOHN B. McLEAN: Madam Speaker, if the plans of the Government work out as they are, yes, there will be an alleviation of the problem.

THE SPEAKER: The next question is No. 40 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 40

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

NO. 40: To state the total amount of equipment imported duty free into the Cayman Islands since 1991 by Caribbean Utilities Company Limited and Cable & Wireless (WI) Limited?

HON. GEORGE A. McCARTHY: Madam Speaker, the following is an estimate derived from records on file:

Caribbean Utilities Co Ltd:

Year	No. of Shipments	Duty Waived (CI$)
1991	579	637,500.00
1992	349	652,500.00
1993	estimate based on collection to date	106,250.00
TOTAL AMOUNT 1991 TO DATE:		**1,396,250.00**

Cable and Wireless (W.I.) Ltd:

Year	No. of Shipments	Duty Waived (CI$)
1991	360	1,382,500.00
1992	300	1,310,000.00
1993	estimate based on monthly collection to date	218,333.00
TOTAL AMOUNT 1991 TO DATE:		**2,910,833.00**
GRAND TOTAL:		**4,307,083.00**

HON. GEORGE A. McCARTHY: Madam Speaker, I am aware of the fact that the question asked, what is the value of the equipment imported into the Islands by these companies, but the information that has been given sets out the value of the duty that has been waived on the equipment. So, on the assumption that the equipment represents 20 per cent or the duty waived will represent 20 per cent of the value of the equipment imported into the Islands, each of these figures, when multiplied by five, will give the value of the equipment, in respect of both companies, imported into the Island.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker, I wonder if the Honourable Member can say if this equipment includes vehicles used by the staff of these two companies as well as equipment used in the promotion and procuring of services; that is, vehicles like trench cutters, bull-dozers, etcetera?

HON. GEORGE A. McCARTHY: Madam Speaker, according to the provisions as set in the franchise agreement, it would only include the waiving of duty on equipment imported into the Islands for the operation and needs of these companies and for those for management and for private use. The importation of this equipment should be duty free.

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member then is in a position to say whether these companies pay any duty on the motor cars and pick-up trucks which are used by their staff?

HON. GEORGE A. McCARTHY: Yes, Madam Speaker, according to the franchise agreement it should. I will just, with your permission, read the pertinent sections. This is in respect of Caribbean Utilities. This is an extract from the agreement and it says:

> "The following items shall be imported free of all duties and taxes for a period of 20 years from the date of the licence.
>
> Two diesel generating units and one other unit and their respective ancillary parts and equipment all specified in the purchase contracts thereof, together will all materials and equipment for the erection of power house".
>
> (This section is not quite relevant).

> "The following items shall for a period of 20 years from the date of the licence be subject to the rate of import duty of not more than 10 per cent. All capital assets not mentioned in - (and it gives a section of the agreement above which is item number one) - and all other items including without prejudice to the generality of the foregoing: machinery; motor vehicles; equipment; tools; lubricating oils; lubricants and transfer oil but not fuel oil; goods, material and supplies imported into the Islands for use in connection with operations and business of the undertakings.".

That is where it would end, Madam Speaker, so this, for Caribbean Utilities, specifically, restricts the exemptions to the waiving of duty on equipment that is being brought in for the operational needs of the company and not for the private purposes of its staff.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member can say if the same conditions apply to Cable and Wireless? If not, is the Honourable Member in a position to give the House the amount of duty collected from these types of vehicles which Cable and Wireless imported since 1991?

HON. GEORGE A. McCARTHY: For Cable and Wireless, Madam Speaker, the relevant section of the agreement reads:

> "The Company shall have the right to import into the Cayman Islands exempt from Customs Duty all communication equipment, apparatus and machinery required for its own use in the renewal provision operation for pure extension of telecommunications, installations and businesses provided that such exemption shall not extend to vehicles imported for the private use of the company's employees as part of their terms of employment and that no article imported and exempted shall be sold or otherwise disposed of in the Cayman Islands unless all such duty shall first have been paid thereon.".

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member can say what mechanisms are in place to ensure that Cable and Wireless sells their equipment, these motor vehicles, etcetera, that they then be made to pay duty on them?

HON. GEORGE A. McCARTHY: Madam Speaker, whenever Cable and Wireless is going to sell any vehicles, they normally provide a listing to the Collector of Customs and he makes an assessment of the value of those vehicles and duty is assessed accordingly.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.
According to the Honourable Member's reply, over $4 million duty was waived for Cable and Wireless and Caribbean Utilities. My question is, what mechanism does Government have in place to ensure that the public gets the benefit of the duties which are waived on these costs to the companies?

HON. GEORGE A. McCARTHY: Madam Speaker, the Honourable Member would have taken note that in the Estimates for 1992, Cable and Wireless paid over approximately $2.3 million to the Government and for 1993 it is estimated that the revenue that will be paid over will in effect amount to approximately $3.2 million. This, Madam Speaker, if we go back to the times that these agreements were entered into, I think that they came up under the Pioneering Industrial Act. At that time it was then determined that it would be necessary to offer these incentives to the companies in order for them to establish their presence in the Island.
It is difficult to quantify in terms or measure the extent of the benefits that have been passed on by these companies but I think on a daily basis we see evidence of it around us. They generate employment for Caymanians and there are other benefits that are passed on. With Caribbean Utilities I have been made to understand that, since this morning (I am not sure how correct this figure is), but, for the past four years they have paid in the region of about approximately $20 million in import duties.

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

MR. GILBERT A. McLEAN: As the time has long passed when we needed to offer incentives under Pioneer status, is the Honourable Member of the opinion that it might be time to put in place such accounting measures, as may be suitable, to ensure that the items which are let in here duty free to these two major monopolies, those benefits which should accrue from these duty free items, is indeed passed on in terms of the prices that these companies charge?

HON. GEORGE A. McCARTHY: Madam Speaker, it would have been probably difficult 15 or 20

years ago to envisage that the development that we are presently experiencing in these Islands would have occurred to this level. I would want to believe that at the time that the agreements were decided upon that if it was seen what today would be like in the Cayman Islands, quite likely such agreements would not have been arrived at. It is difficult at this time for me to put forward opinions on this. I have got my personal views, but I must recognize that the provisions under any contract, basically, are binding and at this point I would not want to offer anything that would suggest otherwise.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, will the Member say if it is correct that any duty paid by CUC on items which would increase their operating costs, would then be passed on to the consumer who would pay in addition to the 15 per cent, profit which the company is allowed to make under the franchise?

HON. GEORGE A. McCARTHY: Yes, Madam Speaker, I would concur with that reasoning because import duty constitutes a substantial element of the revenue that the Government looks forward to in order to defray its operating costs. So whatever is paid by way of duty gets passed on to the consumer or goes for the benefit of the overall society.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I wonder if the Honourable Member can say how long this preferential treatment is likely to last according to the tenure of the franchise agreements for both these companies mentioned?

HON. GEORGE A. McCARTHY: Madam Speaker, I am almost going to put my foot in my mouth with this answer but, I will have to pass it on. I understand that the contract for Caribbean Utilities was renegotiated in 1989, which means that it will expire in the year 2009 and for Cable and Wireless was negotiated in 1986.

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker, I would just like to ask the Honourable Member, in the case of Cable and Wireless, the franchise was renegotiated in 1986 for how long was the period?

HON. GEORGE A. McCARTHY: Madam Speaker, I do not have that information on hand. For Caribbean Utilities we know it is 20 years but, based on the information that has been given to me, it is likely that the one for Cable and Wireless would have been for a period of 10 years but what I can do is to give an undertaking to find out what the expiration date of this agreement will be and then pass it on to the Honourable Member.

THE SPEAKER: The next question is No. 41, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 41

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

NO. 41: To state the procedure for awarding janitorial contracts in the school system?

HON. TRUMAN M. BODDEN: Janitorial contracts in the school system are generally for two years. Shortly before a contract is due to expire, bids are invited through local advertisement for the cleaning of various schools. This applies only to the bigger schools as the smaller schools usually have individual cleaners.
On the receipt of the bids a Departmental Tenders Committee, consisting of the Deputy Chief Education Officer and three other Senior Staff, meet to consider the bids. When a decision has been reached, the Secretary to the Tenders Committee notifies the successful bidder, in writing, that he has been awarded the contract. She also notifies the remaining bidders that they have been unsuccessful. The Secretary also arranges for the names of the successful bidders and the amounts of their bids to be published in the local press.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I would like to ask the Honourable Member if there are any prerequisites which would preclude individuals from tendering for these contracts?

HON. TRUMAN M. BODDEN: Madam Speaker, the tendering follows the Finance and Stores

Regulations of 1986 and as far as I know, they do not contain any prerequisites that will affect the bidding. They are the accepted tendering procedures of the Government over the past many years.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I would just like to ask of the Honourable Member if he is aware of any complaints by Caymanians that they have tendered bids and were rejected in favour of companies whose principals were not Caymanians?

HON. TRUMAN M. BODDEN: Madam Speaker, all I can do here is to give what facts that I think the Member is referring to. Maybe I should specifically ask him if he could tell me which school? I have some facts and I may be able to give him those.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
It was brought to my attention by some Caymanians that they had tendered for both of the high schools, as they were at that time, and were unsuccessful. And in at least one case the contract was awarded to a company whose principals were non-Caymanian.

HON. TRUMAN M. BODDEN: Madam Speaker, what I have here states that in relation to the John Gray High School, the contract for Hill and Calder, at $7,000 per month had expired in December, 1992. A contract was awarded to Francisco McKenzie of Home Accessories and Janitorial Services, at $6,500 per month or $500 less.
At the George Hicks High School, the contract for Bernall Hurlston of Hurlston Janitorial and Cleaning Services for $5,500 per month, expired in December 1992 and in January the contract was awarded for $4,500 per month to Francisco McKenzie of Home Accessories and Janitorial Services.
The other note that is here is that Home Accessories and Janitorial Services is a registered company with Caymanian shareholders. I give it to the Member as it was given to me, Madam Speaker.

THE SPEAKER: If there is no further supplementary, the next question is No. 42, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 42

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

NO. 42: What has been the total cost to Cayman Airways Limited and/or Government for the dismissal of Captain Kel Thompson as Managing Director of Cayman Airways Limited?

HON. TRUMAN M. BODDEN: Unlike the present Managing Director's contract which has a two month termination clause, Captain Kel Thompson's contract had no Termination by Notice clause. Consequently, Cayman Airways Limited is still negotiating with Captain Thompson.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.
Does the Honourable Member have any idea when the negotiations might reach a conclusion and any general idea of what the amounts are or might be based on? Is it on his salary or tenure there or whatever?

HON. TRUMAN M. BODDEN: Madam Speaker, the negotiations are being dealt with by Government's Legal Department, the Attorney General's Department and I do not really know what the outcome of that will be.

THE SPEAKER: The next question is No. 43, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 43

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

NO. 43: If during his tenure as consultant to Cayman Airways Limited and the Portfolio of Tourism, Aviation and Trade, did the present Managing Director recommend that a new Vice-President position be created and did he at about the same time apply for one of the Vice-President positions?

HON. TRUMAN M. BODDEN: The present Managing Director of Cayman Airways Limited never, at any time, applied for any position within Cayman Airways Limited.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, could the Member confirm that he is satisfied in both the records of Tourism and Aviation that the answer here is correct in its entirety?

HON. TRUMAN M. BODDEN: Madam Speaker, I do not personally search the records of the companies in preparing these questions but I have no cause to disbelieve what I have been told. I believe that the answer I have given is, to best of my knowledge and belief, true and correct.

THE SPEAKER: The next question is No. 44, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 44

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

NO. 44: Who is the Caymanian identified to understudy the present Managing Director of Cayman Airways Limited?

HON. TRUMAN M. BODDEN: No one has, as yet, been identified to understudy the present Managing Director of Cayman Airways Limited. Most of our efforts, over the last three months, have been to try to endure Cayman Airways Limited's survival so that there will be an airline to manage.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Does the Honourable Member believe that it should be a priority to identify someone in the airline to be an understudy for the position of Managing Director and to benefit from the experience of the present Managing Director as a most essential part of the whole exercise in the salvaging of Cayman Airways?

HON. TRUMAN M. BODDEN: Madam Speaker, I believe that it is important to identify an understudy but there is no way that we are going to get a good person in there with the problems and the state that Cayman Airways is now in. I think if we are going to attract the type of person that we need to run an airline as against, as the Member states, salvaging an airline, they are two totally different things in my view, then we must get some stability within the airline before we can attract a good person to run it and to continue to run it.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.
Following on the answer that the Member just gave, would the Member say then if this is achieved, if it is the intention of the airline to acquire a local Managing Director?

HON. TRUMAN M. BODDEN: Madam Speaker, very much so. I am all for Caymanianization 100 per cent provided I can find a person locally who is capable of managing it, which I believe I will be able to do.

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

MR. GILBERT A. McLEAN: Would the Honourable Member tell the House what efforts have been made to date to find such a person and if any attempts have been made to identify such a person within Cayman Airways?

HON. TRUMAN M. BODDEN: Madam Speaker, other than a preliminary look, nothing further has been done because the full efforts at present are towards, as the Member put it, the salvage operation. That is where the last three months have taken us but I am fully committed to finding a Caymanian to put there who is capable to run it.

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if any member of staff in Cayman Airways Pilot's Association, or any such group or unit within the airline, has given him any indication of an interest in understudying the post of Managing Director?

HON. TRUMAN M. BODDEN: Madam Speaker, I think there are a lot of people within the airline that are probably interested in being the Chief. We know how much the Chief attracts people to it in any organisation. And of course I have heard of people who would like to be there but what I am saying is that I think to get the person in on the right footing, the salvage job has to be done. This is a difficult task and it takes a different type of person to chop and cut an airline from five aircraft down to two and get it stabilised than it takes to continue running an airline which is then in a stabilised state.

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

MR. GILBERT A. McLEAN: Is the Honourable Member saying that in the person of the Managing Director there is no need whatsoever for support staff for any assistance in this process of salvaging and cutting and chopping; that he is totally encompassing and capable without assistance in the job?

HON. TRUMAN M. BODDEN: Madam Speaker, I know that the Honourable Member draws wrong assumptions quite often from what I state. By no means did I expect him to assume that. I did not say it, I do not believe it and I do not understand how he assumed it. The answer is no!

THE SPEAKER: That concludes Question Time for this morning. The next item is Government Business, Continuation of the Debate on the Throne Speech and the Second Reading Debate on the Appropriation Bill.
The Honourable Elected Member for Education, Culture and Aviation, continuing.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH AND THE APPROPRIATION BILL, 1993 (BUDGET ADDRESS)

(continuation of debate thereon)

HON. TRUMAN M. BODDEN: Madam Speaker, this morning I would like to begin briefly by stating how proud I was of my colleague, the Member for Agriculture, in producing what has undoubtedly been one of the best Agricultural Show that this country has seen, after a Government that had spent millions on top of millions, on top of millions of dollars, had failed within its full four year period to even hold one Agricultural Show.
That Member is a veteran of Executive Council in this Honourable House, the longest continuous serving Member of this House and I am very happy and pleased to be associated with him, both within the National Team and with his association in relation to Agriculture and Works.
I know he has a difficult task because we all come to him with our requests for the roads which we know have not had a proper maintenance schedule in the last 10 years.
It is perhaps in this respect that we have endeavoured to ensure that each district gets its proper share, and substantially an equal share of the money to upgrade within the district the roads, lights, civic centres, town halls, boat ramps and matters such as that, which are very important to those districts. I believe that the National Team is committed to seeing that money is not just wasted on large projects but that it is properly dealt with throughout the districts with each getting a fair share. When I say that I specifically include Cayman Brac and Little Cayman because it is abundantly clear in the Estimates that they have received their fair share, same as the other districts have.
I appreciate, and I hope the public appreciates, that the money is not very plentiful at this time but it has been a decision of this Honourable House to live within its means and there will have to be a progressive building up of money for maintenance on the roads and the upgrading of the roads. I have always believed that it has got to be a fallacy to build new roads when you cannot maintain the old. That is wrong, it leads to the problems that we now face where major areas of the roads are reaching a stage where they are going to have to be completely redone.
The four Elected Members in George Town went around and had a look at the district as a whole but specifically the roads. In George Town millions on top of millions of dollars have to be spent just to maintain what we have. Shoulders are breaking down. Roads in the major areas such as the Crewe Road and the roads leading on to the Eastern district the shoulders are going and in some of them where they have been chipped and sprayed in the North Side and East End areas, that is now getting to a stage where if something is not done early, then it is going to be a major cost to replace the full road rather than putting asphalt and perhaps one single chip and spray to bring it up to grade.
In relation to the schools, especially, the four Elected Members here in George Town together with the Member in charge of Communication and Works, have spent a lot of time trying to see how we can do something to ease the traffic congestion in that area. We are looking at several things; firstly a drop-off zone along the present road near to the High School. We are looking at the possibility of a road that would go around the back of the John Gray School and in front of the George Hicks School and tie in with the

Community College and come out on the road so that we would be able to have cars doing a lot of the dropping off to the back of the schools where it is a lot safer and would be a lot more convenient for children.

It will also facilitate the two private schools, the Prep School and the Catholic School in that area. In fact, the high amount of traffic relates to bringing in the younger children to those private primary schools and this is what we are hoping to achieve.

However, we have had to say to the Public Works Department that they can no longer go on building roads as if this Government has money. Instead of 120 foot wide reserves or 80 foot wide reserves we must build a road that has 24 feet of asphalted strips or where two cars can get by because I believe that once again if we do not have the money we have to make do with what is there.

That can be done at a fraction of the cost of what it may be, for example, to do four lanes that may be needed in another six, eight or 10 years. But, if we do not need it now and we do not have the money for it, let us do what we can do.

Also, while on this, we need within George Town to have something done in relation to the parks, this is something that would assist our children. We also need the upgrading of the playfields in all of the districts but also in George Town. I went to the opening of the sports on Wednesday for the North Side and the East End Primary Schools and this morning for the George Town Primary School. Also attending was the Member who is in charge of Sports. It has become abundantly clear that for many years now the track at the Sports Complex which is of asphalt has become very hard and it is dangerous, especially to young children such as those in the Primary Schools when they run.

While we do not have the money now, and I know I share this with him, in the coming years we have to somehow budget to have that track properly covered and to have the field properly upgraded. Also, I know that he is committed to upgrading sports, generally, in the Islands which is so important to our youth.

The position - and I will be brief on this - in relation to tourism, is perhaps the most important area of driving the economy forward that we have to look at, at this time. The Honourable Member for Tourism is an extremely capable person and he brings with him a deep and very capable knowledge of the finances of this country, of the Civil Service structure of this country and really of just about every aspect of this country's workings.

I have worked with him over the years when I was in Government ranging from negotiations on the International side, whether they were with the air rights or on narcotics and I found him extremely capable. I believe that what has now been done, the separating tourism from Cayman Airways, is the right way forward.

I support him fully in his move to diversify tourism and to increase it, where possible, in areas beyond the North American continent. I know that we are lucky to have him back here while in a different capacity, and by no means necessarily competing with the Honourable Financial Secretary, but having the deep knowledge that he does of finance, has been one of the things that has really assisted us from the Elected side in reaching the conclusions of accepting a Budget that is living within our means.

I believe that for many years he has tried to do that and I believe the Honourable Financial Secretary should appreciate the relevant ease with which he has put through his balanced budget because he does not probably appreciate the many years of fights when the massive projects were in place and the views were to borrow, borrow, borrow and forget about paying back.

I support him in every area of his Portfolio and I am real happy to say that within the National Team and within this Honourable House, because the atmosphere is so much better and there is communication and cooperation specifically between the four George Town Members. We pull together good as a team and also with the other Members of the Backbench. This communication is important.

Madam Speaker, I would like now to move on to deal with the final part of my Portfolio on Education. I mentioned yesterday the changes that had taken place were, basically, a suspending of the full high schools by both the George Hicks and the John Gray High School, and this was based on the popular decision of the Parent Teacher Associations (PTA) who just about unanimously said that is what they wanted. I was going on then, Madam Speaker, to point out that a very large part of the Education Plan has been implemented but there are large and important parts of it that the implementation had just started and that we would be looking at and asking the public what they felt about those because the biggest surprise I got was when trying to speak to the parents and put up a position of attempting, in 1994, to have two full high schools with the young children and the older students together in the same school.

The view came back unanimously that they do not wish to have the children into a full high school with the older students. That is a principle that I respect. Regardless of what may be said and the criticism of their decision by the Second Elected Member for Cayman Brac, it is the parents' children and they must have a say in the children's education. But, nevertheless, areas such as the extra grade six that will remain in the primary system, that was a new thing; the reception class, I mentioned in some depth. That has been removed from the Government School to the private system and it will have to remain that way because there is no space for taking them back. I also dealt with the splitting of the schools in some depth.

I would like now to just go on to deal with a couple of areas where we had differing opinions and those differing opinions came mainly from two Members. Firstly, before I go on to that, to say that I find the reasoning difficult to understand how the Second Elected Member for Cayman Brac could at this stage appear to support the radical changes in education while when he was with us as a Member on the Backbench, on the 27th of December, 1991, he had a totally different view. I am reading from the *Caymanian Compass*, page 1 of Friday 27th December, 1991. It is headed: "MLA No Need For Radical Change In Education." It reads: "Indicating that he would not support Government's motion, Sister Island's MLA Gilbert McLean said public exposure to the Education Plan was insufficient for the House to be asked to be accepted outright. Government

should have used the Education Review as a basis of the Draft Plan using parts of it and not using it in its entirety, Mr. McLean stressed.". He went on to deal with that basically in depth objecting to major parts of the Plan. A very important part of that was when he said this: "But while experts identified problems they did not set down details on how to correct them, Mr. McLean observed. They made certain recommendations without giving any basis for why they were offering them.".

Madam Speaker, that is the same plan that we have seen fully supported at this stage by that Member and it was a view held by us on the Backbench at that time. What I am saying is, it is very difficult to shift to being something different when one has major policies in the past which are different from what one would wish to hold now. What he said there is quite correct. The experts did not fill in the details. One of those details is where the extra year should go. The schools implemented the addition of the extra year but (at least when I got in there), there were very differing views as to where that year would go.

Throughout my time with the National Team, including after the Election, the 12 Members have been meeting once a week, and I have discussed anything major, or anything I am going to do, as have all the other Members with the National Team, and I discussed Education in depth. That was done on three occasions to such an extent that I realised the history of the extra year and that it had been brought to this Honourable House back in 1989 by Private Member's Motion No. 1/89. That was a motion that was brought by the First Elected Member for Bodden Town and it was seconded by the present Member for Health, not the Second Elected Member for Cayman Brac, as was mentioned earlier.

That motion itself stated:

> "WHEREAS the school leaving age at the Cayman Islands' High is fifteen (15) plus years;
>
> AND WHEREAS it is thought desirable at this stage in the development of the Islands to increase the number of years a child is compulsorily in school;
>
> BE IT THEREFORE RESOLVED THAT Government investigate the need and examine ways and means of extending the school leaving age in the Cayman Islands.".

Throughout this I have had a look at the Minutes and, it seems to me, at that time no one knew, either, where this year was going. As a result of this, what I did was to move an amendment to that motion because I was worried about exactly what the Second Elected Member for Cayman Brac was saying, we were getting decisions made and no details. What I asked was that it be amended to add to it the following:

> "THAT Private Member's Motion No. 1/89 be amended by the deletion of the full stop at the end of the Motion, and the addition of the following thereafter:
>
> "and to report to this Honourable House in the May 1989 Meeting with details of the plan for the provision of funds and accommodation and other matters necessary for the implementation of the increase in the school leaving age for the new school year beginning in 1989."."

I could see at that time that to bring in an extra year was a major matter and there had to be the planning in place to deal with it. However, the outcome of that amendment and the debate that circled around it ended up in defeat and it was dealt with in some considerable depth. In fact, the debate on the amendment was just about longer than the debate on the motion. At the end of that a Division was taken and the Ayes for getting the details to the extra year were: Mr. John Jefferson; Mr. Truman Bodden; Capt. Mabry Kirkconnell; Mr. Gilbert McLean and Mr. John McLean. The remainder of the Members at that stage were not for it and we must remember then it was a different situation with the Government. What I am saying is that, at that time, I foresaw the problems that I am now going to state have come about. If they had accepted that amendment to the motion everything would have been in place for the extra year.

Madam Speaker, this extra year that has been added, and there is nothing that I can do about it now, has been the cause of having to deal with this emergency situation at present. There was no building in place to take the extra 300 students and to do that the last Government put out 205 infants between the ages of three years and nine months, and four years and nine months.

It is creating a problem now that with the extra year in place and no extra buildings, when we reach the stage of the repeaters for the final exams we do not have sufficient place for them. Also to accommodate this they were moving the 'A' Levels to the Community College and that is something, once again, because there is no space in the schools. What I am trying to stress here is that there has to be proper planning in place before major decisions are made. The year was added and the full curriculum, from years one to 12, has to be altered and amended to deal with it. So far only two years have been altered and a third year, the balance of the nine years, remains to be altered.

I am not saying that is a disaster because the necessary changes to the curriculum will have to come in by September, 1993. If something had been done in 1989, the curriculum would have been in place and the buildings would have been in place. The extra year that has been added, there were differing views on where that should go and differing views among the experts and among the senior teachers within the school. While the debate in 1989 appeared to be saying that the extra year would be in the Primary School, the year six was implied, a lot of stress was put on this, it really does not fall there. It has to fall either in year 10 or in year 12, but the implications of it are considerably different. If it falls in year 12 then there is an 11 year school period for the children because year 12 is a repeater's year for the CXC or it is a first year for the

'A' Levels. If it falls in year 10 then it means there is a 12 year school cycle and repeaters would have to be in year 13.

At present (in the hurry the Education Law was not amended) there is really no compulsory in the age. The amendment was put through as a motion. What the educators and the parents have had to look at is what will benefit the most children as to where the year is put because at present it has already happened and it is now a matter of working out what to do with it. There are 300 extra children in the school and that must continue, there is no way of altering that. That is tied in to the fact as to where the maximum number of children will benefit the most.

When the Caribbean Examinations Council Exams were introduced it displaced the GCSE exams and it is an accepted fact that the Caribbean Exams are benefiting the upper 40 per cent of children within the schools. The GCSE went down to about 70 per cent so that children coming out with the first three upper levels, which is basically what the CXC now covers, were about the same as the system now is. The GCSE went beyond that and it covered a further three levels or streams of children. That took them below the 'O' level standard to differing levels, so, if you had a child coming out with a level that was the equivalent of four, five, or six or D, E & F, depending on the system, then you would know that they had a GCSE certificate which had a certain standard but it would have been less than the 'O' Level standard which was the upper three.

That band of children, in between the upper 40 per cent and the Certificate of Education, which is the lower 15 per cent, is now, at present, considerably larger. In other words, it is now approximately 45 per cent of the children, whereas before it was approximately 15 per cent of the children under the GCSE exams. Here, I do not want to get into politics and I do not want to get into criticism, I am stating facts as they are. The problem that we now have is, how do you benefit that large band of children which is a majority of children in the school? It appears to me that the popular view is to put in a foundation level extra year at year 10 and, if possible, to put in an express stream for children who are brighter and who may be able to cover the exams in a lesser period.

Why all the magic around this with the debate in here I am not certain, but I am here looking for solutions and what I would say to the Second Elected Member for Cayman Brac and the First Elected Member for Bodden Town, I would like to hear where they feel the year should go? What I would like to make clear, Madam Speaker, not only did I discuss in detail with the National Team the details of the problems that I found in education, but I specifically asked the First Elected Member for Bodden Town where he felt that extra year should go, since he had been the person who tabled the motion. I still am not certain from him or from the Second Elected Member for Cayman Brac where they feel it should go.

I believe that at this stage it has got to be in the best interest of the country for us to try to pull together and anyone in this House who has a better solution to anything that I am putting up, please tell me, because I believe in listening. I have exposed this whole problem quite extensively to the PTAs, to the teachers, in fact it is probably the first since I left the teaching system that all of the teachers involved in the two High Schools came to a meeting and I said to them, please tell me whatever you wish, ask me whatever you wish, I am here to try to solve problems and I would like to solve them with a consensus and the input of as many of you as possible.

Having said that, what I will do is, as I have done in the past, any major change that is coming about in the system, whether it is a major change to the Development Education Plan in here, or if it is a change that is outside of that plan, I will go back to the public and I will go back to the PTAs and I will go back to the teachers. I will discuss it in full depth with all members of the National Team and other Members of this House and what I would ask Members, with something as important as Education, for the children's sake if you see things that are going wrong in the school system or if you have better solutions to something, please tell me. I am open to listening to any and everyone, especially on this problem.

Madam Speaker, I agree with the Honourable First Elected Member for Bodden Town, the most important thing in this whole Education Plan is a National Curriculum. I endorse fully what he is saying there. What should have happened in the beginning is that the National Curriculum should have been developed first because if that had been developed these problems would not have arisen. He has quite rightly stated, that curriculum should deal with a full range of subjects leading up to the final exams and that is really the ultimate goal, I think, of every country. That would cover the gap between the present final exams, the CXC, and the Certificate of Education which covers the lower 15 per cent of the children. That I saw, along with the restructuring of the Education Department, as being the two key things on which we can build.

That National Curriculum has to be done with the input of the private sector. It is no good having the teachers do it, having the department do it or having the Portfolio do it. It has to be a team of people made up of Government and private sector and the organisations that will be taking the children into the work force have to be represented in one way or another and have a say in it. This takes time and the First Elected Member for Bodden Town has pointed that out. It is not something that can be done overnight.

In the Bahamas with a joint effort of the University of Cambridge and the government, they produced a curriculum that covers 85 per cent of the students and that has to be something that will bring good results to that country. We do have children, and let me be fair, those children within the band, while it was narrower when I was in Government eight years ago, it was still a band of children that should have been covered by a National Curriculum. The band is wider now but the principle is the same. The problem existed then and it exists to a worse extent at present. What I think we need to do at an early stage is to move forward with a committee that is going to study and put in place a National Curriculum. That has to be what is going to be for the benefit of the children.

Mention was made of the Alternative Education Programme and I accept that it has its shortcomings because this deals with children who are disorderly and who have more

serious problems in one way or another. I have been looking at a report and I was happy to see that one-third of the children in the Alternative Education Programme have been put back into the mainstream and I will do everything I can to develop that programme. I believe it has to be developed in conjunction with the Honourable Member for Health and should be a joint effort but, ultimately, it will have to be moved under one Portfolio or the other for it to effectively operate.

Like the abolition of the National Achievement Test we have had the abolition of Special Education. I only found out about that fairly recently and I really do not know what the ramifications of that is either but I will be looking at that carefully. What I understand is that an alternative programme is being developed for it and it is on a different basis that it is being dealt with at this stage. Going back to Alternative Education though, I think a joint programme needs to be developed and Social Services obviously must be involved.

From there I would like to briefly touch on the question of sports. I fully support the Fourth Elected Member for West Bay, I think he is stalwart of youth and sports supporters in this country, he has done a lot for boxing but he has been the one person, as a politician throughout the past 20 years, that I can remember who has been consistently in there with the youth. I commend him for that. It has shown its results and in sports such as boxing, despite the problems of having the right facilities, he has done a world of good with the young people.

The overall responsibility for that falls with the Honourable Member for Health and Sports or Youth Services, and I have found in my short three months in Executive Council with him, that he is one gentlemen whose heart is in the right place. I believe that if anyone can do what is necessary with the youth of this country and with sports and deal with the problems that exist on the social side with drugs, the Member for Health is the Member to do that. I do not mind saying despite perhaps having had the most conflicts with any politician during our time, he and I had, I have learned to respect him, I have learned to work with him and as I have said, his heart is in the right place and any help that I can give, especially in the area of youth and sports I will fully give to him.

I would now like to move on to touch on one area; that of Immigration. The Fourth Elected Member for George Town expressed quite rightly his concern that the Indigenous Caymanian may one day no longer be in the majority in the Cayman Islands and I assure him that his concern is my concern in this area. I know that Immigration is difficult and the Honourable First Official Member has this as perhaps his one most difficult part of his Portfolio. But I think the Fourth Elected Member for George Town's concern as I know indeed is his concern generally for the welfare of these Islands, is very sound. I believe that a solution has to be found to getting the proper balance that is necessary to ensure that we have the amount of foreign persons in the country that are needed but keeping the balance to ensure for the proper protection of Caymanians.

The private sector needs to be reassured and I think we can reassure them, because after every change of Government a few people may have concerns about what will happen in Immigration. But the duty of this House and the duty of this Government is to ensure that whatever is reasonably necessary to continue the private sector businesses within this country is something that will have to continue. I believe in the policy of Caymanianisation fully but I am sensible enough, and this House is sensible enough, to know that the Caymanians have to be capable and willing to fill those posts. Where that does not exist, then the policy of Immigration has to be to permit businesses to have the reasonable number of work permits that are necessary for them to continue. I do not think that there is anyone within this Honourable House who is going to do anything that will alter that policy in any radical way.

We know that unless the economy of this country gets moving this year, then the suffering on the economic side is going to continue. We are committed to assisting the private sector in any way that we can and within reason to do what is necessary to help them get an economy that is buoyant. So no one out there need have any fear whatsoever that there is going to be anything drastic done at all, but they can be assured that the good policies of the last Government and of the Governments before them will continue in the interests of the private sector continuing to boost the economy and to boost the development of the Islands.

Already we have had talks with certain of the associations in the private sector and I have the utmost respect, despite what has been said in relation to the Chamber of Commerce, I think they are a very good organisation, they are very capable and as Members can see, even in the newspaper today there are members of that organisation who, when they have to criticise the Government, will do so. But, once again they are doing what they think is best in the interests of the country and we, too, support organisations such as them. If it becomes necessary at any stage for the Government, or I believe for the full House to sit down and discuss matters with any organisation, as already the Government has started to do, then we will do so. It is through this dialogue and open communication that we can benefit.

THE SPEAKER: Honourable Member, would you take a suspension at this time?

HON. TRUMAN M. BODDEN: Yes, Madam Speaker, thank you.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:28 A.M.

PROCEEDINGS RESUMED AT 11:53 A.M.

THE SPEAKER: Please be seated.
The Honourable Elected Member for Education, Culture and Aviation, continuing.

HON. TRUMAN M. BODDEN: Madam Speaker, there are just two areas that I would like to briefly mention before I touch the last of my topics, which will be the Constitution. The Elected Lady Member for North Side mentioned the General Orders and the Regulations that relate to Air Traffic Control Officers who are pregnant. I fully agree with that Member that there should be no difference between males and females, in society generally, but very much so in the Aviation area. I do not know the reasoning behind them but I can definitely see that Lady Member's reasoning for objecting to it. I will definitely look into the matter.

One other area that I did not touch on with education was the more vocational and technical training that both the First Elected Member for Bodden Town, the Second Elected Member for Cayman Brac and, also, I think the Fourth Elected Member for George Town mentioned. I realise that this is important and everything is being done to increase the subjects and to increase the facilities in this area because not everyone will come out going into a university or a college and the system must benefit all of the children.

I feel very happy and positive about the education system and its future. Our move now has to be to look forward and forget the past, which I am very happy to do and I believe that together we can work out the problems that are there. Some of them are difficult problems and the way forward is not without problems but it is clear that what is moving on in the schools now is definitely positive and it is in the interests of the children. I can assure the parents and the teachers in this country that I will do everything in my power to move on and develop the education system to get it functioning, to get the children happy and the parents and teachers happy within it but most importantly I intend to communicate with them whenever there are any problems. They are free to tell me. I will be going back to them and I will be attending meetings of teachers, not just Heads, but teachers themselves and meetings of PTAs, which indeed I have done over the last few months.

As a lawyer, I appreciate how important the extra courts that are needed are and, while I know we do not have the funds at present, I will support doing what is necessary to have the proper courts and the facilities put in place when those funds are available. The legal system is really the foundation of modern civilisation and if there is no law equity within a country then the balance of the country normally suffers. I should mention as well that it is very good having our new Attorney General. However his department has come under a lot work and while I know it is difficult to get any extra staff, some of the savings that have been made as a result of legal work now being done for Statutory Corporations by the Legal Department, in one instance alone, it is a savings of $106,000 per year and that is a small one, I think, compared to others. So he does have a difficult task and that Honourable Member has a lot of extra work now, a lot of civil work which in the past was normally not done by the Legal Department and he has my support in doing what is necessary for strengthening his department.

I thought that having had a General Election that was so clear that any confusion on the Constitution could not arise but a democracy being what it is we find, once again, confusion around the question of the Constitution. The Throne Speech, in my view, is very clear and I would like to take a little bit of time because this is the most important document in this country to explain very clearly what I see as the position. What His Excellency the Governor stated in this and, in fact it is stated in a letter today in *The New Caymanian*, at page nine by Mr. Billy Adams. He said two very important things, and one was; "It was clear to me from the outcome of the November Election that the people of the Islands do not wish to have major constitutional changes or a new Constitution.". I really do not think that any Member in this House, other than perhaps one who may have run on a different basis could question that outcome. That, Madam Speaker, has to be the mandate of the country. They do not want any major constitutional changes.

The second point was: "Following discussions with the Elected Members of the Executive Council, I have discussed with the Foreign and Commonwealth Office in London, a number of amendments to the existing Constitution which will bring it more up-to-date, taking into account developments which have occurred over the past 20 years.". And I take this opportunity to say that we do not envisage the creation of the post of Chief Minister, indeed any of the more contentious issues which were the subject of debate before the election.

"The proposed amendments are now being examined by the Legal Advisors in London I expect soon to receive from them the suggested draft wording of the amendments. These will be laid before the Legislative Assembly for debate. It will be up to you, Honourable Members, to decide whether or not you want these amendments to your Constitution.". This is a Throne Speech delivered to Honourable Members of this House and at this stage it would be unfair to imply from that that anything other than what it is saying.

Throughout, what has been clear is that the election was going to be run as one of the basis being what people wanted to set down with the Constitution and that it would come back to this House in a motion and everyone knows a motion goes out to the public. Therefore it is out there to the public, ultimately comes to the House here, the House will pass whatever it wishes and then it is up to the United Kingdom to put that into a Statutory Instrument and turn it into a Constitution.

I believe that from the implication drawn by Mr. Billy Adam - and I do not understand why if he had these doubts he did not just give me a call because normally I speak to him on a lot minor things - he seems to be thinking that that means that it excludes the people of this country from having a say on it. That is not so. Of course the people will have a say. The people have just had a say on it and they will continue to have a say, not just now, but at any stage anything arises on the Constitution, it obviously has to go back to the people.

He is wondering in it, in relation to what the Governor has said about speaking to the Executive Council, I have no problem in saying very clearly what we said to the Governor, that we ran in the last Election on a very clear Manifesto. What we would like to see put in the motion that will go out to the public and be debated in this Assembly is what we put in our Manifesto which is what we have been elected to this Honourable House on and indeed also some of the other Members who were not within the National Team and it is exactly what is in here.

To avoid any confusion that this letter may have raised because if there had been any doubt at all in Mr. Adam's mind I believe it could have been put clear by merely giving him a copy of our Manifesto. I would like to read this, I should not perhaps read it all, Madam Speaker, I remember that the Third Elected Member for Bodden Town did read a considerable part of it. But because of this letter if I may just paraphrase a part of it as I think it is important. What we said to the Governor is that the United Kingdom in considering what to put in the amendment to the Constitution to please stay within what is in our Manifesto which is what we have been elected on and we have undertaken to the public that we will carry out. I do believe that neither Mr. Adams or anybody else can blame us if we are trying to carry out a Manifesto that we have been elected on, and elected on such a wide mandate, Madam Speaker, of which the Constitution had to have been the most important matter within the last General Elections to such an extent that with one or two or, maybe, one rare exception, people who were for a Chief Minister lost their seats in this House, not only their seats in this Executive Council.

This mandate that we were given, the one important thing in it was the question of the Constitution and basically in that, as the Governor said, there is no Chief Minister. That was the main issue, we said no Chief Minister. We also said no Leader of the Opposition and I am all for seeing in a democracy, constructive opposition. I think that is good but nothing of Leader of Opposition in the Constitution. We also said that we felt that there should be one additional Member in Executive Council and I think that that has been accepted by the public. Even those who were for the Chief Minister also wanted one extra person in Executive Council, even though I note, I think it was the Second Elected Member for Cayman Brac who said that if we follow the Manifesto that perhaps there would be no changes or practically no changes. That fifth Member was debated publicly and it is in here.

We also stressed that we believed that provisions could be made in the Constitution for the posts of the Attorney General; the Judiciary; the Ombudsman (which is called a Complaints Commission in England); Auditor General; A Bill of Rights; Speaker; Deputy Speaker; and a Register of Interests open to the public. They do not advance the Constitution and we made that clear in there. And, the reversal of Motion 3/90, which is before this Honourable House, I think what has to be pointed out is that there is nothing sinister in what is going on. I do not see how there can be any wrong conclusions again drawn from these facts. When we were having to decide how to carry out the detailed amendments that we suggested in our Manifesto, a decision had to be made as to whether the United Kingdom wanted us to amend the new Constitution that they had sent out, which the public has widely rejected, or whether we merely amend the present Constitution because the changes that we were asking for, were so few that it was a far simpler task to amend the old Constitution. It does not mean that the Second Elected Member for Cayman Brac cannot get up and debate the Constitution that has in the Chief Minister, indeed put a motion to accept it. It is laid on the Table of this House, it will be a part of the debate and the proceedings probably referred to in the motion. Of course it can be debated. Anybody who wants to get up and say they want a Chief Minister that is open to them. What we are saying is that it is better, and we asked the United Kingdom Government to approve the form - and I stress the form - of altering the old Constitution rather than making extensive amendments to the Draft one that came out with the Chief Minister because there are vast sections of that that would have to be removed and altered and it would have been a far more difficult task.

What has happened now and the Governor has stated in this, the United Kingdom has said, yes, we will accept that we can go the route of amending the old Constitution and we are going to prepare amendments and those amendments, I would assume, are going to follow what we campaigned on, what was in our Manifesto which I just mentioned. No Chief Minister, no Leader of the Opposition, none of the wide powers for the Chief Minister to deal with the Civil Service. In fact, all of those sections relating to the Civil Service in the Constitution now are good. Also, if we can get it we asked that they incorporate the Finance Committee in the Constitution. We will have to wait and see because we know there was resistance to that but we have gone ahead in any event and brought a reversal of Motion 3/90, which is all we can do at this stage.

Surely, this has got to be the better procedure, rather than coming into the House debating a Constitution that has been rejected by the public, going back to the United Kingdom, coming back and debating some new amendments that we do to it, going back to the United Kingdom. That does not make sense. It seems to have made better sense to go the route we go and to first ask, can we amend the old Constitution? The answer to that is yes, okay, then obviously what we are going to ask for is to put in it the few amendments that are in the manifesto that we campaigned on.

There is nothing wrong with that. If ever there was a clear mandate to a Legislative Assembly on anything, it is a mandate that is there on the Constitution. I know Mr. Adams did say in the letter that he wondered what we said to the Governor, I am telling him exactly what we said to the Governor. This is the mandate we were elected on, it is all in here in writing and he knows what it is. We still have more copies of the Manifesto and anyone who would like to see these, the press has them, then this is all we are asking. As if to further confuse the issue, we have the famous committee of 24, the Decolonisation Committee of the United Nations that has now apparently been raised from the dead because we have not heard of this for some years. Indeed, I personally had thought that that committee had ceased to exist and now it seems that they have written into some of the international press that they are now getting involved.

I would like to make one thing abundantly clear. This

Government and, indeed, I do not believe any Member of this House who ran their election on the basis of having no Chief Minister and no advancements of the Constitution that were put out there will be inviting anybody here. As far as I am concerned, they can remain in New York and in the United Nations. Quite frankly, I believe that it would be upsetting to this country, at this stage, to have any type of delegation come here and try to go into disrupting this country on an issue of Constitution. When a General Election three months ago, if that committee had been active and had been reading the press, what clearer mandate in the world do they need?

One thing for sure, the people of this country do not need them to come here and advise them on the Constitution. Now if the United Nations can send somebody to help advise us on how to build up our economy, that is constructive. But I really believe that at this stage it would be wrong and they will not get any invitation from this Government inviting them to come here. I do not know what the position will be with the United Kingdom or what the Committee now operates under, but as far as I am concerned, we do not need any help at all on the Constitution.

I would like to refer back to the time when they came across to the Cayman Islands, back in 1977, and on Tuesday 13th of September, 1977 at 10:30 a.m. Mr. George Smith (then an MLA) and myself, and Governor Russell appeared before them. At that stage, we asked that our right of determining where we go be left with our people who had clearly stated that they did not want any change and that was what the full Legislative Assembly sent the two of us there to tell them.

What we said then was that the people of the Cayman Islands therefore request the following: First that the Committee had advised the General Assembly that in accordance with the alienable right of Caymanians to self-determination and in accordance with the aforesaid resolution the peoples of the Cayman Islands do not want any change and recommend that they not be forced to accept any change to their Constitution; and secondly, that the Committee ensures the right of self-determination be not eroded. Madam Speaker, they had been told very clearly nobody wanted any change and they went back there and made this recommendation about change.

Lastly, we stated that in the future the United Nations and the administering power accept the views of the Caymanian people as expressed through their Elected Members of the Legislative Assembly as to whether or not a visiting mission would be appropriate and acceptable at any particular time. That last section, in my view is we do not need them here at this stage, the question of the Constitution has been clearly dealt with and this country needs to patch its wounds and to move on constructively towards getting the country back on its feet.

What I find very disheartening is when you are finding moves that only appear to be destructive, rather than constructive, beginning to creep in at such an early stage and I am not referring here now to the Committee of 24. I believe that we should endeavour now to put the past behind us. I think we all have to live in this little country and it is a country that we all love. Most of us, like myself, I had three of my children born in the George Town Hospital here, my family is here and I would really now like to basically try to get on with building the country back up to making the country better for our children, to upholding its God-fearing status and to assist in seeing where the problems of the country such as drugs, poverty (which we do have in areas) and to just try to get on with the job.

I hope and trust and I ask that the public generally, and especially all the Members of this Honourable House, will assist us and all of us will work together in bettering the lives of our people in these Islands because we do represent the people and our final aim, if it is not to help our people, Madam Speaker, then it would not be correct. So I believe that the future is good, I think the future of education is good. I believe the future of Cayman Airways is good and I would now commit myself to giving this next four years, God's willing if I live that long, my best and ask God to guide this country towards a happy and peaceful future.

Thank you.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker.

Madam Speaker, I rise to offer my contribution to the debate on the Throne Speech and the Budget Address which was ably delivered to this Honourable House's Legislative Assembly by His Excellency the Governor on the 5th of March, and also the Honourable Financial Secretary. Both of these Addresses had many informative remarks and much information, much we all must take cognizance of.

But, Madam Speaker, before going into the contents of either of these I would like to pay my gratitude to you for your guidance as Speaker of this Honourable House during the time that you have been here, to the Clerk and her entire department for the able assistance they have rendered to me and to the country during their terms and I would also like to express my great appreciation to the registered voters of Cayman Brac and Little Cayman who gave me a resounding victory at the polls in the November Election.

This was indeed gratifying to me because all of the nation fully knows and understands what I went through during the past four years. There were petitions, there were marches, there were many demonstrations but I am glad that Parliamentary democracy continues to exist in this country and we cherish freedom of speech and freedom to vote as we see fit.The decisions that I have made in the past may not have always been pleasing to all, but once again I want to say publicly that I made them after much consideration. I am also very gratified that the people of my district, some being mislead, who signed the petition against me, gave me their support in the General Election which, once again, returned me as a First Elected Member from Cayman Brac and Little Cayman. And I will repeat again; thank you all sincerely.

Having listened to this debate and some accusations that have been made against me by some previous speakers, I think it fitting and proper that I should explain to this

Honourable House the situation that exists geographically within the Cayman Islands. Repeatedly I have stood here and attempted, as best I know how, to explain that I represent the district of Cayman Brac and Little Cayman which I consider an integral part of the Legislative Assembly of the Cayman Islands as well. I want to underline "an integral part of the Legislature of the Cayman Islands as a whole".

Cayman Brac and Little Cayman were formed as separate islands seperated by vast amounts of water. We do not have the privilege of requesting funds in this Honourable Legislature to build or improve roads that will connect us with George Town, East End, West Bay, North Side, Bodden Town or the like. That is a physical impossibility and could never be achieved, so for ever and ever we will remain a country made up of three individual islands with three distinctly different stages of development and different needs. I have always tried to be as honest and as forthright as I know how to be since I came into this Legislature in 1980 to say to all of my colleagues, both the Government of the day and the opposition, that the people of Cayman Brac depend very heavily on employment by Government as the private sector is small. The school leavers of Cayman Brac look forward to employment within the Government in order that they can achieve a success in life, build their own homes and in order to keep the district alive.

They do not have the privilege of commuting to Grand Cayman to work in whichever district they may be needed on the Island of Grand Cayman. That is physically impossible. We all are fully aware of what a great expenditure Cayman Airways has been to this country and we are grateful for the service rendered by Cayman Airways but, again, I want to say it is our only source of getting off the Island other than by ship.

I want to make it abundantly clear here today that every time I asked this Honourable House to appropriate money to provide employment for the people of Cayman Brac the money was not spent by me or my colleague, the Second Elected Member for Cayman Brac. our responsibility as elected representatives is to put the money in place and the Civil Servants and the Portfolios do the rest.

All of you know the history. I have never been a Member of Executive Council, I have never been truly accepted by any administration since I took office. I always, and I shall continue to always support what I feel to the best of my judgement and my ability to research what is available to me, make a decision what I consider to be in the best interest of the Cayman Islands and all of its people. Much has been said in this Legislature, and within the last several days, of the many meetings that the Executive Branch of our Government has held with the National Team and this is great. But I want to emphasise to all today, unless we are kept informed, since we are considered outside that fold, we do have the opportunity to make an intelligent decision on what is going on. I come to this Legislature today knowing of what is on the pending agenda prior to receiving all of the Business Papers that I have so far and from reading press releases of the National Team Members' public meetings. This, Madam Speaker, I do not consider is really in the best interest of good Government.

I am very appreciative of what is being done by this Executive Council. I am not here to criticise them, I will support them to the hilt as much as possible whenever I think they are right but, unless I know what their efforts are and the reasoning behind what is going on, then it is very difficult to make decisions. I fully realise that there are privileges that I am not privy to, their decisions within the Executive Council that are secret and I accept and will be guided by the Constitution of this country and the Standing Orders of this Honourable House at all times.

We have a serious situation because the Cayman Islands has a fragile economy. Tourism and financing are both economies that can move very rapidly. I think it enhances us not to attempt to expose this country as I have heard the word used in this Chamber of 'bankrupt' because 'bankrupt' will not help to further our image abroad. We have financial difficulties but the United States of America, the only surviving super power, is the largest debtor nation in the world today but they still have much promise, they still must protect the world. Having a national debt is something to be concerned about but, certainly, it is our responsibility to keep on going and to have this country in a position to pay that national debt.

Being older in years than many of the Members of this Honourable House I do not have to be told stories of what Grand Cayman, Cayman Brac or Little Cayman was several decades ago. I have a good knowledge of all three Islands in their development. I remember plainly when a little ship that I was Master of, and a little one called the Miracle, was able to supply the needs of these Islands - fuel and general cargo on a regular basis. We see how it has developed. This has been done by good Government and the ambition and above all by God's blessings on the Cayman Islands. So today I want to impress on all of us that we must all thank Almighty God for our blessings and we must all endeavour to work together. Not because my name may not have been on your Manifesto or my Manifesto may not have covered everything that was in your Manifesto but I can assure this country that my intention has always been to do what was best for the people of these Islands.

We have seen prosperity come to the Island of Grand Cayman, we have seen success in many fields but that progress has brought its problems as well. We now see that Cayman Brac and Little Cayman have lagged far behind in their development and when an Honourable Member of this House with long years of experience can stand up and say that Cayman Brac has roads, Cayman Brac has additions to their schools, Cayman Brac has a water plant, although he did not name all of these out, but these were things that have been accomplished since I have been a Member because I voted a certain way, I take that very personal. What I have done has been not only because it should have been done but much should have been done before I came into this Honourable Chamber.

There was a long period when there was no development in Cayman Brac and Little Cayman, when prosperity had already washed the shores of Grand Cayman and some could have been shared with Cayman Brac and Little Cayman, they did not seem to feel it was necessary. I shall never sit by and let that happen again as long as the Lord lets my eyes stay open. We have a problem in Cayman

Brac. It is not a lack of ambition, it is not the lack of desire but what we have been trying over the last decade or more was to provide the infrastructural needs of the two Islands that foreign investors can come in and take over and try to help to provide employment that we can limit the expenditure and the burden on Government.

I have been in business for a number of years and I fully realise the burden it is to have to spend money. I am not a novice in that field either, but neither can I accept the fact that can we allow the people of Cayman Brac that are able to work, able to help build that Island up to where it can be self-sufficient I hope some day, to just give up hope, leave the Island and it goes to where the burden falls on Government to support all of the elderly people. If we look on the realistic side of life there are tens of millions of dollars of Cayman Brackers' money invested here in Grand Cayman that is creating mass employment and paying millions of dollars into the revenue of Grand Cayman. That is not a coincidence, Madam Speaker, that is a fact.

So do not believe that we do not have ambition. We do, and I plead with each of you Honourable Members when we look at Cayman Brac, let us not look at it that we are just giving them something, let us look at it that we are sharing with them that they can too have some prosperity. I think, while dealing on this subject, there are many things that we can deal with that could help Cayman Brac and Little Cayman to become more self-sufficient and I think it is time that we attempt to do it. I have always encouraged the private sector to get more involved and I think they stand prepared to do it.

One thing I would like to ask the Honourable Member responsible for the Water Authority about an that is, is there sometime in the near future when we can look at the possibility of a company being formed in Cayman Brac which could extend the potable piped water throughout Cayman Brac and the Water Authority would simply have to provide the piping and it would be done on a continuous basis and there would be no need for any large expenditure of money at any one time? I feel confident that we could get advances from the general public that would help to offset this expense but at the same time instead of importing labour and the profit for the contractor going overseas, the profit would stay within the country because it would be a share-owned company similar to our Cayman Brac Power and Light Company and the labour would be for the people that will be unemployed by the downturn in Government employment on that Island. For this is just one of the ways that I think the self-help approach that Cayman Brackers have always tried to take can, once again, be used.

I fully realise that the Water Authority has made large expenditures and we are very grateful, we greatly appreciate having water available but we need to get the lines extended and if we can offer this at the most reasonable rate to where eventually the Water Authority can become a revenue earner in Cayman Brac instead of operating at a deficit, we will be turning around the figures.

THE SPEAKER: Would this be a convenient time to break? Proceedings are suspended until 2:15.

PROCEEDINGS SUSPENDED AT 12:45 P.M.

PROCEEDINGS RESUMED AT 2:18 P.M.

THE SPEAKER: Please be seated.
The First Elected Member for Cayman Brac and Little Cayman, continuing.

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker.
When we took the lunch break, I was about to conclude my preliminary on Cayman Brac and Little Cayman. I hope I have not been misunderstood today. I simply wanted to explain why Cayman Brac and Little Cayman need help. I would like to express to this Honourable House that since the Election I appreciate very much the Individual Members who have come to Cayman Brac, and I also appreciate the Executive Council Members and the other MLAs who came as a group to Cayman Brac. To my knowledge, that is the first time that that amount has been there since the Legislative Assembly had a Meeting in Cayman Brac in 1981. I appreciate that, I go from district to district while here in Grand Cayman to see what is going on in the other districts to have a first-hand knowledge when the individuals speak of their needs that I can, sort of, understand first-hand what they are talking about. I think the visit to Cayman Brac gives the Members living on Grand Cayman a similar opportunity.

On behalf of the people of Cayman Brac I would like to express our appreciation for the visit of both the ExCo Members and the ordinary MLAs, as we are called, for visiting us. I would like to particularly express my appreciation to the Member for Health and Human Services for his endeavours in the Social Services field in Cayman Brac. I think he has made some strives forward there and I look forward to future benefits to the people in need as his term of office goes on.

Certainly we realise the financial constraints but I also want to express my appreciation to him for his personal interest in the Rest Home project which we have almost completed and a general desire to understand our needs because I have always found him to be a person who had a caring heart. Also to the other Members, who I have had the privilege of knowing for many years, I thank them too, and look forward to their Executive Council leadership during the next four years.

Going now to His Excellency's Throne Speech, I shall try to be as brief as I can because I know we want to get into Finance Committee to discuss the Budget, but I would just like to quote where he said;

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

I would like to fully associate myself with that statement and express my appreciation to all of these organisations and individuals. Although we have our ups and downs, the peace and security which we have in these Islands, I think, is almost second to none. Having travelled into many ports of the world in my seaman's career I have always found it is so good to return to the Cayman Islands.

Madam Speaker, I would like to just touch very briefly on the Prison at Northward. I have visited that on many occasions and always leave there with a very saddened heart to see the number of our young people who are incarcerated there. I realise it is because they have run afoul of the law but I am even more concerned that so many of them are repeat offenders. I believe, like other Members have said here, it is serious and high time that we look at a rehabilitation centre where we can try to address their needs more fully than can be done in a prison community as we have there. Much has been said about the additional cells but unless we can reduce the prison population by some other means, I do feel that we need to be able to segregate our prisoners more than we are at present and possibly will have to look at additional facilities until we can make some positive move to take certain types of prisoners out of the Northward area.

Education is very important and I am encouraged to hear that is being looked after with our prisoners. I have talked to some young men from my district who did not think it was important when they had the opportunity at an age to attend school free, but now they realise they would have been much better off had they pursued the opportunities of education. I think those that are incarcerated if it is made compulsory for them to further their education, whether it be just to learn to read and write or higher academic subjects, it should be a compulsory part of their obligation while incarcerated.

I would like to pay tribute to the Government Information Services. I think they are playing a very important part in keeping us informed and to the staff there, I have nothing but accolades to place upon them because they have yet a small staff but they do a good job and their responsibilities are increasing.

As I said earlier in expressing my appreciation to the Clerk, the Legislative Department, in my opinion is one of the best run departments within our Government, and I am very happy to see that the Legislative Building has been somewhat improved and I look forward, with this House Committee, that we will be able to make further improvements. I look forward to the lockers that we have talked about over the last four years, that they may be able to be installed, which will facilitate us in keeping our papers and records more together. Maybe because I do not live in Grand Cayman it seems more necessary to me, but I think it would be appreciated by all Members.

Madam Speaker, I could go on and touch on most of these departments but as I said, and I realise time is of great importance, it is more important to all of us now to get on with passing the Appropriation Bill so that funds will be available to be spent by the different departments after the 31st of March.

I would like, in closing, to say to the Financial Secretary I congratulate him and his department for a well put-together, comprehensive Budget Address. I concur with what he has expressed within this speech. I realise that to balance a budget even within a family is not an easy task, let alone a country with so many wants and so many needs. The provisions he has made for the future, including the Statutory Authorities and Cayman Airways with future budgets, I think will be very beneficial and I look forward to dealing further with the Appropriation Bill in Finance Committee.

So again in closing, I wish God's richest Blessings upon the Cayman Islands and I look forward to working with all Members, Executive Council and Individual Members, not looking at us as team members and outsiders but as all Members of the Legislature of the Cayman Islands.

Thank you, Madam Speaker.

THE SPEAKER: Thank you.
The Honourable Member responsible for Agriculture, Communications and Works.

HON. JOHN B. McLEAN: Madam Speaker, may I change from other Members, their approach in offering congratulations and welcome and start by first of all offering to you, Madam Speaker, a special welcome back to this Chamber and to say that as a fellow East Ender, it makes me proud to see you occupy that seat for another term and hopefully you will be there for many years to come.

I have always had the greatest of respect for you as an individual as I have worked with you in this Parliament for many, many, years. I have always rated you as an individual and as a women who knows the workings of Parliaments throughout the Commonwealth, and no doubt you are one of the examples which other women in this country, and other parts of the world, should follow. I wish everything that is good for you as you sit in that chair, and it is my hope that, although sometimes we will become heated in this Chamber, that each one of us will remember the individual and the high office which you occupy and try always to work within the ambits of our Standing Orders and offer the respect which is due to that Chair.

I also take this opportunity to offer congratulations to His Excellency the Governor on his presentation of a very thorough Throne Speech, also to the Financial Secretary on his first Budget Address and I must say, Madam Speaker, both Addresses have said something to this country. It is

my belief that both documents should, no doubt, form a part of the libraries to which our children are exposed throughout this country.

I would also like to offer a special welcome to all Members of this Legislative Assembly, especially those who are here for the first time and, no doubt, I again welcome my old colleagues who have been around for some time. In all things we do we must thank God. And last, but not least, I would like to thank all of the churches throughout these Islands, who, during the Election which we fought last year, were there for us in prayers. No doubt the hand of the good Lord has guided the people of this country and today, it is my opinion, that we have in place a good Government.

I am pleased to be a part of this Government, I am pleased to be a Member of this Executive Council. I am happy to see that I have colleagues in this Honourable House who have entrusted me to this high office and I give them the assurance that I will do my best for this country and our people.

Again ladies and gentlemen, Madam Speaker, I should have referred to my fellow colleagues there, I would like to say a special thanks to the constituents of East End for allowing me another term to be their representative. It seems like only yesterday that I was elected to this Chamber, however it is some 17 years after my first Election and, as the Third Member for Bodden Town said, this Throne Speech and Budget Address takes me through my 17th year and my 34th Throne Speech and Budget Address. This is indeed something for me to be proud of. However, I would like to say that of all the Budgets which I have been a part of, I have found this Budget one of the most challenging and, to me, since we were able to present such a budget it has also been very much rewarding.

This Government has spent many long and hard hours trying to present such a budget to this House. But again, it speaks for the men in control of this country today, that we were able to present such a budget, we were able to sit long hours and to make harsh decisions in order to present a balanced Budget to this country.

I would like to also congratulate the able staff of the Financial Secretary. Many times I was doubtful if his Deputy would wake up the next day because when you looked in his face you could see the long hours were catching up on him, but most times before we could get to that meeting the next morning, he was knocking on our doors making sure we were coming. I would also like to say that once again the Government of which I am a part has been able to live up to a campaign promise. We told our people we would present a budget without any further taxes and, thank God, we were able to once again live up to that promise. Of course, we knew that our people could not take anymore taxes because over the last term of the Government that was in place God knows our people have had their share of taxes and more taxes.

On Wednesday, as I read the *Caymanian Compass* newspaper of the 17th of March, I saw on the front page 'British Budget Brings Tax Hike', again I was deeply touched to know that this Government was able to do something that could not have been done in the Mother Country. Here in these Islands, we are great believers in what the Mother Country does but, thank God, we did not at this time have to follow what has taken place with regard to their budget. The article which I referred to states as follows:

> "Ditching some election promises, the Conservative Government on Tuesday announced it will tax home heating for the first time and raised gasoline, beer and cigarette taxes to try to curb a soaring budget deficit.".

I believe in the Republican way, I am not at all for the Democrats. But I also must say that there is one thing that President Clinton has been trying to do since he has been in office that I must support and, as is stated in here, it is a fact that his programme of fiscal discipline is now beginning to spread throughout the world. Again, I believe, Madam Speaker, that for the small territory which we are, the bigger boys can no doubt learn a lot from the management which we offer. I am most pleased to be a part of the Government of these beautiful Islands.

This Government has, no doubt, even from within this Chamber, received some criticism with regard to the actions which we have taken since in office. Let me say the actions which I have been a part of in this Government leaves nothing to be ashamed of because we have acted as we told our people in this country we would do. We have acted, and acted speedily, simply because there was no more time to be wasted and while my colleagues have dealt with areas such as Cayman Airways and the hospital and so on and so forth, as a part of the Government that made the decisions on these various things, I would like to say that it was action that was necessary and needed immediate attention.

I refer to Cayman Airways Limited. As far back as 1989, some of us who have been returned to this House warned the Government of the day that they were heading in the wrong direction. They were heading for problems but of course at that time our voices were not heard. Today the mess this country is in financially, must be blamed mostly on the expenses created by the last Government with our national airline. That is a fact, Madam Speaker, simply because of making hasty decisions and not listening to what the people felt was right. As a result, the country pays for the mistake.

A few days ago I received a call at my Portfolio from a gentleman right here in George Town, and he said to me, "Your Government should be ashamed. The first person you dismissed was a Caymanian from Cayman Airways.". Madam Speaker, my reply to that good gentleman was, "If we should have other Caymanians in this country who would create a mess like the past Managing Director of Cayman Airways created, I would take the same action tomorrow." I am all for Caymanians, I am a true born Caymanian, but what I will not stand for is to see the people's monies wasted and our country suffer as a result.

For us as a Government it could have been a much easier task if we did not have to search for additional money for our national airline. Let us think about what we could be doing in our country today with $16 million. Just think of our young people, the things we could do for sports, the things

we could do in our schools and, Madam Speaker, I am here to say this was brought upon this country because of the past Government with an additional vote from the other side of the floor.

We stood up, as I have said before, and warned from the time we were tampering with Motion 3/90 and my Honourable colleague, who is now here in Executive Council, was abused by the past Government because he saw what was going to happen to this country and tried to warn the Government of the day. But, Madam Speaker, again they would not listen. But, thank God, as I look around here today, especially with me in Executive Council, I have the same gentleman who at that time tried to hold the purse strings of this country together and because of a Government that did not care for the people of this country he was ridiculed and he was kicked around but, in all we do, the good Lord is always above us and he spoke in the Elections.

We have somebody today not only on the Official side with experience in balancing a budget, but we also have here with us on the Elected side. No doubt we could not do it by ourselves, we depend heavily on our Backbench group and this is the way this Government intends to work our four years in conjunction with our Backbenchers. Again, Madam Speaker, even this we have been ridiculed for. You have heard it on the floor of this House quite recently, but that brings me to another point. As I sat here and listened to the last Member speak, there is an old saying that I have heard the Hon. Captain Charles Kirkconnell use on the floor of this House many times, he said "No-one feels it like he who knows it". When I listened to the First Elected Member for Cayman Brac awhile ago, talking of his experience so far with this Government not having an opportunity to meet with us and to know what is going on, I could only think of those words which I have just repeated. Along with many other Backbench Members, I sat in the very seat where the Fourth Elected Member or George Town presently occupies and many days I tried my best to get a little information from the First Elected Member for Cayman Brac because the only Member on the Backbench that knew what the Government was doing at all times was that Member and he cannot dispute that because the fact remains he voted accordingly.

It is not the intention of this Government to withhold information from any Member in this House or from the public. We consider ourselves an open Government but it is one thing we have knowledge enough not to do and that is to give information that will come back to haunt us on the very floor of this House. So until that Member is prepared to show to this Government that he is fully prepared to put his weight behind us, to support us in whatever we do and develop the trust that we need in him, then he will have to remain as he is.

Again, let me make it abundantly clear. This does not in anyway detract from the concern this Government or this Member presently speaking has for Cayman Brac and Little Cayman. We are very much concerned about those Islands and we have proven this since we have been in office. One of the first things that was done, I personally had an official visit and then our group had an official visit to those Islands. We did not just fly over there because we wanted a vacation; we did so out of concern for those people.

Let me say, individually we have been over there to visit and to see things which each of our Portfolios are responsible for. So he needs not try to paint this Government the colour of the Government to which he was associated. That is wrong and I would be remiss in my duties not to clear this at this time. It is wrong and it should never have happened. We will look at the Sister Islands and we will do within our tight budget whatever we can possibly do.

I would also say that as my Portfolio has always been with that Member, or any other Member, my doors are open, my telephones are there. If at any time I should receive a call I would be most happy to try and assist wherever I can. So instead of trying to rile the people further, I would strongly suggest that not only the First Elected Member but his colleague also, forget about the Election campaign, the Government has been formed, let us work together for what is right and put the pettiness aside.

I will now continue to touch on a few areas in the Budget and the Throne Speech before turning to my Portfolio. The first thing I would like to touch on is the growing crime in this country. As a Government we are very much concerned and we are prepared to do whatever we can to stamp out crime in our beautiful Islands. I must say, like other Members, and not only Members of this Legislative Assembly, but quite recently in public meetings throughout this Island the public has spoken out to the Police Department.

What have we been hearing especially in the outer districts, Madam Speaker? Again, I issued a warning with regard to North Side and East End for as far back as when a decision was taken to close down the Police Stations out there. I pointed out to the Commissioner, the Governor, and many others concerned, that I saw a problem on the horizon should we close those stations in those districts. Today, we have the results. But yet, we are told in the public meetings, and elsewhere, by the Commissioner, that the majority of the crimes in these Islands are burglaries. We are told that the reason for this is to obtain money, or jewelry, or whatever, to purchase drugs.

Madam Speaker, the annoying part to me is when I sat and heard that we were going to strengthen our Drugs Law in order to fight the individuals who are creating the burglaries so that we could test them for drugs, if we could not fine them on the burglary charge. This is not good enough, Madam Speaker. To me if somebody steals a tin of condensed milk, or if they steal a million dollars, it is the same theft. But what annoys me is what is presently being done to make sure that this does not continue?

It is no use standing in public meetings and saying to the people we would like your support. The public is scared to pass on information, especially where drugs are concerned in this country. We might as well be realistic about it. It is a fact the public is scared to call and give information to the Police about drugs and as I have said, the first thing that needs to be done is for the Police to regain the public's trust. When somebody thinks of drugs we all know it is a serious thing. And no one is going to put their family on the line to give information because literally that is what is happening.

I was taken to task at a public meeting and I was told that it does not exist but that is far from being the truth and these are the things which the Police must address prior to saying to the public we need your support. They must show the public that when information is passed there it is held in the highest of confidence and along with that no names are passed on.

That brings me to another point which I totally disagree with, Madam Speaker, and that is the talk that is going around about this 800 number in Florida. I think that the time is now for us to handle our own affairs. If our people cannot trust our local Police to call in and to give information, how will we look to the rest of the world when calls are going to the United States to be wired back to us? But as I have said before, and I will continue to say with regard to the Police Department, and with regard to the Prison Department, we should stand along side it as far as discipline is concerned. Our Fire Department - it is my belief that until we can put one of our people, such as Mr. Kirkland Nixon, in charge of our Police Force, and in charge of our Prison Services, we will never have the results which we need because when such a thing is happening, whereby the public has lost trust, it goes back to one thing and that is lack of discipline.

I believe, as I have said, the time is now when we should do whatever is necessary as a Government and if it means trying one of our local Caymanians in charge of those departments, we should do so. For too long we continue not to trust our own and as I have mentioned, our Fire Department is a good example of what a Caymanian in high places can do.

I will touch briefly on the Civil Service and, no doubt, the 7.5 per cent cut which is being proposed. Let me say that it is with deep regrets that such action needs to be taken, but, at this time, it is the most sensible thing to be done.

Everyone of us knows that within our Civil Service we have some of the most dedicated workers that you can find in any part of the world. But let us be realistic, we also have what is known as a lot of dead wood and it needs to be done. We, as a small country cannot continue to carry this added burden at the expense of the people but what I would like to say with it, I believe that this would be accepted by the people of this country, I believe it would be accepted by the Civil Service, or at least the majority, but it seems to me that from within the Civil Service there are those who are not carrying out their duties as far as properly informing Heads of Departments.

I have been told on several occasions of individual civil servants who are given a story, "Oh do not worry about it, this is just another move by the new Government." Madam Speaker, this is irresponsible for somebody in such a high office and I wish it would be discontinued because each of us knows the bad financial position this country is in today and it is highly necessary that such a cut take place.

I have heard arguments that perhaps we should raise more revenue, we should bring more taxes, but it is no sense in bringing more taxes on the people and as we look around it is going like a leaking ship because it is going out in salaries and the country is really and truly not gaining anything more.

It is my hope that as I have said, and I should say I would appeal to those servants in high places, to do their utmost to show the Civil Service that we as a Government support those who are prepared to work and support this country the way they should. But, not to try and make it appear that we, the Elected Government, are the ones who are doing this on our own.

I would like to turn to a few Portfolio matters and, of course, I would like to start with Agriculture. I would first of all like to say thank you to the Members who have, no doubt, offered congratulations on the recent Agricultural Show. I would like to say that it really shows exactly what can be done when you have your heart and soul into doing something because that was put together within six weeks with the kind cooperation of the President of the Society, Mr. Otto Watler, and the Members.

I had been the President before that and, no doubt, had to step down and that night on the agenda there were two items. First, for me to step down as President, and the second item was to have a Show. Needless to say when this was mentioned the usual support of the membership was there for me. It proves to me that the people of this country were, no doubt, waiting on such an occasion and came out on the day of the show and showed their support. As I mentioned then, I will do everything possible that next year we can have a bigger and better show. It is my hope that by that time we will have a pavilion where we can offer the comforts and displays and, of course, all that goes along with it to the public. Again, I have to be most grateful to my colleagues who have seen fit to support me, not only on the show but on my efforts in trying to assist with the pavilion.

To go on to Agriculture, Madam Speaker, this, for many years has been a subject which, as far as I am concerned, has not been given the push which it deserves. I, as a Member with the responsibility for it, and no doubt, who is involved in agriculture, am going to give during the next four years a good try to promote agriculture not only in Grand Cayman but throughout the Cayman Islands. No doubt with all good there has to be some bad. It is my intention to tighten controls wherever it is needed and necessary with regard to agriculture. It is no use of my farmers here in Cayman producing, and at the end of the month they stand around and say to each other, well I have had a good crop of corn but I had to dump it. Those days are behind us. As I have in the past, I am, again, appealing to the merchants and the importers in this country to support what is good and to support what is fresh. Support the local farmer.

The last thing I would like to have to do is to bring legislation to say that certain products should not be imported. If it means that I have to do that and I have the support of my Backbench, I will do that. It is my intention in the very near future to have a meeting with the merchants to seek their support. I should hope that this would work and I would not in the future have to introduce legislation here. Other areas, Madam Speaker, which I will be watching with a careful eye and it takes me back a little to when I was first in the Portfolio in December, I had to issue an order on the importation of cut flowers into the country. I was cursed and ridiculed for it, but let me say I have no apologies to anyone for so doing. It is no use of me preaching

agriculture and encouraging the farmer to spend his dollars and because of that almighty dollar, allow others to bring in flowers or any other crop that are infested with insects that could cause us what we have worked so hard at in this country over the years. The problem in December was with the white fly and the arguments which were put forward for that, "Oh, we have had them sprayed in Miami." But what about the eggs? By the time the flowers arrive here they have been hatched and are ready to fly out.

It goes even further than that because quite recently in the United States of America something of a hybrid white fly has been discovered and thus far there is no known insecticide to combat it. These are the things which we have to watch and which the general public should try and to cooperate with Government on.

Also, quite recently I was shocked to see an article in one of the eastern Caribbean island papers with regard to ticks and, no doubt, before I get back to my office after I say what I am about to say, there will be calls from bird lovers. But this time it would seem to me that it has to be the bird or the cow and I believe I would have the support of the farmer if I said the cow.

It has been discovered that the bunt tick is something which grows to the size of a 25 cent piece. Presently it has been proven to be carrying two potentially fatal diseases - one, being a skin disease and the other a heart disease. When I referred to birds the egret bird is the bird that has been transporting the tick. This, as I mentioned earlier, worries me because it has been proven that egrets which were tied and released in Guadeloupe were later on found in Layton, Florida. It is my understanding that once the bird feeds on the tick, the eggs lodge inside of the bird and no doubt can be transported from place to place.

The article goes on a little further to state that a suggestion was made in Barbados where it is believed to have something like 7,000 egrets that they should cut them down to approximately 500. As we all know, we have an abundance of egrets in these islands. I have already spoken to the Department of Agriculture and they are aware of the problem and we are going to take whatever necessary action possible to try and keep this tick from our islands. The paper goes on further to show that the islands have been broken down into four categories. The heaviest invested was Guadeloupe, Antigua and Anguilla, St. Kitts and Nevis. As a matter of fact it was pointed out that, I think it is Nevis which is almost self-sufficient in beef, that they have lost about 80 per cent of their cattle.

This could be serious, especially at a time when our country has come to where, for the first time I would say in the history of agriculture, we have a very fine quality of beef animals on the islands. I am hoping that we will never be touched by this one but I give the House and this country the assurance that whatever is necessary this Member is prepared to do.

I would like to also say, Madam Speaker, that over the years concerns of mine as a Backbencher have been over our Animals Law and our Fences Law and, again, it is my intention in the near future, hopefully by the next Sitting of the House, if it is at all possible to try to have these two laws brought back in line. We have too many people in this country today who constantly are in violation of the Animals Law. They just do not take care of an animal the way they should and, while I am someone who is prepared to encourage farmers to produce animals, I am also somebody who is hard enough, if I need to be, to enforce a law to make sure that those animals are cared for properly.

With regard to the Fences Law, again this is an old story. Some of us may know of it and others may not, but as a result of a change in that law some years ago, many farmers have experienced hardships as a result. It may seem strange but when you stop and think of a poor farmer versus a developer of subdivisions, etcetera, then you will understand what I am trying to say. I am prepared to bring an amending law to put this right for the farmer.

Another concern is the Farmer's Market. Presently we have a building, we have some facilities for the farmer but, again, the Farmer's Market will never be a success unless the importers in this country are prepared to work along with the poor farmer. I know that Government has helped somewhat, as far as providing the building and now that the facility is there, what we have to make sure of is when the poor farmer produces his crop or his animal, that he is able to realise a fair pay back.

I would also say that it is a two-way street and this is nothing new what I am going to say now because I have a very close relationship with the farmers in this country. I have pointed out to them while I am prepared to work with the importers, it is also their duty to try and offer prices which can compete with goods imported from, for example, the United States. My part I am going to do and I feel certain that the Members of this Honourable House will also offer whatever support they can.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:27 P.M.

PROCEEDINGS RESUMED AT 3:46 P.M.

THE SPEAKER: Please be seated.
The Honourable Member for Agriculture, Communications and Works, continuing.

HON. JOHN B. McLEAN: Thank you, Madam Speaker.
When we took the break I was about to move on to the Agricultural and Industrial Development Board (AIDB). This, again, was through the efforts of a government of the past of which the Third Elected Member for Bodden Town and myself were a part. It was put together, no doubt, to especially assist the farming community. I would say, thus far, it has done a fairly good job. I would have preferred

to see more done as far as the assistance to the farmers.

One of the problems which the farming community has experienced with the funds from AIDB has been the amount of red tape which they have to go through and, no doubt, the interest rates. I believe that through the efforts of this Government we can, once again, look into the situation with AIDB and the funds which are earmarked for farming and try to find some solution whereby we can make lending more attractive to farmers.

I am especially pleased with AIDB lending to Caymanian students who are studying abroad and, no doubt, because of my interest in promoting my fellow Caymanians, I will be doing whatever is possible to try and to make more funds available for scholarships. Another area which is presently administered by AIDB is the Housing Authority and, while that falls under my colleague, the First Elected Member of Council, I would like to say that it is another area that we must pay a lot of interest to. As was pointed out by, I think, the Fourth Elected Member for George Town, it is most important that we try to put in place the means whereby the lower income bracket of Caymanians will be able to obtain monies to construct or to purchase a home. It is my opinion that it is the wish of every Caymanian in whatever bracket they may fall to own a home of their own.

A point was made a few days ago by a previous speaker with regard to the development of low cost houses and the way they should look. I tend to agree with the person who was speaking when they said that the original structure, even if it resembles the other in the project, could eventually as the person sees fit remodel and change the appearance.

To me for too long we have tried in these Islands to live above our means. One of the reasons that we find within a housing development, of the kind in question, which is a low-cost housing, you will find in any part of the world that all of these buildings resemble each other (with exception to colour) is because it is done exactly as it should be - low cost. Can you imagine if you have a development of 50 homes and for each the developer had to produce a new set of plans? That, in itself, would be incurring additional costs to the person who would purchase the house. So in an effort to keep costs down I think this is the reason why you will find that most of these homes look the same.

To me, Madam Speaker, this is like water on a duck's back. If I found myself in that category I could not care less if Tom Jones or Harry had a home along side me and it resembled mine, what I would be concerned about is the fact that I would be placing a roof over my family.

So I think that even if we in this country today could find a developer willing to put in such a development I, for one, would be willing to go along and support the project providing that it was being done, of course, to standards. I would not want to see something come in and two years down the line the individual who purchased the home was faced with all added expense.

Again, like I said, the responsibility for that part, although it falls under AIDB, is my good colleague, but it is my intention to work closely with him and to try to see what Government can do or whatever Government can encourage to be done to try and assist this category of persons in our various communities. As I see it, there is no use in us believing that there is only one or two in this category in these Islands. It was one of the things that I disagreed with in the beginning with the Housing Authority because for those who may not know, I was probably one of the first Chairman of that Board and my argument from then was that we were really catering to the wrong group of persons in our community. The way I see it if somebody qualifies there for $85,000 to buy a home, no doubt that individual could also qualify at a commercial bank. It is those who fall in the lower bracket that really and truly are faced with the problem of qualifying.

So as I said, this is another area which we, as a Government, are very much concerned over and, no doubt, I would also say that I do not think that in this House today, or in the past, there has been a Member more concerned or who has tried in his own humble way to do more for individuals finding themselves in this position than the Honourable Member with the responsibility for this area. He has always pleaded the cause of the poor, especially in his district and, of course, in other areas and now that the shoe is on the other foot and he can really do something about it, I know him well enough to know that he certainly will be doing so.

Madam Speaker, another area under my Portfolio which I have received an abundance of concerned calls about and after doing the checks which I needed to do, I must say that all of the calls were necessary and truthful. I am speaking of the present Postal Department.

I am very much concerned over the Postal Department and, indeed, over the conditions of the present George Town Post Office. This is far from being satisfactory to our people. The building in itself offers the staff terrible working conditions. I would go a little further to say that not only have I received calls concerning the actual structure but I have received calls with regard to nasty attitudes of certain staff members to the public. This, Madam Speaker, this Member does not take lightly. My very first job was with a bank and my first training was that the customer is always right and I see it the same in the Postal Department, the courtesies cannot be enough which should be offered to the public and this Member will stand for nothing less.

I am going to seek the support of my colleagues in Government to take the necessary steps to put not only the George Town Post Office right, but the Post Offices throughout these Islands. I believe the time has come that our Post Offices should do more, should offer longer hours to the public and, no doubt, it should carry more services for the public.

As far as I am concerned, this is an area in Government in which we have taken a retrograde step because I recall as a young man in my district, services were there for the public whereby you could pay your taxes, and various other things were controlled right at the little post office. With the present congestion here in George Town I believe the time has come that we should again try to offer these services in the outer districts. I see no reason why a poor lady should have to hop on a bus, drive to George Town,

go there, stand in a line for example at the Police Station to pay taxes on an automobile and perhaps at the end of that day have to return home and still did not receive the services for which she came. I think that should be done in the post office in each district.

Likewise, with regard to payment of utility bills there is no reason why Government could not work out something with, say, Cable and Wireless and CUC, and at this point I would say that the Lady Member for North Side mentioned to me a few days ago that she had already spoken to the Manager of CUC, who somewhat agreed that he saw nothing wrong with offering the service in the outer districts.

I would just add to that I have received at Portfolio level a proposal from the Managing Director and as soon as possible I am going to try my best to see if we can work out something with the utility company and, as I see it, if it means that we have to add a few hours to each of these post offices, so be it. We are no longer living in the times when we had to wait on an old mail truck to come up in the evening or perhaps we have only a half dozen mail boxes. We have working people working on different schedules and no doubt they deserve the same services as those who may stay at home.

I believe that with added services like these we could find enough work to employ a full time person in each of these post offices.

Of the one in the Lady Member's constituency is a horse of a different colour. I am still not sure of what can be done with such an expensive facility for such a small district and, no doubt, she and I will be sitting in the near future and discussing this properly. Her input on this matter will be what I will be guided by.

It is my opinion, as I have stated during the campaign that expenditure could have been on two small sub-post offices in that district, instead of putting all of the eggs in one basket and creating what I see will, no doubt, for many years be somewhat of a white elephant. I believe that building could be utilised for something else. And it is my belief that with proper renovations to the old post office in that area and a smaller one in another area of North Side, that her district would be better served.

Of course I know that politically I am going to get some feedback on this but with the assistance of that able Member we can do anything so at a later date we will be getting together and no doubt dealing with this.

I would also mention that in the past the British Postal Consultancy Services were brought in play and we have some good information as to how postal services in this country should operate. It is unfortunate that action was not taken before now because this has been an on-going thing for some time.

Since I have been in the Portfolio, I have met with a representative from the British Postal Consultancy Service in London and we have had a proposal sent to us but I must say today that I am going to continue to negotiate this because the prices which have been quoted are way out of line for us at this time. I would like to assure the public, and, of course, Members of this House, that I will be doing whatever is possible to speedily remedy the problem which now exists.

I am certain that the Honourable Financial Secretary would agree with me that this country has no doubt lost much revenue because of the way the service has been offered to the public especially the main post office here in George Town. As I pointed out earlier, the complaints which have been registered with me, no doubt, proves that because these complaints are not from the little man on the street. I am speaking of the larger businesses who over the years would have, no doubt, utilised this service if the proper attention was given by those concerned.

I believe that once we can clean up our act as far as this is concerned we will be able to, no doubt, bring back the businesses which we have lost and in the very near future we could probably see a good profit coming to the Treasury of this country.

Another area of complaint was from the Members from the district of West Bay and this little post office, as I understand it, is one of the key district post offices on the Island. Of course the name itself to the tourists means a lot. They love to go there and have stamps purchased or envelopes stamped and to take back home to say to their friends and family we have been to Hell.

It is my understanding from my colleagues that oft times when the tour buses arrive they come to find that the post office is closed. Now this is not good enough and, again, with their assistance and the assistance of the Members of this House I will be doing whatever is possible, especially in West Bay for now, to offer a full time service.

I would move on to the Public Works Department. As I see it there is an abundance of streamlining that has to be done. I have never really and truly agreed with a lot of things that I have seen over the years.

One of my first tasks after being elected to Executive Council was to gather information from the Public Works Department in Florida and on a visit there I was shocked to see, compared to what is happening here in our Public Works Department, the difference in such a big area compared to our small little Island. To me there is much waste and waste which I will not stand for. I preached against it as an ordinary Member, and now that I am in the Portfolio I am prepared to do something about it.

I think it was about a year and a half ago when a report was made to the, then, Member with regard to what I had seen and being told by members of my constituency with regard to the abuse of Government vehicles. Well, needless to say, the news went back to the individuals and I was penalised because during the Election I was short of some votes.

I was very annoyed because at that time I was only being a good representative, I was only conveying to the Member what I felt was an abuse and I felt that, at least, the matter should have been handled in such a way that action was taken but not necessarily to go back and say that John

McLean had made the report.

However, to bear out my argument on this abuse one of the questions which I posed in Fort Lauderdale to the Director of Public Works was if he could give me statistics on exactly how his equipment was utilised, especially the equipment such as cars and smaller trucks that on a day-to-day operation would be used by the staff. I asked, "Are these allowed to be taken home and used privately?" The guy looked at me, he smiled and said, "Out of my complement of staff there is but one vehicle that leaves my compound on any one day and it is that of the Director.

Madam Speaker, until we are prepared to put in place stiffer regulations we will continue to have this abuse and I am prepared, cause it what it may, to bring those regulations in place. I am sick and tired of each budget time having requests brought for new vehicles and a year down the line that vehicle has to be condemned because of corrosion by salt or corrosion, or that the vehicle is mashed or something to that effect. I have seen too much for too long at the expense of the people of this country and it has to be stopped.

If a place the size of Fort Lauderdale with the amount of road work which is carried on can operate efficiently and workers are found who have to provide their own transportation it is no reason why we should not have something in Cayman the same.

With regard to our budget on roads. I will say to my colleagues that I am prepared to do the best I can with the funds which are made available to me. I am also supportive of the idea that if funds are budgeted for road works, that rather than any one district not being able to have the necessary works carried out in any one year, that we should sub-contract. I see nothing wrong with it. It is no use of us following the usual and at the first of the next year standing in this House and belittling the Member because Public Works Department was unable to carry out the full requests. I am prepared to push that department as hard as I can but I am saying this because I am sure every Member in here is quite aware of what I am saying and rather than us sitting back and allowing it to happen again, I think we should make a decision that if I, as Member, see fit that the department is somewhat over-loaded that we should have a recourse.

I would like to say that although the funds in the Budget are quite small, and, of course, we know exactly why we are faced with this problem, I am glad to see that, at least, consideration has been given to each district. The amounts may not be satisfactory to any of us but what I have to say is, as was pointed out by the Honourable Financial Secretary, we have to cut our garment according to our cloth.

When we go into Finance Committee it is my hope that if what is presently in the Budget is not satisfactory to each Member representing a district, that we should be able to sit down and look at it to see what best we can do to suit the individual representative.

Madam Speaker, I have been a Member of the Backbench who considers myself to have been victimised in this way, it is not my style and I, as a Member, would not like to be a part of a Government that is going to continue it. I know what it is, for many years I sat on that Backbench and I pleaded with the Government of the day, especially with roads to my district, and the end result was that I was looked upon and laughed at. It was as if I was pleading the case for myself instead of my district. Each of us has a responsibility to our respective districts and my way of doing business is that I put personalities aside, I look at what I think should be necessary for the individual districts and I try to do what is right and proper for those people, not for the representative. I am thinking of the districts that will suffer as a result.

On the Capital amounts in the Budget, as I said awhile ago, there are various amounts for road work and the pleasing part is that there will be some work in East End, North Side, Bodden Town, and the other districts, but no doubt the three which I have mentioned have been neglected for a very long time.

I believe that the people in these districts will no doubt appreciate the action of this Government. I know for sure I can speak of my district as to how long have I begged for road works. The thing that really hurts, Madam Speaker, was when I was told, "Yes, we are aware that the works are necessary", but yet the time was too long for them to carry out the work.

In my district I am pleased that something will be done on sporting facilities. Here again, as has been put forward by many speakers, we as responsible representatives must do whatever we can for the youth. The problem which we are faced with today, the problem of drugs, we must do whatever is possible to try to put these facilities for our young people with the hope that under proper supervision they will not turn to drugs.

I believe that those sentiments are shared by all Members of this Assembly. Again I know that my old colleague from Bodden Town, Mr. Haig, has for many years tried for a playing field and no doubt after his colleague, the First Elected Member came in, he has done the same.

Together, we, as a concerned Government, will try our best endeavours to do what is right. I believe that this country made a right decision in November because as I look around in this Chambers, I see individuals whose history will tell us their concern and love for these Islands.

Madam Speaker, continuing on my Portfolio, I would like to touch briefly on an area which has created a lot of concern and that is the area of Transportation.

I need not say that the greatest concern has been with regard to the taxis and the buses. Again, when I visited Florida early in my tenure in office, I was able to gather some good information, I was able to see a few operations, such as the Port and the Airport, and as far as I am concerned we here in the Cayman Islands must take the necessary action to put these in their right perspective. After all, Madam Speaker, when we speak of the taxis we are thinking of individuals who are the first people to meet the tourists on our shores.

We need to have a caliber of person as a taxi driver who is not

only concerned for that almighty dollar, but we need somebody who cares about these beautiful Islands. We need an individual who is prepared to present himself, or herself, in a decent way. We need individuals who are prepared to be dressed properly and we need vehicles that are up to standard that is not only a machine that is working, but we need a vehicle that is clean.

I am prepared, with the knowledge that I have gathered in this area, to put in place proper regulations. For too long this has been allowed to go on. I have heard governments come and governments go who continually talk about what the Taxi Association wants or what they want to do. I believe the responsibility should be with Government. I think that it is our responsibility that when a licence is issued to an individual or company to operate a taxi, whether it be a car, a mini-bus or a full size bus, that the regulations are there that stipulate fares; the appearance of the individual; the way they should conduct themselves; every thing should be spelled out. And, Madam Speaker, with God's help and the support of my colleagues I am going to put this in place.

There is no use of sitting and waiting until, because of a handful of individuals, we find ourselves with a wrecked tourist trade and this is a good area for it to happen.

THE SPEAKER: Honourable Member, it is now 4:30, will you be finished shortly?

HON. JOHN B. McLEAN: No, Madam Speaker, I still have a while.

THE SPEAKER: I will ask the Honourable Leader of Government Business to move the motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this House until 10 o'clock Monday morning.

THE SPEAKER: I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 22ND MARCH, 1993.

MONDAY
22ND MARCH, 1993
10:03 A.M.

THE SPEAKER: I will ask the Elected Member for North Side to say Prayers.

PRAYERS

MRS. EDNA M. MOYLE: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed in the Legislative Assembly. Questions to Honourable Members, No. 45, the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 45

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

NO. 45: If there are any plans to acquire the services of an experienced Customs Officer for in-service training of Customs Department staff?

HON. GEORGE A. McCARTHY: Madam Speaker, there are no immediate plans to acquire the services of an experienced Customs Advisor for in-service training of Customs staff. Senior Officers, with many years experience in the Department, have been trained as trainers and are very capable of conducting future courses. These officers gained valuable experience under the guidance of the former Customs Advisor and were primarily responsible for lecturing most subjects during the last courses organised for Customs staff.

Madam Speaker, the Department intends to continue with present arrangements for advanced training. One officer at the management level is sent to the United Kingdom annually. Additionally, the Department takes advantage of various technical courses such as Commercial Fraud and Drugs Interdiction Techniques which are offered within the region.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town, supplementary.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say how many of these in-service training course are held annually and what is the duration of such courses?

HON. GEORGE A. McCARTHY: Madam Speaker, the training is done as and when there is a requirement for such training. But on an average it is done at least once annually.

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can say if there is any schedule or records kept of the performance on these courses and if the officers' performance on these courses

determines their mobility within the department?

HON. GEORGE A. McCARTHY: Madam Speaker, records are maintained as to the performance of these officers and this is used in determining their future mobility within the Department.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you Madam Speaker.
I wonder if the Member is in a position to advise what type of process a new recruit goes through before they are put on the line as an officer?

HON. GEORGE A. McCARTHY: Madam Speaker, the recruitment process commences with a very tight screening process. This is followed by enquiries with the Police Department to determine whether these persons have got any Police record. Following this then arrangements are made with the Public Service Commission for the interviewing of these officers to take place and then they are familiarised with the procedures of the Department. I would not imagine that they are put into the process of having to deal with the public immediately but are made to become conversant with the Customs Laws and other procedures that they will apply in their day-to-day activities.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker.
I wonder if the Honourable Member could give a list of some of the subjects covered in these in-service training courses?

HON. GEORGE A. McCARTHY: Madam Speaker, we can undertake to provide this information.

THE SPEAKER: The next question is No. 46, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 46

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

NO. 46: How many cases of evasion of Customs duty have been uncovered by the Customs Department since 1991?

HON. GEORGE A. McCARTHY: Madam Speaker, since January 1991 a total of 85 cases involving evasion of import duties have been uncovered by the Customs Department.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker, I wonder if the Honourable Member is in a position to say what is the total amount of money of these evasions?

HON. GEORGE A. McCARTHY: No, Madam Speaker, I have not got the quantum of the sum that would have been recovered as a result of these evasions.

THE SPEAKER: The Fourth Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you. I wonder if the Member would be able to say in what area was this attempted evasion of duties most prevalent?

HON. GEORGE A. McCARTHY: Madam Speaker, according to the information on the 85 cases it will be easier if I give a breakdown. Under the caption of False Invoice there were Improper Description of Goods - 13 cases; under Evaluation - 37 cases; Undeclared Goods/Smuggling - 28 cases; Misrepresentation - 7 cases. All offences were dealt with under Section 7 of the Customs Law, 1990, using the authority of the Collector of Customs as provided for in the Law.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker, I wonder if the Honourable Member is in a position to say how many of these cases ended up in prosecutions and convictions and also, what other sanctions are imposed other than prosecution?

HON. GEORGE A. McCARTHY: Madam Speaker, all of the individuals in question opted to pay the penalties as provided for under the Customs Law, which is, I believe, the regular duty multiplied by three. They all opted for this and I will just give a description of what took place. Of the 85 cases the Collector exercised his power by imposing penalty in 78 cases, the balance of seven cases received warnings.

THE SPEAKER: The Third Elected Member for West Bay...oh, it was covered by that question. The next question is No. 47, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 47

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

NO. 47: What companies, corporations, organizations and/or individuals have been granted waivers of duty and have imported goods into the country since 1992?

HON. GEORGE A. McCARTHY: Madam Speaker, waivers of duty were granted to the following companies, corporation, organisations and/or individuals in 1992:

	1992 Duty Waived (CI$)
Lions Club	$1,148.66
Cayman Islands Tennis Club	1,058.82
Cayman Islands Cricket Association	1,599.55
Cayman National School of Drama	451.55
Cayman Islands Softball Association	265.18
West Bay United Football Team	425.00
Melba Nixon/Zoe Bodden: Christmas Toys Donation to Needy Children	340.00
Memory of Justice Band	139.40
Visual Arts Society	138.62
Cayman National Cultural Foundation	129.21
Cayman Islands National Squash Rackets Association	139.60
Brac Aquatics	271.72
Triple C School	75.50
The Garden Club	126.00
Rotary Club	150.87
Cayman Islands Badminton Association	47.04
Cayman Islands Cycling Association	160.07
Kiwanis Club	46.20
Cayman Islands National Dance Company	250.30
Cayman Islands Hospital	259.46
Batabano	150.87
Cayman Islands Cancer Society	303.71
Brac Jackpot	61.69
Cayman Islands Water Sports Operators Association	441.00
Mrs L Whitney Ribbins	94.71
Cayman Islands Olympic Committee	259.71
Safe Haven	189,000.00
United States Air Force	79,000.00
Cayman Water Co Ltd	48,536.00
Atlantis Submarine Ltd	44,000.00
Cayman Water Authority	60,000.00
Cayman Islands Football Association	14,949.84
Pirates Week Committee	12,919.20
Million Dollar Month	10,920.00
Rotary Club	2,874.56
Cayman Islands Olympic Committee	2,665.32
Cayman Yacht Club	708.12
Spott Bay Primary School	2,523.31
National Trust	1,200.00
George Town Primary School	5,382.54
Savannah Primary School	7,700.00
Cayman Christian TV	6,996.02
George Nowak	5,000.00
TOTAL FOR 1992	$503,080.11

1993

*Faith Hospital, Cayman Brac	$3,752.95
TOTAL:	$506,832.95

Madam Speaker, the practice of waiving duty ceased on 31st December, 1992, in line with a decision announced by the Government that all Government Departments should commence the payment of import duty as of 1st January, 1993, and instead of the waiving of duty for private sector organisations as previously done, the Government will instead consider providing grants to these organisations which would equate to the duty being waived. The awarding of grants in the latter instance will be dependent upon the benefits being passed on by such organisations to the community.

*Waiver of duty granted on Kramed Urological Ultrasound Scanner valued at CI$18,764.76 on which duty was calculated at CI$3,752.95.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member if this list is exhaustive in that it conveys all of those organisations, individuals, etcetera, which were granted waivers of duty and also, if any hotel developer or the Health Services Authority were granted any waivers of duty during the period covered by the question?

HON. GEORGE A. McCARTHY: Madam Speaker, I would not run the risk and say that the list is exhaustive because there is the possibility that there have been several omissions. I am aware that there have been waiver of duty on importation by the Health Services Authority. This is in connection with the project that has now ceased.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: May I then ask the Honourable Member what is the reason for these omissions and exactly how many omissions there are, what are the names of the companies, corporations or individuals and what amounts of money are involved?

HON. GEORGE A. McCARTHY: Madam Speaker, the omissions were not deliberate and I would regard this as an error. It will be difficult to say how many of these omissions have been made. Since the Member has called attention to the waiver of duty in respect of the Health Services Authority, it has come to my mind having been made aware of the fact, that approval for the waiver of duty on importation, particularly for the hospital project, was authorised. On this basis then since that has been omitted, there is the assumption that there may be one or two others. It will be difficult at this stage to say exactly how many omissions there are. What I can undertake to do to satisfy the Honourable Member and this House is to make sure that we go over the details again to pick up by chance any waive of import duty that would have been omitted and those that would not be included on this listing.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, may I preface my question by saying I am thoroughly disappointed and may I ask the Honourable Member for a commitment as to a time frame of when I can have a complete list?

HON. GEORGE A. McCARTHY: Madam Speaker, first let me respond by saying I do understand the comment of the Honourable Member when he said he is disappointed in this. It is unfortunate that this was not picked up before now. It is understood from the Collector of Customs that this information can be provided by the end of the week.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, in the list given there appears to be some organisations that are strictly commercial organisations and I am wondering if the Member can say if he is satisfied that the duty waived has not been to benefit the organisation, or, can he give us the reason why the duty was waived? For example, I see Brac Aquatics; Safe Haven; Atlantis Submarine; and so on.

HON. GEORGE A. McCARTHY: Madam Speaker, rather than to say that I am satisfied that the duty that has been waived would have resulted in benefits being extending to the community, it is easier for me to say that all of the items that are here have been considered in many instances by Executive Council. It has been the decision of Government that wherever such waiving of such duty has occurred that it would have gone for the benefit of the community. But it is for this reason why a decision has been taken that, commencing in 1993, the Government will take a different approach to this policy in that it will have to be thoroughly satisfied that the reason

for which the waiver of duty is being sought will be for the benefit of the community, other than that it then is left up to certain subjective reasonings.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Following up on the question from the Third Member for Bodden Town, I wonder if the Member is in a position to advise what the nature of the imports were by Safe-Haven and Atlantis Submarine that the waiver was considered on?

HON. GEORGE A. McCARTHY: Madam Speaker, let me just commence by saying that the relevant sections under which the waiver of import duty in respect of Safe-Haven, the Hospital and the Atlantis Submarine were allowed were under Section 43 of the Customs Law which authorises the Governor in Executive Council to grant such waiver of duty. I have not got the details of the Safe Haven project with me but this had to do with equipment that was described as necessary for the development of the project.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I would just like to ask the Honourable Member to explain how the discretion of Customs Duty waiver is obtained. In other words, does the Collector of Customs, the Executive Council, or who is authorised and on what basis are these decisions made?

HON. GEORGE A. McCARTHY: Madam Speaker, the policy that used to be in place up until the end of December, 1992, has been for amounts where duty would be assessed to be less than $1,000 that Executive Council devolved or passed on the decision for the waiver of such duty to the Financial Secretary. Above $1,000, this decision had to be taken by Executive Council.

THE SPEAKER: If there are no further supplementaries, the next question is No. 48, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 48

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

NO. 48: What is Government's position regarding the situation of one company undertaking the management of all three television franchises in these Islands?

HON. TRUMAN M. BODDEN: Licences have been issued to CITV, CITN and CTS for UHF public broadcasts. No licences have been issued for MMDS (cable). Full details and conditions of the Management Agreement will have to be submitted to the Broadcasting Authority (not Government) for its decision under the issued licences.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would like to ask the Member if he has answered the question regarding the situation of one company, as the country has been led to understand, undertaking the management of the three television stations who have been granted licences and precisely where the question of MMDS (cable) has come into play in the replay?

HON. TRUMAN M. BODDEN: Madam Speaker, the latter part of my question deals with the question of a management of the three or the four or whatever number of television stations. It says full details and conditions of the Management Agreement will have to be submitted to the Broadcasting Authority (not Government) for its decision under the issued licences. MMDS is a cable type of broadcast.

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Honourable Member say if Government has no policy regarding the question of one company managing three television stations, which would seem to hinder competition or perhaps even any variation in the type of programming which is broadcast by these various companies? Does Government have any policy or any idea in that respect whatsoever?

HON. TRUMAN M. BODDEN: Madam Speaker, I repeat that the UHF licences that have been issued, if this question arises it must be addressed by the Broadcasting Authority, not by Government and I cannot speak for the Broadcasting Authority personally because I am only one of several members of it. The answer is

clear, what are the details and conditions of this. It will have to go into the Broadcasting Authority.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member confirm that he is a member of the Broadcasting Authority and does he have any directives or ideas whatever about the management of this company? Could he say whether if any agreement or any submission has been made to this Authority by this management company to-date? Could he also say if it is a fact that this management company is owned in majority by an American citizen and whether that is acceptable to himself as the Member responsible for Broadcasting?

HON. TRUMAN M. BODDEN: Madam Speaker, I do not want and I am really not obliged to give an opinion of what my ideas may be, but, all I can say is that the Broadcasting Authority met once and there was no application before them at that time to properly deal with the management as he has put this. Beyond that I can say no more, I would be tendering an opinion which is not mine. I am a member of the Broadcasting Authority but these are individuals, independent people and I cannot speak alone for the Authority.

THE SPEAKER: The Second Elected Member for George Town.

MR. D. KURT TIBBETTS: Madam Speaker, would the Member tell this Honourable House whether there is any section of the Broadcasting Law which safe-guards this country from a monopoly developing as far as broadcasting is concerned?

HON. TRUMAN M. BODDEN: No, Madam Speaker, there are no sections in that Law. However, there has been a draft, prepared by a committee, of a new law which apparently has been going on, I would say, over the last year. While I do not know the contents of it, it is a point which, if it is important to this House and it appears to be important, I would think could be properly addressed in that.

THE SPEAKER: The next question is No. 49, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 49

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

NO. 49: If Colonial Regulations are still in effect in the Cayman Islands and, if so, would the Government make available a copy of both parts of such Regulations to the Library of the Legislature for Members' information?

HON. J. LEMUEL HURLSTON: The Colonial Regulations are still in effect and applicable to the Cayman Islands. Copies will be made available in the Library of the Legislative Assembly.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, I would like to thank the Member for the answer and the fact that it will be available in the Legislature for information of Members. Could the Member say if these Regulations work together with the local Civil Service Personnel Regulations or do they supercede these Regulations in instances or generally speaking?

HON. J. LEMUEL HURLSTON: Madam Speaker, Colonial Regulations apply in all instances where no local Regulations are applicable. Local Regulations that coincide with or complement existing provisions in Colonial Regulations take precedence. Only where there is no equivalent provision in local Regulations does Colonial Regulations apply.

THE SPEAKER: If there are no further supplementaries, the next question is No. 50, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 50

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

NO. 50: What is the present status regarding the Inskip murder case which was to be further investigated following the trial being aborted?

HON. J. LEMUEL HURLSTON: A detailed re-investigation of the Inskip murder case was conducted over a period of 15 weeks during which time all witnesses were re-interviewed as was the suspect who had been originally charged with the murder. The report of the investigation was submitted to His Excellency the Governor, Mr. Alan Scott, through the Attorney-General and the Commissioner of Police. The conclusion of this very thorough re-investigation, during which officers travelled to Jamaica and the United States, was that there was absolutely no evidence to connect any suspect, other than Mr. Patrick Campbell, to the murder of Mr. Inskip. Accordingly, the case file is now closed.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, just for clarity. Could the Member say if, then, the fact that one Mr. Patrick Campbell was the suspect, or appears to be (even out of the new investigation) the suspect, that there is no way that the Government could bring charges against even through any arrangements of reciprocity between Jamaica and Grand Cayman and it simply lies, or is there an end to the case at this time?

HON. J. LEMUEL HURLSTON: Madam Speaker, it is my understanding that unless evidence is available to commence new proceedings, former proceedings cannot be returned on the same charge against the same suspect.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, can the Member say who carried out the new investigation?

HON. J. LEMUEL HURLSTON: The re-investigation was done in two parts. The first part was conducted by Chief Superintendent Neville Smith, the second phase was conducted by Inspector John Harrington.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Madam Speaker, I wonder what is the Honourable Member's assessment of Government's relation to these Islands evidently having a murderer still loose in our midst, if he has some light he could shed on this?

THE SPEAKER: Honourable Member, the First Official Member is not obliged to express an opinion and this is what this would amount to.
The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say if, during the investigation, any attention was given to the possibility of a cover-up and if so, how was that dealt with?

HON. J. LEMUEL HURLSTON: Madam Speaker, the re-investigation was a comprehensive one. There were no allegations of a cover-up revealed during the course of the investigation, however, every possible angle and every possible lead that arose from the evidence available was re-examined and re-considered.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member say whether the two Officers named who carried out the last investigation were also the Officers who carried out the first?

HON. J. LEMUEL HURLSTON: Madam Speaker, great care was taken to ensure that the Officers appointed to conduct both phases of the re-investigation were not in any way associated with the first line of enquiries nor in conducting any part of the original investigation.

THE SPEAKER: The Elected Member for North Side.

MRS. EDNA M. MOYLE: Madam Speaker, in the answer the Honourable Member has said that Officers travelled to Jamaica and the United States. Was it that there was absolutely no evidence to connect any suspect other than Mr. Patrick Campbell? I wonder if the Honourable Member could say, since the case is closed if there is any action that we can take to see that Mr. Campbell does not return to these Islands?

HON. J. LEMUEL HURLSTON: Madam Speaker, that is a matter for the Immigration authorities to determine. I believe that anyone who has been acquitted, it would be difficult for the Immigration authorities to categorically deny entry on that specific ground, however there are other discretions available to the Immigration authorities and I imagine that those discretionary powers would be appropriately applied in this and any similar case.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say what did the investigations in the United States entail? Who was interrogated and also if Mr. Patrick Campbell was the only person in Jamaica who was interrogated?

HON. J. LEMUEL HURLSTON: Madam Speaker, to the best of my knowledge, Mr. Campbell was the only suspect or person who was re-examined by enquiries made in Jamaica. The enquiries made in the United States were made with regard to a third party who had made certain statements during the original enquiry and needed to be re-examined.

THE SPEAKER: That concludes Question Time for today.

The next item, Statement by Members of the Government. The Honourable Elected Member for Tourism, Aviation and Planning, Leader of Government Business.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

VISIT BY THE DECOLONISATION COMMITTEE OF THE UNITED NATIONS

HON. THOMAS C. JEFFERSON: "Members of Government, like most residents of Cayman, read the article in the *Caymanian Compass* on Tuesday, 16th March, 1993 entitled 'Decolonisation Committee - U.N. List Cayman Again'. We note the article in the "Compass" concludes by indicating that 'Montserrat and the Cayman Islands are first on the Committee's list' for a visit. I wish to place on public record that this Government has not been requested by the Committee to give any permission for a visit.

This Government believes that the subject of Constitutional Advancement, which is generally what the Decolonisation Committee deals with, was settled in November 1992 by the voting public of this country when they elected the majority of Members in this House who ran on a ticket of no major constitutional change. Our answer on a visit by the Committee is a courteous "No thanks." We do not need nor want a visit by the Decolonisation Committee."

Madam Speaker, I will be asking all Members of this Honourable House to signify their approval of this statement by signing it.

Thank you.

THE SPEAKER: Thank you. The next item, Government Business, Continuation of the Debate on the Throne Speech and the Second Reading Debate on the Appropriation Bill, 1993, the Honourable Elected Member for Agriculture, Communications and Works, continuing.

GOVERNMENT BUSINESS

CONTINUATION OF THE DEBATE ON THE THRONE SPEECH AND SECOND READING DEBATE ON THE APPROPRIATION BILL, 1993 (BUDGET ADDRESS)

HON. JOHN B. McLEAN: On Friday I did address certain areas that were raised in the debate on the Budget and also on the Throne Speech and was coming down to the end of my debate. However, there are a few things which I consider still need to be mentioned. Again, the hospitality industry is something that does not fall under my Portfolio but which concerns me a lot. Constantly I have been receiving complaints with regard to the unequal distribution of gratuities. This is not only in one of the hotels or condominiums, but it seems as if it is like the problem of drugs which we have in this country today, it is like a cancer all over these Islands.

Only a few nights ago a lady spoke to me who is employed with one of the larger hotels on the Seven Mile Beach and I was told by that lady that the conditions now exist to where gratuities are given but never reach the hands of those who earn them. I think this is most ridiculous because it is my understanding that in most cases the poor individuals who are employed to clean rooms, for example, or to look at laundry, are employed and paid a very small amount as far as their regular wages are concerned. Therefore, they depend heavily on gratuities. I have every confidence that my colleague here in Executive Council will be addressing this. Of course, he has my support and I feel certain he has that of other Members of this Assembly.

These are areas which have caused problems for a long time but it seems as if, for whatever reason, the last Government failed to address the problem. This is not my first time in speaking on this serious matter and in the past I have also brought the matter to the Member with the responsibility. That is, in the past Government.

Also, another area of abuse as I see it, is where Caymanians have occupied a post in the hospitality industry and for whatever reason management changes and those in power tend to bring along with them friends or other family members, and slowly but surely push our Caymanians out of the job. Not too long ago I had to deal with one of these problems and, again, while we depend heavily on tourism and whatever it may bring to our shores, we cannot allow this sort of behavior by managers to continue. I believe that the Labour Board and the Immigration Department must play a more important role with regard to making sure that our people are protected.

What hurts is, when you discuss such matters with our Caymanian people, to find that the foreigner is brought to these shores not knowing the first thing about such a job but in a short time after being tutored by the Caymanian. The Caymanian suffers as a result. This is unfair and if not addressed I fear it will cause some serious problems to us here in this country. I would like also to say that I am very much concerned about certain individuals who come to our shores, go through the process of Immigration, receive a residence status with permission to work and the next thing you know they are involved in every area that money can literally buy.

One of the first things I dealt with when taking over the Portfolio was an incident that we have in this country today where an individual who, because of the abundance of money, has branched himself into just about every area you could think of. He has invested in buses, construction, pleasure boats and hotels. Madam Speaker, to me it is good for us to have investment but what worries me is when our people are left at the mercy of such individuals. Let us be realistic, that individual is not here for the love of this country and certainly not for the love of our people.

I honestly believe that instead of the talk which has been going around of a Caymanian fronting for this individual, that every attention possible should be placed upon the individual and I think this should be done through the Immigration Department. We must not allow those Caymanians who have tried in these various areas, who at some time, perhaps, have had to mortgage their own home to make their little business a success. We cannot sit by and allow this to continue.

Madam Speaker, I would like to briefly touch on a few matters that were raised during the debate by other speakers. Of course one was to deal with our national airline and what took place in 1988 with regard to bills. I was also very much upset to hear the problems of the national airline tied to the present Civil Service cut which is now being proposed. I think this is being very mischievous because every Member in this Assembly well knows that our national airline has been experiencing problems from day one. And as far as what took place by the Government that took over from the Unity Team Government in 1988, let me say, I am aware that there were bills to be paid at that time but the difference was that Government left Reserves that could pay the bills. So why should we reap up when we know better and, further, we should never try to be mischievous and try to play one thing against the other because the bills of Cayman Airways Limited no doubt has to be paid. The country is committed to it and it has absolutely nothing to do with what is taking place in the Civil Service.

Also, mention was made to the group visit to the United States of America. I was a part of this Council, I was a part of the group. Madam Speaker, let me say that as far as I am concerned that money was well spent. There was nothing wrong with the full Government going to the United States to see the operation there that had been talked about in this Legislative Assembly for so many years. It gave me an insight on what was taking place over there and I am sure that other Members who visited now have a better idea of exactly what is taking place. When funds are voted in the Budget for any part of the operation of Tourism or Cayman Airways Limited, it takes the full Legislative Assembly in Finance Committee to deal with it. So therefore, when I am going to vote on something I like to know within myself that I know exactly what I am voting on and I feel certain that the other responsible Members who have to do the same, would like to know exactly what they are voting on. So, Madam Speaker, I personally have no apologies for being a part of that visit. Finally, I would just like to say that with regard to .....

PROCEEDINGS SUSPENDED AT 11:05 A.M.
(Due to an electricity blackout)

PROCEEDINGS RESUMED AT 1:04 P.M.

THE SPEAKER: Please be seated.

The Honourable Elected Member for Agriculture, Communications and Works, continuing.

HON. JOHN B. McLEAN: Thank you, Madam Speaker. Before the lights were turned off, Madam Speaker, I was about to conclude my debate and I was turning then to Education. Our children, no doubt, are our greatest assets. At present we have a Member in charge of Education who, in my mind and view, has the experience and know-how and, while we, no doubt, are faced with some problems as far as the Educational Plan for this country are concerned, I have every confidence that his expertise and his experience over the years with education that the end result and the decisions taken will be for the betterment of our children and, of course, the schools and the plans which will be put in place will be those that we can be proud of in time to come.

There is one thing that I would like to say, and that is that I would hope that instead of this being used as a political football that we would consider that we are not dealing with Cayman Airways or we are not dealing with a motor car; we are dealing with the destiny of those who will replace us in years to come. I am aware that all of us are not of the same band-wagon as far as which system should be put in place but this gives us no reason to go over-board with what has to be said with regard to the type of examinations that are being put in place. Again I have, like I said, every confidence in the Member with responsibility. He, like myself, no doubt, has young kids under the system and I do not feel that he would try to implement anything that would be to our children's detriment.

This Budget and Throne Speech, as I started my debate I mentioned would be something which I would like to see handed down to our children through the schools and I would say that in years to come we will find from the advice given by the Honourable Financial Secretary and, no doubt, by His Excellency in his Address, that it would be in our interest so to do. I am happy to have had the opportunity to debate the two speeches. I am happy to have had an opportunity to once again speak to our nation and our people and it is my hope that we will now try when we go to Finance Committee to endeavour to do what is right for our country. I hope and trust that whatever decisions are taken, no doubt will be taken with our people and

our country in mind.

THE SPEAKER: Thank you, Honourable Member.
The Honourable Member responsible for Tourism, Environment and Planning, Leader of Government Business.

HON. THOMAS C. JEFFERSON: Madam Speaker, may I offer thanks to the people of West Bay for electing me to this Honourable House and also to my colleagues for electing me to the high office of Executive Council. I hope and pray that my tenure here will be one that is deemed productive and stabilizing for whatever period I sit in this Honourable chair. Cayman deserves the best people the public can find to vote for to ensure that the future of our Islands is prosperous and moving forward in the best interest of all the people of this country.

It certainly must be comforting to the ears of our listening public to hear the high quality and level of the debate in this Honourable House on the Throne Speech and Budget Address. Honourable Members, let us commit ourselves to retaining this respectable level of decorum here. I am certainly delighted to join other Members and offer my congratulations to His Excellency the Governor and, my successor, the Honourable Financial Secretary on the contents of their speeches and their commitment to this country. These speeches, when combined, say to me it is time to take inventory of what we have been doing in this country. It suggests; stop, look, listen, and let us reason together and reach an agreed direction to place these Islands on a sound financial footing and a stable political future so that investors, businesses, tourists, and the tourism world alike, will continue to find the Cayman Islands attractive.

It has to be right for all of us to make whatever difficult decisions there are in order to steer a new direction for this country. Our international image as a country which possesses political stability was being threatened. Our philosophy of sound fiscal policy of balanced budgets were being questioned by investors as well. Our control which should have been administered by the Caymanian Protection Board for Caymanians was left wanting. The people of this country felt left out of major decisions. That is why I said these speeches, when taken together, suggest stop what the Government was doing because I believe it was being done but not in the best interest of this country and our people. For the new Government, the speeches tell everyone we looked and are looking at everything. We are listening to everyone we can and we are reasoning with everyone we come in contact with.

There is no need for an apology or an Executive Council that briefs its Backbench on a weekly basis and invites other Members to meetings on occasions as well. I believe the public is forming their view that this is a Government that fully believes in consultation and that must be healthy for the Cayman Islands as a country. Madam Speaker and Honourable Members there is much ability in this Honourable House and I have a little poem which I found over the week-end and I would like to share it with you on ability. It reads:

"You've got to have the goods, my boy,
If you would finish strong;
A bluff may work a little while
But not for very long.

A line of talk all by itself
Will seldom see you through.
You've got to have the goods, my boy,
And nothing else will do.

The fight is pretty stiff, my boy,
I call it rather tough;
And all along the routes are wrecks
Of those who tried to bluff.
They couldn't back their lines of talk
To meet the final test.
You've got to have the goods, my boy,
And that's no idle jest."

Yes, Madam Speaker, we have got the goods. That is why we can deal with Cayman Airways, the new hospital, the size of the Civil Service, the balancing of the Budget, the labour and immigration problems and the problems of youths and crime. Some of these we have already dealt with, some are presently being worked on while, on others, we are organising the machinery of Government to effectively provide whatever service is necessary.

Immigration is one of the subjects which we have started to address by being a Government of fair play. One of our first steps was to declare a period of amnesty which allowed all persons who were here illegally, meaning persons who were landed by Immigration but had over-stayed their permitted time. I understand the latest figure for the number of persons who left during that period was about 200. Perhaps there are those who will need to be collected and encouraged to go home but the Department will no doubt take care of that enforcement need.

The number of people residing on these Islands places a greater strain on the Government resources. It strains the manpower of Immigration and Police to effectively deal with all requests and the policing of them. It could be that when the Police are dealing with one matter, a crime is being

committed somewhere down the road. So let us encourage those who are here illegally to leave. That number of persons, as I said, was about 200; but that is 200 less to deal with. It could be that these people are coming to the Cayman Islands to seek jobs and if that is so, I would suggest that it tends to aggravate the already unemployed local worker situation. So, Madam Speaker, how Immigration is handled can affect the ability of the Police to deal with crime, as well as it can create resentment in the work place if too many foreign workers are working and too few Caymanians are employed while other locals are unemployed.

We have to deal with this matter if the social harmony in the Cayman Islands is to be maintained. Everyone who has lived in these Islands, or is presently living here, is well appreciative of our social harmony. However, preserving social harmony sometimes means taking difficult decision in the interest of the Islands in the long term. That is why we allowed a period of amnesty. I believe the previous Board and Government did not listen to the facts on unemployment presented by the Labour Department, so they continued to issue work permits when they should have sought to reduce the number issued to ensure that the local unemployed persons could find a job.

When we arrived in the Glass House in November last we found that at the end of September roughly 11,000 work permits had been issued and hundreds of Caymanians appeared to be unemployed. Some people who are on work permits are getting worried, I understand, but there is no need for panic in the industries where there is hospitality, construction, finance or any other area. What is needed is for Government and the private sector to work together and reduce this amount of work permits without affecting service to their customers or clients. We need to put Caymanians to work and to keep them employed. This is positive as it maintains social harmony, or it is an ingredient of it, and it may even reduce some crime.

Caymanians, to draw an analogy, like the four Members of Council, when they are given a job by the people must commit themselves to the job the employer gave them. We, as Caymanians must be proud, like our forefathers, to be independent by working and providing for our families and ourselves. Nothing good in life comes easy. Not many people win a $6 million or $90 million lottery and not have to work for the rest of their lives. What is certain in life is a paycheck at the end of the week or the month, whatever the pay period is, when you continue to perform at a level that is satisfactory to the boss. And let us not make any other statement or joke about it because at the end of the day you have to perform your duties that please the boss. No McKeeva Bush, no John McLean, no Truman Bodden, no Tom Jefferson, or any other Member in this House, can do that for them. They have to do that themselves. It must be their performance that provides the satisfaction.

Coming back to work permits, none of us in this Honourable House can afford to take a stand on any of our industries as regards to work permits; that can result in more damage to the people of this country than cure. We must not take any quick-fix solutions but insist on consultation with the industry and these numbers could be reduced. I say again, without affecting the service to client or customers, we must forever be mindful of our financial industry where 75 or 80 percent of the people employed in the banks are Caymanians and where many banks only have a small amount of work permit holders in relation to the total number employed. We need also to remember that in the early 70s, Bahamas turned away business with some of the things that were said from a political platform.

This Government stands by our financial industry and the other industries, and some of us here in this House understand the financial industry and other industries well. We want to see our local people continue to have training and the opportunity to rise to the top if their ability allows them to do so. We have witnessed many Certified Public Accountants (CPAs) and Chartered Accountants taking up a well deserved place in their profession. Additionally, we have seen local lawyers graduate from the Law School and gracefully be called to the Bar. May I offer my congratulations to my colleague the Honourable Truman Bodden who pushed the Government to establish the Law School. I hope history will record and give him the credit for its establishment.

I have spoken to the Hotel Association as well as Managers and General Managers of local Hotels and Condominiums concerning the need to train Caymanians in the hospitality industry. The reception is one of cooperation and I intend to pursue this matter. The facilities at the Community College can be made available for this type of training. We are not looking at the training of Caymanians as Hotel Managers because we know that cannot be done properly here, but we will provide training for people who man the Front Desk, Waiters and Waitress, Bartenders, Housekeepers and Bell Boys, to name a few.

What we do need is to revise the training programme where the majority of the training is needed. Let us seek to provide working with the hotel and condominium managers to train people that they need. We cannot expect a person who has never been a housekeeper to move into a hotel or condominium and do the job satisfactorily, but a few weeks of training will probably provide some assistance that they need. Let the Government and the Hospitality industry work together to provide staff who are well trained to serve our tourist and locals alike. We do not need (at least this is my view) four months or even longer period for courses. What I believe we need is sufficient time to allow them to understand the Hospitality industry, what is needed and where their jobs fit into the service provided.

To draw an example, how many restaurants or hotels can you visit and find a local person as a bartender? We all know that bar tending is an important function in the tourism industry and how long does it take to train one, maybe two to four weeks. For emphasis, we are going to devote more time in an effort to ensure that this type of training is provided. You know Madam Speaker, the word "ambition" in most cases is what makes the difference in those of us who are working or looking for a job. Over the weekend I found another poem on ambition which I would also like to share. It reads:-

"Some fellows stay right in the rut, while others head the Throne. All men may be born equal but, they do not stay that way long.

There is many a man with a gallant air, goes galloping through the fray. But the valuable man is the man who is there when the smoke has cleared away.

Some don't get nothing out of life but when their whines begin we often can remind them that, they don't put nothing in."

So we have an ingredient that we can put in Madam Speaker.

Turning now to the Port Authority, the Authority in July 1992 engaged the consultancy firm of Post, Buckley, Shue and Jarnigan, Inc., and Onion Bouchard and McCulloch Ltd., to prepare a 10-Year Master Development Plan for the country's Port facilities. The scope of this project not only encompasses the country's primary facility in George Town, Grand Cayman, but also those in Little Cayman and Cayman Brac. The cost of the consultancy is $197,000 and is scheduled to be completed in the summer of the year. The Cargo Distribution Centre, which is a part of the Port Authority's function located in the Industrial Park in George Town, was completed last year and did cost a significant sum of money.

One area which needs to be brought to the public's attention is the pavement which cost $650,000. Shortly after I assumed the responsibility for the Port Authority, I was given a brief that there are a number of areas in the pavement which are sunken very deeply and have caused problems, so we need to determine who is at fault and it is estimated that it may take another $650,000 to put it right. The Board of the Port Authority is presently dealing with this matter and I perhaps should not say anything more at this stage. It is important to point out that in 1993, probably the first in a decade, the Port Authority is making a contribution to the general revenue of the Government. That contribution is approximately three quarters of a million dollars, that is, $750,000 to the coffers of the Treasury. And may I make one more point about the consultancy; it will be making recommendations, as I understand it, on cruise ship docking facilities and permanent moorings for cruise ships. I believe that in the interest of the public we should wait for the final report before taking any decisions on permanent moorings or cruise ship docks, for whatever can be done, given the limited amount of funds that the Government has.

In the Honourable Financial Secretary's Budget Speech, the public debt was given at $40.8 million in December 1992. I would like to add also, that the self-financing loans owed by the Statutory Authority and guaranteed by Government stood at $27.4 million at the end of December 1992. In an attempt to complete the picture, the contingent liabilities at the end of December 1992, stood at $96.8 million, or a total sum of $165 million when we add public debt, self financing, and contingent liabilities together. We know that at the end of 1992 the Government ended up with a deficit of $8 million. We also know that the Government's position at the end of 1992 for general reserve purposes was about $10 million. So if we add the $8 million and we subtract the $10 million, the result is a net position of $163 million. In summary, at the end of December 1992, public debt was $40.8 million, self financing loans was $27.4 million and contingent liabilities was at $96.8 million. Those three figures when added together gives us a total of $165 million plus the deficit of $8 million which gives us a total of $173 million and when we deduct the general reserve of $10 million we end up with $163 million of obligations for this Government to pay and to deal with.

Moving onto Marine Survey, the expenditure projected in the 1993 Budget, is roughly about $336,000 while the revenue from survey fees is $65,000 and from the annual registration fees $150,000 giving us a total revenue of $215,000 or a short fall of revenue against expenditures of $131,000. This is the estimated position without taking into account the proper promotion of the Registry, and we know that the promotion has been hampered or stalled because of a nationality issue which has to be cleared by the British Government. We intend to raise this issue with the British Government and seek their assistance in removing it.

Prominent people in our local industry are concern that the Government seems to be moving ahead to close down the Marine Survey Department. They are now saying to us, please do not do this now that you are about ready to promote it properly. My view is that the functions of the Marine Survey Department and Ship Registration can form an additional important business to our financial industry. We need to take every opportunity we can to ensure that that is promoted properly.

Turning now to the Civil Service. I have worked for almost 21 years of my life in the Civil Service, with the last 15 years at very senior levels, including being the Head of the Civil Service answerable to His Excellency the Governor. So, I believe that I am qualified to speak on it as a subject. And might I say in all modesty, I believe my knowledge of it equals any today. My view on the size of the Civil Service is no secret, I have said in many Budget Addresses that the Civil Service was too large and consumed too much of the country's revenue.

I am certain His Excellency the Governor is using the right approach when he seeks to reduce the number of staff by 7.5 per cent. Having served in this House in my previous official positions for 10 years I recall almost, if not every, Budget Sessions, Members of the Legislative Assembly commenting or calling for some thing to be done to reduce the size or cost of the Civil Service. Now that the day is here, let us all support it. I am convinced that this exercise, together with the amalgamation of some of the departments, is in the best interest of the Civil Service and this country in the long term. If we continued this course that the Civil Service was going, where all of the revenue of this country was spent on salaries, wages, allowances and other charges to operate the department and loan repayments, then the days would not be too long before the Government would eventually have difficulty meeting its obligations to Civil Servants.

In the interest of the Civil Service this danger must be removed now. The Government will ensure that all Civil Servants are treated fairly. Those local Civil Servants, if any, who need to find a job in the private sector will be given every assistance. I applaud His Excellency the Governor for the direction he is steering in the Civil Service. While I am on the subject of the Civil Service, may I publicly record my

grateful thanks to my Heads of Departments for their assistance and sound technical advice which, no doubt, speaks well of their efficient services to the people of this cherished country we call, and accept gladly as our home.

Tourism is a very complex exercise. It is not just advertising brochures and it is certainly not just air transportation. It is a marketing plan which brings together a comprehensive approach of dealing with and marketing the Cayman Islands, coming into contact with Travel Agents, attending promotions, our people in the field knocking on doors of television and other news media, to name a few aspects. We are working on pin-pointing where we should focus our promotional dollars and, when spent, to track the results in terms of arrival upon our shores. To ensure that our promotional dollar is well and cost-effectively spent.

We know that with the cut-back in staff of Cayman Airways, as a result, the Department of Tourism, particularly in a North American office, has to assume a heavier work load as well as advertising these Islands and Cayman Airways. Within all of these changes we have to be careful that we continue to give to the Department of Tourism the resources to carry out the job we are asking them to do. The market is improving, air arrival figures for the first two months of this year showed an increase of 16 per cent over the first two months in 1992. In thinking about tourism it is my view that tourism and sports, and it is also the view held by the Member responsible for Sports, that these two subjects can be brought together to bring more visitors to our shores. What I mean, Madam Speaker and Honourable Members, would it not be in our interest if we can provide some international tournaments, such as tennis, to name one possibility. It may take some time, but we will work on it by providing the proper facilities at the required level, we can promote other international tournaments as well.

There is money in the 1993 Budget to continue the development of the Botanical Park and I should publicly acknowledge the kind assistance of the Director of Prisons who has agreed to allow some of the prisoners to work to expedite the completion of the park. Additionally, the Pedro Castle project will continue to be worked on and there will be some enhancement at the Blow Holes in East End to provide additional safety for viewers. On Transportation, meaning in this case taxis, buses, and tour buses, I believe it is now time for the Government to bring the taxi, tour bus, and mini bus service under an improved system of supervision. To ensure fair play and that all providing that service have a reasonable opportunity of making a decent living. My colleagues and I, and Members of the National Team, are all working on this at the present time.

Moving now to Planning Department. Much administrative and other work is been done within the Planning Department and the Central Planning Authority to coordinate and to provide standard procedures in an effort to expedite the process of dealing with planning approvals. I have met, on a number of occasions, with the Acting Director of Planning and the Chairman of the Central Planning Authority who will discuss these matters with the Members of the Authority. My wish to expedite planning approvals also means maintaining proper control and supervision and activities in these Islands. Expediting planning approvals does not detract in any way from the quality of supervision that needs to be kept in place. We want also to pay more attention to Little Cayman and Cayman Brac. What we have in mind at the present time will require some amendments to the Development and Planning Law (Revised) in order to allow the Department to grant approvals for houses, small apartments, signage, swimming pools, and satellite dishes to name a few, rather than to have to take it to the Central Planning Authority, so that the Central Planning Authority can be freed of these small projects in for approvals and be left to deal with major development.

We need to ensure that developers understand that there is a standard and quality which is expected and if you meet it the approval will be granted. I need to also underscore the point that the Chairman of the Central Planning Authority and the members of the Authority are performing their duties well, and I am pleased to have men and women of this calibre who are so committed to these Islands that they are willing to give up their time in order to ensure that our Cayman Islands remain a cherished place to live in and raise our families and to greet visitors to our shores. The environment of the Cayman Islands is special and we must all treat it very delicately. Preserve everything we can as we move forward with development. I believe with the public input and careful planning the planning process will emerge in years to come with Islands we remain proud of. I believe too, that in dealing with environmental matters, safety of our people and visitors alike must be given high priority.

We will, at some stage, be asked to take a decision, whether to save something simply because it is there as part of our environment, while it may be an item that is a navigational hazard or something. We will, on these occasions, have to examine each case on its own merit and take all aspects into consideration and make our decisions in the interest of all the people of the Cayman Islands. In the coming months we will be working on many things which the public is already aware of but perhaps I should mention the following: the establishment of an economic council made up primarily of private sector practitioners; the request for an exclusive oil transfer licence in Cayman Brac and Little Cayman; our participation in tourism promotions overseas; and my West Bay colleagues and I and our committee will be opening soon, our MLA's office in that district.

As mentioned earlier, we will also deal with amendments to the Development and Planning Law; amendments to the Immigration Law; the bringing of the legislation on Mutual Funds; and the Stamp Duty Law, and this is not supposed to be an exhaustive list, I am just naming some of them. We propose to be dealing with crime to avoid damage to our tourism industry. We will continue to deal with the training of Caymanians in the Hospitality Industry, in particular. We will continue to address the immigration needs of these Islands. My colleagues of the National Team also will be looking at the establishment of a Minimum Wage Advisory Committee. We need to take a lot of advice on this because many things are going on in industries today and we need to be certain that the people who are employed are getting their fair hourly pay.

The Government has been receiving, from a few people, some

flak about constitutional change and imply that we did something wrong. One of the main issues in our campaign to win a seat in the Honourable House was the position taken by the National Team on the Constitution. Our stand was set out clearly in our Manifesto and explained to the voting public, and others in this country. The changes we proposed were read out several days ago by the Third Elected Member for Bodden Town, so I need not repeat that exercise here today. In essence, it was our stand against the draft Constitution which the previous Government, and Mr. Allan Scott, pushed on our people that caused them to loose in the election. Having accomplished all of that, we then had to take a decision on how best to implement those changes which the public of this country accepted when they voted us in this Honourable House. It was the view of the Government that our changes should be an amendment to the 1972 Constitution.

Now, Madam Speaker, the United Kingdom having it drafted and sent to the previous Government, the Draft Constitution which was laid on the Table of this Honourable House, we needed to find out what the United Kingdom Government thought of our approach to amend the 1972 Constitution rather than dealing with that monster of a Draft Constitution which the previous Government, and Mr. Allan Scott, asked them to prepare for this country. Our approach seemed like a courtesy; a logical and reasonable position to take. This House cannot amend the 1972 Constitution without the United Kingdom Government's approval. Any constitutional change must be approved, as I understand it, by an Order by the Privy Council in London, England. I have made these comments in order to ask one question to some of the critics. If you were in our position, please tell me how you would have dealt with the constitutional change which the public had accepted?

I said in my speech in November, after being sworn in, at the adjournment of this Honourable House, I told the public that we would be dealing expeditiously with the constitutional changes specifically. I recall talking about the creation of the fifth seat in Council. So we have told the public what we were going to do or what we were going to recommend as the changes to the Constitution if they elected us. We further reminded them in November of 1992 and then we moved forward following the correct procedure to amend the Constitution by asking the United Kingdom Government to allow us to amend the 1972 Constitution. Rather than dealing with the Draft Constitution. Maybe some people who are trying to find fault with the procedure that we are using do not really understand the proper procedure when dealing with constitutional changes. Madam Speaker, and Honourable Members, this Government will continue to use the proper procedure in dealing with this matter.

The amendments to the 1972 Constitution, as proposed in our Manifesto and explained to the public, will be made available to the public before any debate takes place in this House on the matter. I could say, I hope, too, that the United Kingdom will also include in the amendments to the 1972 Constitution, that "Finance Committee shall be made up of the elected Members of this Honourable House with the Honourable Financial Secretary as Chairman." It is the system that has brought prosperity to the Cayman Islands and I think that it is a system that we need to restore. Maybe I should say to the critics, be careful lest you be accused of supporting other changes that people of this country do not want or neither have accepted. And with the amount of hoopla on constitutional advance going on in the country over the last two years; no wonder the dragon has arisen from the dead. That dragon is the Decolonisation Committee of the United Nations and if there is anyone to be blamed for waking the dragon, it must be put at the foot of the previous Government which includes Mr. Allan Scott, who brought debate of a Draft Constitution that could have put the Decolonisation Committee back to work again.

The public of this country has, I believe, decided on what amendments they will accept to the Constitution and I see no need for this Committee to waste United Nations' and donors' money to travel to the Cayman Islands to be told, "you have got it all wrong, you did not know that the National Team won the November 1992 election and not the previous Government."

In my view, the United Nations has their hands full trying to bring peace in Bosnia and help to cure the inhumane life that people of that country have to experience on a daily basis. So, my suggestion is, let them save their money that they are going to waste to come here and use whatever that amount is to help the people who are in real need and danger. But, as agreed with by my colleagues, I am going to ask His Excellency the Governor to request an audience with this Committee as soon as possible so that we can discuss with them in New York their proposal to visit the Cayman Islands. We do not need any visit from the Committee, Madam Speaker, we need to put further constitutional changes on the back burner and let the public ask for them when they think it is necessary. It is not for us to push constitutional changes, Madam Speaker. And might I say, with due respect to all, in the Caribbean we have so many examples to draw from; those who gained independence in the 60's and all of them who are independent today. It has not worked, people living in those countries are no better off, and it would not be inappropriate to say that they are worse off. So the Decolonisation Committee, it would be correct to say, we would respectfully request that they stay in New York; we the people of the Cayman Island know what we want.

THE SPEAKER: Thank you, Honourable Member.
The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, in winding up this debate on the Throne Speech and the Budget Address, I would like to commence by acknowledging the favourable comments made by all Members of this Honourable House on what amounted to the maiden voyages of His Excellency the Governor, and myself, and to thank all Members for their positive and solution-oriented contributions to the debate. For myself this was not an easy task, legs are very strong and although I have become quickly immersed in public speaking like any other person, the contemplation of having to deliver an address such as the Budget Address would force the boldest of person into a position of humility.

Before dealing with the main aspects of my summary, I wish to clarify a point made during the debate regarding the estimated 1992 Accumulated Deficit of $8 million. It should be recognized that this amount would not have been included in the December 1992 addition as this payment was made in February of 1993. In the introductory section of the Budget Address a statement was made, "Every Caymanian has a vision of where he or she wants these Islands to be 5, 10 or 15 years down the line; as well as some notion as to what must be done to get there." It was further stated, "Having such a vision necessary but not a sufficient condition to successfully arrive at our destination; it is only a first step."

Madam Speaker, one of the first steps, and one which the minds' of all Members of this Honourable House have been focused on, is dealing with the Government's current financial position. It has been noted in both the Throne Speech and the Budget Address that during the period of January 1990 to December 1992, the total recurrent revenue amounted to $335.4 million as compared to total expenditure for the same period of $386.8 million. This resulted in accumulated deficit of $51.4 million and it was stated that this deficit was funded by borrowings of $20.2 million along with a draw down from the General Reserve and the Surplus and Deficit Account.

An analysis of the levels of expenditure by certain departments within Government has revealed that while growth and recurrent revenue was 26 per cent over the 1989 level, as pointed out by His Excellency the Governor, in some departments of Government we find that their expenditure has increased in excess of twice this growth rate. It is for this reason that the Governor, in consultation with Executive Council, has taken the decision to effect certain cut-backs within the service. While this action will impact adversely on the lives of a number of individuals, and it is not one to be relished, if not taken the Government would be left with no other alternative other than to resort to other measures that prove more painful and less desirable.

At this point, Madam Speaker, in order to reinforce this point I wish to share an observation by a consultant by the name of Mr. John Codrington who was retained by the British Government to visit the Cayman Islands. His visit here was during the period of November 6th - 12th. His terms of reference were:

> "(1) to view the legislation instructions and systems for financial controlling, in order to assess whether they are adequate and whether the procedures they have laid down are been properly observed; and
>
> (2) the general financial health of each of the Dependent Territories under review, to determine whether this appears to be satisfactory or whether the situation could develop where the Government would cease to be viable.
>
> In each territory I met the Government and with the mutatis mutandis a Chief Minister, the Minister of Finance, the Financial Secretary, the Audit Accountant General, the Auditor General and many others connected with the public finance of the financial control territory.
>
> The principal legislation for financial control, the Public Finance and Audit Law, 1985, is adequate and the Financial and Stores Regulations issued by the Financial Secretary under the law are very comprehensive. For all practical purposes they take the place of the Finance Chapter of Colonial Regulations."

What is being said here is that the adequacy of the Financial Stores Regulations and the Public Finance and Audit Law supersedes the requirements of the Colonial Regulations and are considered to be more adequate.

> "Comprehensive procedures are laid down for the preparation of the annual Estimates, and a Public Sector Committee has been established to process proposals for the development of projects and make recommendations to Executive Council.
>
> In 1991 Commonwealth Fund for Technical Corporation and Development assisted the setting up of a computerized debt recording and management system which will have the capability to assess the future real and contingent liabilities. The system is expected to be fully operational in 1993."

It went on further to say,

> "A new Auditor General had now recently taken up his appointment at the time of my visit, but his first impressions were favourable. The Audit Department carries out value for money audits partly on selected functional areas and partly in the course of routine audit. The Department has good relations with internal audit and appears to be working.
>
> Taken together the controls and systems seems to be models of their kind and so far I have been able to observe they are been well carried out.
>
> On Fiscal Health, it has been remarked that four years ago the Cayman Islands had plenty of money but did not know where it had come from or how it was spent. Now the Government knows to the cent what it is earning, where, and how it is being spent but has little money. There is some truth to this."

Well Madam Speaker I will let you have the rebuttal, because on this point I did not take it, basically, as a fair description; it suggested that anything goes in the Cayman Islands. But let me continue, "...three areas that gives cause for concern (1) The Government reserves have been reduced from $30 million in 1989 to $7.7 million at the end of 1992." This is what was being projected, it would be the out turn for the end of the year.

"(2) The recurrent expenditure is running at an unacceptable level and there will be an estimated $13.7 million budget deficit at the end of 1992.

(3) While the Government debt servicing charges at the present are at a reasonable level there will be a dangerous ballooning in three or four years time unless remedial measures are taken. In addition to these areas of concern, there is the matter of CAL (Cayman Airways Limited) a wholly Government owned company which is in debt to the extent of some $37 million and loosing money daily.

It has been apparent for a year or more in the FCO that a situation such as this was developing and officials in the Cayman Islands, for their part, are fully alive to the dangers to the position. However, since my visit there has been a General Election in Cayman resulting in a change in the elected Members of Executive Council."

There is a paragraph here that I will skip over because it imputes certain observations that I do not think would be appropriate coming from myself as an Official Member. "Other remedial measures may be more difficult. There is little scope for increase taxation without pricing the Caymans out of the tourist market. But, a property tax has been proposed as a possibility. A reduction in Government staff seems to be inevitably achieved, perhaps by rationalisation and restructuring of Government Departments." What this suggest, basically, from this gentleman's observation, was that the expenditure of Government needed to be brought under control to be in line with the resources. My point of objection was the Government did not know where its resources came from or where they went and initially I put in a memorandum addressing this concern that the financial measures, as employed by the Government of the Cayman Islands, has always been one of astute accountability.

I think our records, basically, are as up-to-date as to be found anywhere else. We have got the expertise as to be found in any other Governmental institution and I do not think that we have ever been open or susceptible to monies coming in from sources that we do not know about. This has a dubious kind of connotation and I sought to correct it and I pointed this out. "It has been remarked that four years ago the Cayman Government had plenty of money but did not know where it came from, or how it was spent. Now the government knows to the cent what it is earning and where and how it is being spent, but has little money. There is some truth to this." My observation is, Madam Speaker, I do not know which individual could have suggested that the Government had plenty of money but did not know where it had come from or how is was spent. This statement, in my thinking, has certain undesirable connotations and could lend itself to an interpretation that the Government has been the beneficiary of revenue from questionable sources.

The savings that are envisaged from the proposed reduction in the service, along with other measures, is expected to approximate between $3 to $5 million for 1993. To some extent some Portfolios and Departments of Government have already indicated likely areas of cut-back and consequently the impact of these suggestions have been taken into account in the 1993 Draft Estimates. At this point I will restrain myself, however, from attempting to go into details on what these cut-backs will entail as it would be quite inappropriate and could be viewed as pre-judging the recommendations of the Team that has been appointed by His Excellency the Governor to review the staffing within the Service. It should be pointed out, however, that the concerns expressed by several Members in regard to certain departments, such as the Marine Survey Department and, by the Second Elected Member of George Town, in regard to the Economic Development Unit and Statistic Department have been under review by the Portfolio of Finance and Development, its views have been put to the Team.

In regard to the Marine and Survey Department, there has been some concern for quite awhile now. We have been reviewing it and we also have recognized that it is an accomplishment for the Government of the Cayman Islands to have a Class I Shipping Registry. There are many fears as pointed out by the Honourable Thomas C. Jefferson, that some members of the private sector are very concerned that the Government will be closing down the Marine Survey Department. Such will not be the case of closing it down, but what we need to do, and I have indicated this to His Excellency the Governor and the Honorable Attorney-General, that we need to establish with the Department of Transport in the United Kingdom what will be the minimum staff level to have in place in order to ensure that the Class I status of the Shipping Registry is maintained because, unless there is work to be done by the staff members then there is no need of having them on hand. Also, on occasions when it is necessary to carry out certain inspection exercises, we can purchase the expertise that is required in order to ensure that these inspections are carried out. So, for the time being the view is taken that the staff, as a first step, should be reduced from a complement of eight, to four, and if the United Kingdom Department suggests that we could go down to a point where we keep the Chief Marine Surveyor, one of the Technical Officers and a Secretary in the department in order to administrate the affairs of the Shipping Registry without affecting its status such as the Class I category, this is what we will do but we need to take it down even to a point of break-even level. We know that quite a lot of work has gone into this, we know it is a very technical area and it is not one that would have yielded the revenue as probably would have come about from other aspects of financial services. It is complementary to the existing financial services as they exist but we will

have to rationalize our actions and we are looking at this very carefully.

Madam Speaker, there was also a range of questions from the Fourth Elected Member of George Town as to the following up of the Treasury to ensure that the machinery is in place to enhance the collection of Tourist Accommodation Tax. The Honourable Members, and others, will see a piece of legislation that is set down to be dealt with during this Meeting of the Legislative Assembly. This is to once more transfer the responsibilities for the collection of this tax from the Department of Tourism back to the Treasury Department. It is not a question that the Tourism Department has not been doing a good job but, since we are setting up this as a function within the Treasury Department, instead of having one Officer concentrate on debt collection within the Service, what we will do is to combine the resources of this individual with the other persons at Treasury in order to make sure that other areas are looked at as well. Therefore, that recommendation is welcomed.

The question with regard to the fees that are payable in respect of small vessels, boats and trailers, this is an area that we have not given due attention to over the past few years as we should. However, the Accountant General is now looking into this area. We have taken it on board and we are going to make sure that we optimize revenue to be obtained from that area.

Madam Speaker, it has already been mentioned by the Honourable Thomas Jefferson that a range of legislation is currently being looked at. Included in this will be the duty on alcoholic beverages and, hopefully within the near future, if it is decided to effect certain amending legislations, that this will be brought to the Honourable House. On the subject of financial services, and the need to look very carefully at the high cost of the Cayman Islands relative to other jurisdictions that are now either providing this service or seeking to enter into it, we are very cognisant of the fact that we have to be very, very cautious and as a result of this I am aware that the Government will look very carefully to any proposal being put forward for any increase in fees. Because we have always been prudent and we have never been known to kill the goose that laid the golden egg. This is an area that we will be very careful in looking at it.

The Honourable Thomas Jefferson mentioned the formation of an Economic Council. As a supplement or complementing this, there exists at this time what is know as the Financial Secretary Consultative Committee. I think it goes back beyond my time, definitely (I am not sure if it goes back beyond the Honourable Thomas Jefferson's time) but this is where the Financial Secretary meets with various representatives of the private sector and the financial industry as a whole. This will be broadened in order to include all Members of Executive Council. So this will be another vehicle by which the input of the private sector will be made into the affairs of Government.

An area of concern that has been made by the Second Elected Member of Bodden Town, has been the high cost of insurance rates. Sometime last year when I received my renewal notice, I did not pay much attention to it; I thought it was a joke. Because when I received it my first premium was about $600.00 and when I received the next one it said $1,100.00. I called up the Manager in question and said that, "you should know that your computer is sending out erroneous bills", and he asked me what it was and I said, "I just received a bill for $1,100.00 and it has to be a joke." He said to me, "that is not a joke, you are getting a break." When he said that I thought something was wrong with either myself or him, but before I took it any further I checked elsewhere. I called another Insurance Company who said to me that as a new insurer, basically, my policy will cost $1,800.00. I thought to myself that this is going a bit too far.

But what I do find interesting, is that taking into account the devastation that has been wrought in the state of Florida the Member has pointed out that increases in insurance rates have only gone up by between 8 and 14 per cent. I am going to speak with the Superintendent of Insurance on this matter and, also, the Chairman of the Insurance Manager's Association. I would not want to believe that there is anything untowards in this area but, because I know it has to do quite a lot with the reinsurance market where these Insurance Companies are shopping I think we will have to look a bit farther in order to see if there is anything that can be done to improve upon the situation because for the average insurance premium to increase 400 and 500 per cent, it is not something to be taken lightly. So this is an area that will be looked into.

I am quite optimistic that the range of measures under consideration by the Government for containing expenditure will yield favourable results. The range of measures has been pointed out in the Budget Address. However, it is not expected that the full effect of these measures, as was pointed out then, will be felt during 1993. The Government's overall policy of rationalizing services is expected to be implemented over the medium term 1993 - 1995. Which means that the Government will continue to look at ways of streamlining the service.

I, Madam Speaker, like all of the Members of this Honourable House, am often told that the economic development of these Islands has come about as a result of some stroke of luck. To the casual on-looker this may appear to be so, however, when we consider the valuable contributions of those who predate our more recent financial and tourism services, and those of the more recent past who assisted in achieving this success, some of those who are still with us today, it might be considered amazing that these results have largely been attained in the absence of laborious research and the review of waist-deep documentations. This includes the seamen of the Cayman Islands; the efforts that have been made and the sacrifices that have been made to develop the infrastructure on which further development could have taken place enabling us to have what we have today to emerge. Our collective action as Legislators in this Honourable House should be viewed as an insurance policy through which we will be able to pass on the legacy of the good ship Cayman to future generations. What is required of us is nothing less than what has been done in the past by those who preceeded us.

When we look in the early 1960s, we have to be thankful to the astute thinkers in those days; otherwise we would have seen changes in our political status which might have resulted in unfavourable circumstances far in excess of the issues we are being called upon to address today. This has been alluded to by the Honourable Thomas Jefferson in his debate on certain countries that have gone into

independence within the region, and it has been said by other Members of this Honourable House; everyone has been suggesting that caution should be the hallmark of the way forward.

The history of the Cayman Islands will bear out that we have all the time faced many hardships. However, this history will also show that we have treated every hardship, not as a threat, but as an opportunity to strive for the better. The current financial position of the country is no different and I strongly believe that if we, as Legislators, cooperate among ourselves, followed by striving the cooperation of all residents of these Islands, this present difficulty, too, will be overcome.

Resulting from the answer to Parliamentary questions this morning, it may have suggested that the Government may not have had the necessary machinery in place to effectively police the collection of revenue. I just want to give this Honourable House the reassurance that this is an area that is constantly under review and, for example, the instance of the Health Services Authority, I have been made to understand that despite the decision that had been taken in 1993 that there will not be any waiving of duty. The reason why that instance has not been mentioned was the fact that with the cancellation of the contract, although approval had been given by Executive Council for certain items to be imported duty free into the Island, that requirement became negated because of the contract falling away. Secondly, one other entity that was given certain waiver of duty is what is now known as the Rankine's Airport Inn which, according to the assessment of importation, had duty been charged, duty would have amounted to $322,466.80. At this point I will run the risk and say that it has now become exhaustive because I am not aware, and neither is the Collector of Customs, that any other entity has been given waiver of import duty.

Madam Speaker, once more I would like to say thanks to you for the way that you have guided this debate, and to say thanks to the staff of this Honourable House. Also, I could not have left out the Computer Service's staff who have been so helpful, especially Mr. Wesley Howell, in assisting with the Budget preparation and to say, once more, thanks and to express my appreciation to the staff of Finance and Development because all that has been done here could not have been without the effort of a single individual. It would not be fair for me to attempt to take credit for this.

One final point, and I have already mentioned this to the Honourable Thomas Jefferson in giving of the figures, I know he gave the figures on the basis of how it was presented to him in terms of drawing from different pieces of documentations, but included in the $42 million that has been mentioned as the public debt is also the amount for the self-financing loan. So to that extent the figures that he gave for the accumulated public debt and contingent liabilities should be reduced accordingly.

Thank you Madam Speaker.

THE SPEAKER: Thank you.

That concludes the debate on the Throne Speech and the Second Reading debate on the Appropriation Bill, 1993 (Budget Address). Accordingly the question will be that the Appropriation Bill, 1993, be given a second reading. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. THE APPROPRIATION BILL, 1993, GIVEN A SECOND READING AND COMMITTED, TOGETHER WITH THE DRAFT ESTIMATES, TO THE STANDING FINANCE COMMITTEE (STANDING ORDERS 63(3)).

THE SPEAKER: The Finance Committee will be proceeding in due time. This concludes the business of the House and I will ask the Leader of Government Business to move the adjournment of the House.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I will move the adjournment of this Honourable House until the Finance Committee reports back to the House. It might be good if we could start that process this afternoon.

THE SPEAKER: I shall put the question that the House do now adjourn until the Standing Finance Committee is ready to make its report. Those in favour please say Aye....those against No.... The Ayes have it.

AT 2:36 P.M. THE HOUSE STOOD ADJOURNED UNTIL THE CONCLUSION OF THE MEETING OF THE STANDING FINANCE COMMITTEE.

THURSDAY
25TH MARCH, 1993
10:10 A.M.

THE SPEAKER: I will ask the Honourable Elected Member for Health and Social Services to say Prayers.

PRAYERS

HON. W. McKEEVA BUSH: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed in the Legislative Assembly. Presentation of Papers and Reports. The Honourable the First Official Member responsible for Internal and External Affairs.

PRESENTATION OF PAPERS AND REPORTS

THE ROYAL CAYMAN ISLANDS POLICE ANNUAL REPORT 1992

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to lay on the Table of this Honourable House the 1992 Annual Report of the Royal Cayman Islands Police.

THE SPEAKER: So ordered.

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

THE PUBLIC SERVICE COMMISSION REPORT 1988 TO 1991

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to lay on the table of this Honourable House the Report of the Public Service Commission covering the period 1988 to 1991.

THE SPEAKER: So ordered.

Questions to Honourable Members. The First Elected Member for Bodden Town to ask the Honourable Elected Member responsible for Education and Culture and Aviation. Question 51.

QUESTIONS TO HONOURABLE MEMBERS

WITHDRAWAL OF QUESTIONS NOS. 51 AND 52

MR. ROY BODDEN: Thank you Madam Speaker.

With the Chair's permission I would like to withdraw both questions No. 51 and No. 52 as I am satisfied that the Member, in his debate replying to the Throne Speech and Budget Address, satisfied the curiosity which I had in asking these two questions.

THE SPEAKER: The question is that the House approve the withdrawal of question No. 51 and No. 52. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. QUESTIONS 51 AND 52 WITHDRAWN.

QUESTION NO. 53

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

NO. 53: What procedures exist at the John Gray High School for receipt and storage of goods, furniture etcetera, requisitioned?

HON. TRUMAN M. BODDEN: In most cases when an oversees order for a School is received, the airline or shipping company informs the Education Department. If the School is identified on the order they will usually notify the Principal as well. Clearing of goods is done by Education Department staff and the goods delivered to the School either by the Department's van or a local trucking company.

At the School the Bursar checks the order to ascertain that it is correct and for whom it is intended. If it arrives before the end of the school day it is forwarded directly to the appropriate Department. If it arrives after the end of the school day it is stored and locked away in the Assembly Hall. In the case of local orders, goods are received and checked by the Bursar who signs the delivery receipt. These goods are stored in a small room in the Administration Building. Their disbursement is controlled by the Bursar.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker.
I would like to ask the Honourable Member, if there are any storage areas other than the small store room and the Assembly Hall.

HON. TRUMAN M. BODDEN: Madam Speaker, I had hoped that the Chief Education Officer would have been here but from the information that we have I do not know whether there is any other place. However, I could undertake to find out from the Chief Education Officer and let the Honourable Member know.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker.
I am satisfied with that and would additionally request if the Honourable Member could find out if the system is so monitored and controlled that goods and furniture, etcetera, is only dispensed through the Bursar. In other words, no Teacher or staff member can take goods once received other than through the Bursar.

HON. TRUMAN M. BODDEN: Madam Speaker, that is the way that I have been instructed it is, but I will further undertake to check to make sure that the system is tight there and let the Member know.

THE SPEAKER: If there are no further supplementaries, the next item is Suspension of Standing Order 23(6) which was to have been moved by the Honourable Elected Member for Tourism, Environment and Planning, but will instead be moved by the Honourable Member responsible for Health and Human Services.

SUSPENSION OF STANDING ORDER 23(6)

HON. W. McKEEVA BUSH: Madam Speaker, I seek suspension of Standing Order 23(6) to enable more than the usual amount of questions to be put on the Order Paper and answered this morning.

THE SPEAKER: The question is that Standing Order 23(6) be suspended in order to allow more than the set number, which is three questions, to be put down in the name of one Member. I shall put the question. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. THAT STANDING ORDER 23(6) BE SUSPENDED TO ENABLE SIX QUESTIONS STANDING IN THE NAME OF THE SECOND ELECTED MEMBER FOR CAYMAN BRAC & LITTLE CAYMAN TO BE TAKEN.

THE SPEAKER: The next question is No. 54 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 54

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

No. 54: What is the total cost of repairing the boats used by the Cuban refugees to reach the Cayman Islands?

HON. W. McKEEVA BUSH: The total amount spent in repairs of four boats which were used by the distressed persons from Cuba to reach the Cayman Islands is $8,663.95.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Member say, if there are funds allocated in the Budget for this, or was these funds specially provided and did the Government, for example, have the good fortune of having any funds from organizations such as PUND in providing these costs?

HON. W. McKEEVA BUSH: Madam Speaker, as I understand it, funds were allocated in the Budget and were used for this purpose.

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Were the funds provided for assisting refugees, or persons in need, or were they provided for boat repairs?

HON. W. McKEEVA BUSH: Those funds Madam Speaker, were allocated in the Budget for the refugee boat.

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Would the Honourable Member say, if there is any indication from any interested entity, group, or persons, that the Government might expect to be refunded this amount spent on these boats, and are these boats now to be returned to Cuba, or if there is any information on that?

HON. W. McKEEVA BUSH: Madam Speaker, for the benefit of the House there was one vessel in Cayman Brac which was repaired and three vessels in Grand Cayman. There was one lobster boat, two small boats and we remember that a group of twelve person left these Islands on one of their privately owned boats. As to whether or not we will get any of this money back, I do not know, but I am certainly glad to get rid of the Cubans.

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Could the Member say if Government will be seizing these boats or has there been any diplomatic representation about their ownership? Are they owned by the refugees that came here on the boats, or claimed by the Cuban Government?

HON. W. McKEEVA BUSH: Madam Speaker, as I understand it two of the boats were privately owned, one is being claimed by the Cuban Government and, as I have said, what I would wish to be refunded I cannot give that guarantee in this House.

THE SPEAKER: If there are no further supplementaries, the next question is No. 55 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 55

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 55: What is the present policy of government concerning the continuance of the National Health Insurance?

HON. W. McKEEVA BUSH: The Government intends for a system of national health insurance to be brought into effect as soon as possible. However, the Government is not convinced that the scheme set out in the current legislation is workable or will provide the benefits needed by this population. This scheme is therefore being closely examined to ascertain what improvements are needed. I am not ever going to

agree for the senior citizens of this country, ages 65 and over, to pay what has been established in Law - a premium of $179 per month.

SUPPLEMENTARIES:

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, would the Honourable Member say, since the National Health Insurance Law is on the books (as it is so termed a Law) whether that Law is to be repealed, or whether Insurance, or Insurance Companies, can offer the basic package (as it is so termed) to the public as it was envisaged it would at this time?

HON. W. McKEEVA BUSH: Madam Speaker, this Honourable House will remember that I dealt with this particular subject at length in my debate. For the benefit of the House, again, let me say, that due to the numerous unanswered queries from the insurance providers and the public, we wanted to take a fresh look at the scheme. Under Section 7 of the Health Care Insurance Law 1992, "the Member may give the Commission general direction as to the exercise and performance of its functions if it appears to the Member necessary to do so in the public interest.".

Under this section I have asked the Commission to assist me in a review of the Health Care Insurance Law and Regulations, I also ask the Chairman of the Commission to put things on hold as much as is legally possible. A meeting has been held with insurance providers, their input has been requested, and they welcomed this approach and raised no objections to the guidance given to the Health Insurance Commission to not issue, for the time being, any additional licences to insurers to sell the Health Insurance package if this is legally permissible.

We have had input from a couple of agencies, so far, including an overseas expert with which one of these agencies is associated. Some potentially helpful suggestions have already been made and are to be further pursued in meetings next month.

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, could the Honourable Member say if any licences have been issued, or are in effect, and whether or not the Insurance Companies might so be licensed would be prohibited from offering an insurance to cover the basic package and for $45 per month between employer and employee?

HON. W. McKEEVA BUSH: Madam Speaker as I understand it, only one company has been licensed but that particular company was in a similar situation as the rest of the insurance providers that they wanted to have a look-see at this particular scheme. As in regards to the $45, Madam Speaker, there is a premium for $45, and one for $179. The Member can tell me how I can get around charging our aged persons $179 then I might take up, or look at, that particular suggestion.

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I was trying to establish whether or not the company that has been licensed is interested (and I imagine they should be in consultation with other companies) whether that company would be prohibited from selling insurance for $45 per month if, indeed, it so chooses to do?

HON. W. McKEEVA BUSH: Madam Speaker if that particular company wants to go ahead and sell it and can find a person to buy it, that is their business. I am certainly not going to encourage them to do so because, as I have said, the Law is under review and I have no more information to give on this question.

THE SPEAKER: The next question is No 56, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 56

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 56: What is the daily cost of maintaining the Cuban refugees in Grand Cayman and Cayman Brac and the total cost to date since these persons have been in the Cayman Islands?

Madam Speaker, of course this question was tabled at the time that the Cubans were all here so I imagine the answer would now cover a time period.

HON. W. McKEEVA BUSH: The following is the position as at 3rd March, 1993. The daily cost in Grand Cayman for maintaining 135 of these distressed persons from Cuba is $653.00 per day or $4.83 per person per day. Daily costs in Cayman Brac for 21 persons are $89.31 per day or $4.25 per person per day. Total costs of 156 persons to date is $36,591.41.

SUPPLEMENTARIES:

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Could the Honourable Member give the House, if he has such information, any information as to whether any of the organizations, that we hear about in Florida who were so very interested in the welfare of the refugees, whether there is any indication that they would consider the reimbursement, in whole or in part, of the monies that the Cayman Islands' Government has spent; and the fact that we still do have some of these persons with us, is there any indications that they are willing to help financially, or is it simply the case that the PUND people are using this situation politically as much as possible?

HON. W. McKEEVA BUSH: Madam Speaker, Members are aware that the Cayman Islands are under international obligations in certain aspects with regards to distressed persons. We will recall that representatives of the United Nations High Commission for Refugees and British Home Office Immigration and Nationality Department Asylum Division visited the Cayman Islands recently to confirm that we are meeting, or exceeding, what would be required by international standards in the care of the Cubans that were here.

The cost to Government was reduced significantly by the full support of our local community and the grant by the United Kingdom Government of $127,500, and the Valderez Foundation in Miami. I should say, Madam Speaker, that the Valderez Foundation in Miami gallantly responded to the needs of their brothers and sisters here by giving very large amounts of goods and clothing.

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

MR. GILBERT A. McLEAN: Madam Speaker I am sure the House is very happy, as I am myself, to hear that there was meaningful response by the Valderez Foundation and that is the type of assistance I believe that the Cayman Islands should be seeking in these particular instances. Would the Member say in respect of the amount given by the British Government, was there not a designation on that for it to be used for, what I think is called, a Tent City or was that to be used in food and clothing?

HON. W. McKEEVA BUSH: Madam Speaker, the British Government grant was to be used, yes, for the Tent City and related expenses. It was not necessary to use any of our funds from the British Government grant because of the support we received from the Valderez Foundation. They continue to support us, we do have something in the region of 160 boxes of food currently from the Valderez Foundation.

THE SPEAKER: If there are no further supplementaries, the next question is No. 57, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 57

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 57: How many individuals were assisted by Social Services with accommodation repairs and appliances in 1992, broken down by districts and amount in each case for each month of the year?

HON. W. McKEEVA BUSH: The detailed breakdown is as follows:

HOUSING SUPPORT 1992

DISTRICT	MONTH	NUMBER IN HOUSEHOLD	COST $ 0.00
George Town	February	2	$ 1,113.09
	March	2	4,108.10
	November	17	25,965.26
TOTAL:		21	31,206.45
West Bay	April	5	$ 3,838.49
	June	10	5,299.29
	August	6	38,351.51
	September	4	20,576.28
	October	25	50,209.69
TOTAL:		50	$ 116,209.69
Bodden Town	June	7	$ 10,823.34
North Side	December	1	$ 9,499.31

1992 HOUSING REPAIRS SUMMARY

George Town	21	$ 31,206.45
West Bay	50	116,275.26
Bodden Town	7	10,823.34
North Side	1	9,499.31
TOTAL INDIVIDUALS	79	$ 167,804.36
TOTAL PROPERTIES	29	

In 1992, $167,804.00 was spent in providing housing assistance to some 29 households in Grand Cayman, and $17,293.90 in Cayman Brac (14 households) - a grand total of $185,097.90. In respect to appliances, some seven pieces were given to six households or 13 persons. Of these six households, three were in George Town and three were in West Bay.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you Madam Speaker.
I think the information given by the Honourable Member is very revealing in terms of what Government and the Social Services are doing. Could the Member give any information as to why it was so much higher in the district of West Bay as versus the other districts?

HON. W. McKEEVA BUSH: I do not know Madam Speaker. I was not the Member at the time. I suppose it was good representation or either trying to keep the two opposition Members out of the House.

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Could the Honourable Member say if there are any programmes in place for the year 1993 in respect of any requests which have been made in terms of allocation for districts? What is being considered for this year to help the particular category of persons in similar ways?

HON. W. McKEEVA BUSH: Madam Speaker, as I understand it, there was not ever any allocation by districts and needs are prioritized. If Members will recall, I believe it is some $150,000 in the present Budget. I will say to the Honourable House that I have been looking favourable on all districts and I will continue to do so.

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

MR. GILBERT A. McLEAN: Could the Member say if the allocations now of monies for Cayman Brac to assist in this particular area, will they be administered here from Grand Cayman, or have arrangements been made, whereby, if the need is found to exist in Cayman Brac there will be persons on that Island within Government with signatory authority that they could go ahead and expend amounts which have been prescribed?

HON. W. McKEEVA BUSH: Madam Speaker the proposed way forward in that respect is that all programme funds for that district will be given on a quarterly basis with needs to be assessed by the Social Services staff.

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

MR. GILBERT A. McLEAN: Thank you Madam Speaker.
Could the Honourable Member just clarify if he speaks of Social Service Workers on the Brac who would be authorized by the Head of Social Services.

HON. W. McKEEVA BUSH: That is correct Madam Speaker, Social Service Workers on the Brac.

THE SPEAKER: The next question is No. 58, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 58

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE

ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

No. 58: What steps, if any, are being taken to reorganise the Social Services Department?

HON. W. McKEEVA BUSH: Since the Portfolio of Health and Human Services was established in November 1992, steps have been taken to consolidate the ambit of responsibility of the Director of Social Services. These initiatives are intended to:

(1) make the operations of the Social Services unit in Cayman Brac part of the responsibility of the Director;

(2) return administration of the Adoption Board to the Department and away from the Portfolio;

(3) place the Cayman Counselling Centre operations under the administration of the Department and away from the Health Services Authority.

While the necessary administrative arrangements are already well advanced, it is expected that these new responsibilities for the Department will be formalized in the 1993 Budget.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Could the Honourable Member confirm that there will be a person now identified in District Administration, whether that person is considered the senior, or given any particular nomenclature and, in effect who will liaise with the Director of Social Services and there will not be any longer the situation where the District Commissioner acts as the Social Services person on the Brac?

HON. W. McKEEVA BUSH: Madam Speaker in regard to the supplementary, as I understand it, the direct supervision of staff in Cayman Brac will be from the Social Services Department in Grand Cayman.

THE SPEAKER: Supplementary, the Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you Madam Speaker.
In Part 3 of the Member's answer one of the initiatives is intended to place the Cayman Counselling Centre operations under the administration of the Social Services Department and away from the Health Services Authority, is the Member in a position, at present, to say whether this transition has been smooth and if it is so far very successful?

HON. W. McKEEVA BUSH: Yes Madam Speaker, the transfer has been smooth and successful and I believe it will enhance the programmes there. We are presently planning business sessions for the way forward.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, I wonder if the Member could also say, if the Department is going to be armed sufficiently to deal with the operations of the centre, as it is my belief that a simple change over administratively would not be sufficient with regards to its operation?

HON. W. McKEEVA BUSH: Madam Speaker, I think that the Member, and the House, needs to understand that Cayman Counselling Centre will remain as seen except that the Director of Social Services now has the responsibility, and such matters of any sort of coordination between the Health Services and the Counselling Centre will remain, and for that matter any other department of Government.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: One final question Madam Speaker, am I to understand from the Member then, that the Cayman Counselling Centre will still operate under the frame work, whereby, it will continue to initiate its own programmes and feed out whatever requirements are in the medical field, etcetera, for the people who attend the Centre and it would not necessarily need the direction from the Department of Social Services in that respect?

HON. W. McKEEVA BUSH: Madam Speaker, Cayman Counselling Centre has its own programmes, as we are all aware of. It should be appreciated that it is a unit of Government and it will continue to function as such with a much more coordinated approach to Human Services.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you Madam Speaker, it is not my intention to belabour this point, I am simply trying to establish that the Centre is continuing to operate, at least at a minimum, in the same fashion that it was allowed to do before, and not under an umbrella of new directions from the Social Services Department, simply because I am not a hundred per cent sure in my mind that the Department is equipped to give directions to the Cayman Counselling Centre? That is simply what I am trying to find out.

HON. W. McKEEVA BUSH: Madam Speaker, I believe that Cayman Counselling Centre needs new directions. That is why we made effort to have more coordination, more coordinated approach, as I said, to all the services that we are responsible for. It is regrettable that, in my opinion, they have not fulfilled their mandate of 'substance abuse' and all that I am trying to do is to see that they fulfill that mandate with the assistance and coordination from the Director of Social Services.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Madam Speaker, I do appreciate the Member's desire to fulfill what the Cayman Counselling Centre is suppose to be doing. I would then without asking another question suggest to the Member, that if the Cayman Counselling Centre is going to fulfill what it is supposed to be doing, it should have some direction from more qualified personnel in that specific field. I say that with all due respect, but I sincerely believe that.

Thank you.

THE SPEAKER: Honourable Member before the Member for Health and Human Services replies, I must draw your attention to the fact that statements are not allowed. Honourable Member for Health and Human Services would you wish to reply.

HON. W. McKEEVA BUSH: Madam Speaker I appreciate the Member's opinion. I believe that the Director of Social Services has sufficient knowledge to assist the Portfolio in our attempt to fulfill a mandate in regards to substance abuse. We have said that the coordination and contact will remain with any personnel from the Health Services or any other department of Government that will be able to assist us.

THE SPEAKER: The next question is No. 59 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 59

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 59: If the contract with the Cleveland Clinic and the Cayman Islands Government/Health Authority has been cancelled, if so, on what date and what has it been replaced with?

HON. W. McKEEVA BUSH: Madam Speaker, the Member might be happy to know that the contract between the Cayman Islands' Government and the Cleveland Clinic has not been cancelled.

SUPPLEMENTARIES:

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Thank you Madam Speaker.
Various releases and statements in the press in recent months have said that this has been under review. Would the Honourable Member tell the House if this review has been carried out and if it was found that this arrangement was acceptable?

HON. W. McKEEVA BUSH: Madam Speaker many statements have been made in regard to the Cleveland Clinic contract and I think the public should be well aware by the same medium that the Member spoke of in regards to what our position is on the contract. However, the contract was agreed to on the basis that an annual review would take place but, unless a decision was taken to terminate the contract, it would continue to be in effect. We are in that position now, however, it is felt that there is a good possibility that we can get better terms.

We therefore intend to go to tender for the provision of the bulk of our overseas medical referrals and have begun that process already. Certain special types of cases may have to be handled on a case-by-case basis. Our contract would allow us to choose our providers in these cases. Madam Speaker, the Member would know that the present contract was not put to tender.

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

MR. GILBERT A. McLEAN: Could the Member tell the House just when would the present

contract with the Cleveland Clinic expire and if there is any intention of Government to cancel it and also, how soon may the country expect that the Cayman Islands Government would be tendering (I imagine in North America) for a tertiary care to be provided?

HON. W. McKEEVA BUSH: Madam Speaker, the information given to the first supplementary was that the contract, and I will read it again for the Member's benefit, "The contract was agreed on the basis that an annual review would take place but, unless a decision to terminate was taken, the contract would continue to be in effect". In other words, the previous Member did not put a cut-off date on it. In regards to whether we intend to go to tender, I have specifically said that many, many, times.

THE SPEAKER: That concludes Question Time. It is now 11:01 a.m.
Suspension of Standing Order by the Honourable Elected Member for Tourism, Environment and Planning, Leader of Government Business.

GOVERNMENT BUSINESS

SUSPENSION OF STANDING ORDER 14(3)

HON. THOMAS C. JEFFERSON: Madam Speaker, under Standing Order 83, I move the suspension of Standing Order 14(3) to allow the Appropriation Bill, 1993 to be reported on and for the Third Reading of that report in order to complete that process before Private Member's Motion begins.

THE SPEAKER: The question is that Standing Order 14(3) be suspended in order for Government Business to continue. Standing Order 14(3) provides that, "On Thursdays Private Member's notices of motions shall have precedence on the Order Paper, to be followed by private Member's bills, to be followed by Government Business." Therefore the suspension of the Standing Order is asked in order that Government Business, in particular the Appropriation Bill, 1993, will be dealt with.
I shall put the question. Those in favour please say Aye....Those against No....The Ayes have it.

AGREED. STANDING ORDER 14(3) SUSPENDED TO ENABLE GOVERNMENT BUSINESS TO TAKE PRECEDENCE OVER PRIVATE MEMBERS' BUSINESS ON THE ORDER PAPER.

BILLS

REPORT ON BILL

THE APPROPRIATION BILL, 1993

CLERK: THE APPROPRIATION BILL, 1993

HON. GEORGE A. McCARTHY: I beg to report that a Bill for a Law to appropriate certain expenditures for the services for the Financial Year 1993 was considered by the Finance Committee consisting of the whole House and passed with the following amendments:

PORTFOLIO FOR AGRICULTURE, COMMUNICATIONS AND WORKS

HEAD 31 ADMINISTRATION - AGRICULTURE, COMMUNICATION AND WORKS:-

The amount of $1270,330 appearing under this Head was increased by $10,000 and therefore the new total became $1,280,330.

HEAD 32 AGRICULTURE:-

The amount of $1,335,429 appearing under this Head was decreased by $10,000 giving a new total of $1,325,429.

CAPITAL

HEAD 51 CAPITAL DEVELOPMENT:-

Sub-Head 51 106 Construction of roads was decreased by $70,000 and sub-head 51 104 Civic Centres and Museum and 51 122 School Buildings were increased by $55,015 and $15,000 respectively.

These changes Madam Speaker did not affect the amount of $10,111,118, appearing under Capital Development as they were compensating adjustments.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THIRD READING

THE APPROPRIATION BILL, 1993

CLERK: THE APPROPRIATION BILL, 1993

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that a Bill entitled A Bill for a Law to Appropriate Certain Expenditures for the Services of the Financial Year, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Appropriation Bill, 1993, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. THE APPROPRIATION BILL, 1993 PASSED.

THE SPEAKER: We shall revert to Private Member's Motion. The first item is Private Member's Motion No. 1/93, review of the Penal Code. The First Elected Member for Bodden Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/93 REVIEW OF THE PENAL CODE

MR. ROY BODDEN: Madam Speaker, I beg to move Private Member's Motion No. 1/93 entitled Review of the Penal Code, standing in my name and reading as follows:

WHEREAS there has been an alarming increase in juveniles committing crime;

AND WHEREAS the Caymanian community is concerned over the increase in criminal activity generally;

AND WHEREAS there is concern that our sentencing policy based upon the Penal Code and related laws is not sufficiently harsh as to serve as discouragements or a deterrent;

AND WHEREAS many of these criminals are repeat offenders;

AND WHEREAS the present Police Commissioner has stated that "Cayman's policy for dealing with juvenile offenders is not very good", and "the policy for dealing with those in custody is worthless". ("Caymanian Compass", February 18, 1993);

AND WHEREAS many Caymanians are not convinced that the policy of sentencing juvenile offenders to approved schools in the United States is in the best interest of this country;

AND WHEREAS the long term financial commitment may be better spent on the provision of a local facility;

AND WHEREAS the police complain that apprehended criminals are returned to the streets too quickly, and too easily;

AND WHEREAS many Caymanians feel that parents should be held more accountable and responsible for crimes committed by their juveniles;

AND WHEREAS the sentiments expressed by many people in the recently held Police/Community meetings on Grand Cayman suggest that the authorities should adopt a "get tough" and "no nonsense" approach to crime and criminal activity;

BE IT RESOLVED THAT a Select Committee of the whole House be appointed to review the Penal Code, with the usual powers to send for persons and papers.

MR. G. HAIG BODDEN: Madam Speaker, I wish to second that motion.

THE SPEAKER: The question is that Private Member's Motion No. 1/93, Review of the Penal Code be taken. The Motion is open for debate. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, I am rising to introduce this Motion. I w

like to begin by stating the obvious. It is nearly 20 years since we last looked at our present Penal Code and, may I say, that in itself, is a convincing reason why we should have a review now. A second point is, Cayman is what can be described as a frontier society. That means, Madam Speaker, we have in addition to our own established people, a significant number of people from outside who either transit through Caymanian society or who remain here for some years as workers or as residents in other categories. As with any frontier society we are bound to attract unsavory characters. May I suggest that the situation before the boom of the 60's was not problematic in the sense that our social control agencies could easily contain those elements in our society who are pruned to be law breakers.

With the opening up of the Cayman Islands, however, we have more sophisticated and intelligent types of people who commit these crimes and I am reminded, in this instance, of white collar crimes. I think that anyone who is familiar with the crime situation in Cayman will realise that white collar crimes which includes incidences of fraud and embezzlement, are increasing in significant proportions. This, along with the regular type of crimes we have, poses serious concern for those of us who are legislators and for the law abiding community in general. Of crucial importance in the rise in the number of burglaries and I would like to record that burglary is regarded as a very serious offence, because it is reckoned that whoever will burgle will kill. So in criminology, and in the sociology of deviants, the crime of burglary is regarded as being close to the top of the list of serious crimes.

It has been observed that many of the crimes in our society are drug related and there can be no disputing this. So, the problem is compounded by the fact that we have drug related crime intertwined with what is regarded as more serious crimes; namely those of crime against the person, or crimes against persons. I would wish at the beginning to make a distinction between the various types of drug related crimes.

Madam Speaker, in the sociology of deviants and in criminology, crimes like using drugs, prostitution, and gambling are labeled as victimless crimes. The reason being it is supposed that the danger in these crimes lies almost wholly and solely within the realms of the users or the participants. These crimes are not regarded as threats against the wider society until they become organized. The crime of drug pushing, however, does not fall into this category. And so, similar to the business of persons who organized gambling games, or who organize prostitution rings, are not viewed with the same leniency and sympathy as those people who are the participants. And so, Madam Speaker, I am led to the observation that there is a need to address what many people would prefer, or pretend, does not exist. This whole business of the gambling game called "numbers", which is wide-spread and endemic in this society, and which, my information tells me, now has linked or is intertwined with the drug business.

The persons who have assisted in my research into this problem tell me that the root of these crimes; namely gambling and the drug business, does not lie in Cayman, but lies in the jurisdiction elsewhere which compounds the problem. I say all this, Madam Speaker, to reinforce that there is a growing urgency to attack these problems because the longer we wait greater is the risk we run that these problems will become so endemic and so organized that it will tax the limited social control forces that we have available to us on this island.

I availed myself of the opportunity to attend the Police community meeting when it was held in my constituency as did my colleagues. It was most revealing to learn of the sentiments of those people who were present at those meetings. All sections of the community were represented. But what was striking, was their expressed intolerance of the erosion of civil order and of the stable society in Cayman, especially amongst the juveniles. There were some people in that meeting who called for serious sentences to be meted out. A radical departure from what is done now. There were people who suggested that repeat drug pushers should be handed capital punishment and that repetitive burglars should be sentenced to extended terms in prison at hard labour. What was obvious was the fact that the community is no longer prepared to view with sympathy, that is if they were at any stage, these people who commit crimes like burglary and drug pushing.

Madam Speaker this whole society is predicated upon the maintenance of law and order, the control of certain types of crimes. If we let burglary and drug pushing get out of hand, then Cayman, as we know it and try to promote as a relatively crime free and international centre, will be ruined. I take this opportunity to introduce the sentiment that when we are doing this review, if we are so disposed to do the review, we should take into consideration the large number of foreign prisoners whom we have in our prison serving sentences for drug related offences. I would hope that we could be so disposed as to investigate the possibility of having these prisoners, after they have served a portion of their sentence (a quarter or a third or whatever fraction we may arrive at) that they be deported and, generally, that we may investigate the possibility of levying fines and ordering deportation, rather than for us further taxing our system by housing these prisoners at the expenses of the Caymanian tax payers. I need say no more by way of introduction, as I am satisfied that this motion has the approval of all the Honourable Members of this House, as the general sentiments informally and formally are that the people of these Islands are concerned and, certainly, their legislators and representatives are cognisant of the potential precarious position that we can be in if we let crimes escalate.

THE SPEAKER: The Honourable Second Official Member.

HON. RICHARD H. COLES: Thank you Madam Speaker.

Can I say at the outset that the Government does support this Motion and indeed there are a number of Laws that do require revision and review and, most certainly, this is one of them. The Penal Code for the Cayman Islands was enacted in 1975. There have been one or two amendments since then but, the Honourable Member is correct, it is nearly 20 years old and times have moved on since this was

passed.

The purpose of a Penal Code is firstly, to define offences against the State for which the State will prosecute and, secondly, to give the sentences that ought to be imposed by the judiciary, or that can be imposed by the judiciary. Generally speaking, those sentences are given by way of maximum sentences and it has always been that the judiciary has discretion and freedom as to what sentence to impose in individual circumstances, on individual defendants, within the scope of the Penal Code.

I really want to point out that the revision of the Penal Code, whilst I fully support this and it is desirable, does not, of itself, automatically mean that stronger and longer sentences are imposed by the judiciary. I particularly agree that there has been a great proliferation in the last few years of so called white collar crimes and complex fraud, and the Penal Code does not adequately address these types of sophisticated offences. Equally it is very much regretted that there has been a large increase in drug related crime and it is, perhaps, a sobering thought that back in 1975 this was not the tremendous problem that it is today.

I do not wish to speak, at length, on this because, as I have said, Government is supporting this Motion and I would like to close by saying that I give it my personal support as well.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker the lucid opening of the Mover and the gracious acceptance of the Government for this Motion leaves but very little for me to expound on. The Penal Code, as both previous speakers have said, came into effect in September of 1975 and the Memorandum of Objects to the law at that time said, that one of the reasons for doing a revision was that it had been many years since the Penal Code had been addressed. In fact, what they had been using was something that had been designed for Jamaica and it was feared at that time that there were so many serious omissions that at any day there may be public embarrassment over the defects in the Code.

I think we have, again, reached that same plateau where we could be embarrassed by omissions or defects in the code simply because time and events have moved so fast. While the code may have been adequate 20 years ago, life has changed here and the types of crimes which we are dealing with did not exist in Cayman 20 years ago and it is quite timely that we go about addressing the serious nature of some of these crimes. As the Second Official Member correctly pointed out the revision of the Penal Code would not automatically result in stiffer sentences but it will certainly change the position whereby the hands of the Court will not be tied.

We saw an example sometime ago which was highlighted in the newspaper (*Caymanian Compass*), where a serious crime was dealt with in a fashion that the public found to be too lenient, simply because the law itself provided the penalty and the Penal Code, which I imagine prescribed the maximum penalty that could be meted out for such a crime, was certainly inadequate for today. The Police Report which was tabled in this House earlier this morning highlighted that burglary increased 40 per cent over the last 12 months. This is of such a serious nature that we need to look at whether the Penal Code will be changed to provide life sentences for repeat offenders.

The Penal Code has been amended, together with different orders made under it, a total of 20 times. At least, I have 20 Amendments and Publication Orders here with me, perhaps there may be a few that I have missed. This makes it difficult for the Courts, the Legislators, the Police, or any one dealing with it when having to deal with the matter of offences. The revision is necessary so that we may, again, have one single document from which we can work. It is also necessary because we need to take a new look at what we are doing and whatever we have been doing we have been doing it badly. The crime statistics continue, as the Commissioner said in his Report, to march inexorably forward.

On page 26 of his Report he mentioned the reduction in drug offences but points out that even this small encouragement is no indicator that we are on the road to recovery. The fact is, that since 1987 the total amounts of crimes have increased to where, in 1992, we had a total of 3,058, and the number of burglaries now exceeds two per day, which is a high number for a community where 20 years ago burglaries were almost unheard of.

We know that the Police are concerned and yesterday in Finance Committee we had the Director of Northward Prison who is also concerned about the accommodation for prisoners. We know that we may have to look at a new structure of sentences for those persons who come here from overseas and commit crimes. Our prison is bulging and because of our aircraft, there is a saying, 'people can be robbed in the east in the morning and be robbed again in the west in the evening', here we can have people come in from overseas and commit crimes and depart from the Islands very quickly. We have to be able to deal with these people swiftly and adequately.

Over the past 18 years there have been significant amendments some of them, in my opinion, not so good. For example, the British Government saw fit to remove the Death Penalty for murder, yet they kept it for treason, which seems ridiculous. Under Section 36 of the Penal Code some of the offences that had been termed treason seemed to be very trivial indeed. Quoting from the Penal Code Section 36:

> "Any persons who compasses, imagines, invents, devises or intends any act, matter or theory the compassing, imagining, inventing, devising or intending whereof is treason by the law of England for the time being in force, and expresses, utters or declares such compassing, imagining, inventing, devising, or intending by publishing any printing or writing or by any overt act, or does any act which, if done in England, would be deemed to be treason according to the law of England for the time being in force, is guilty of the offence called "treason" and shall be liable to suffer death.".

It is my understanding that just to flirt with one of the members of the Royal family could be termed as treason in England. I am just saying this to make the point that we have gone from the sublime to the ridiculous when we remove the Death Penalty for murder and leave it for frivolous offences. Of course I know treason also carries with it some very severe connotations, like the murder of a sovereign, or the overthrow of a government. But, because time marches on, we must amend our laws to deal with whatever arises. If we look at the Motion which is before the House we will notice that one of the recitals is that "there is an alarming increase in juveniles committing crime", and this has been brought out very forcefully in the Commissioner's Report, because 7 per cent of the drug cases last year were committed by persons under the age of 17. We do have a serious problem with juvenile crime and it is necessary to examine the Penal Code and the Juveniles Law and all the previous policies that have been used, to find out where we have gone wrong or, if we have gone wrong, what steps can be taken to arrest the situation and try to prevent it from becoming any worse.

The Penal Code is a vital part of our criminal justice system and laws which we legislate here bear a direct relationship to it, in that no law will really have a more severe penalty than the Penal Code provides for. In closing, I would like to congratulate the Government for accepting this Motion, and I trust that they will move swiftly to address this matter. The Motion itself asks that a Select Committee of the whole House be appointed to review the Penal Code and that will, as usual, be allowed to bring in people that know what they are talking about. Perhaps we will be able to ask persons from the Judiciary, the Police, private citizens, and maybe other people who are interested. At the end of the day the revised Penal Code will be, I would not say an improvement, the Penal Code that will serve this country well for another 20 years.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:47 A.M.

PROCEEDINGS RESUMED AT 12:10 P.M.

THE SPEAKER: Please be seated.
Debate continues on Private Member's Motion No. 1/93. The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, I fully support the Motion that is being debated and I believe that all Members in this Honourable House do. I would like to congratulate the First Elected Member for Bodden Town in bringing it to this Assembly. There is no question that there is an escalation of crimes in the Cayman Islands, particularly burglaries, which certainly are on the increase and from the statistics, we are very, very, aware how it has, in fact, increased over the last few years. It seems like, in some instances, it has doubled and I would like us to get on with the business now of reviewing and subsequently revising the Penal Code.

In my opinion, the law abiding public is crying out and demanding that vigorous and rigorous action be taken in this regard. I am particularly concerned about drug offences in our country and we can think of them in, basically, two categories; the pushers and the consumers. I certainly will be pushing for serious penalties for these major wholesale drug suppliers. My opinion is that there should be confiscation of all property, and life imprisonment for them. For the retail drug pushers, I would also suggest confiscation of all property, and a maximum penalty of over 20 years imprisonment. Regarding the users, I believe here that there is a different cry altogether. What we need is an offender's facility geared for short and long term rehabilitation.

Many of these people will need to be institutionalized and kept for, unfortunately, very long periods and gradually eased or put back into society after it is quite clear that they can live an ordinary type of life. I am very, very, concerned about rape also. We have heard this in the debate and especially on rape in conjunction with incest. Frankly, I would strongly recommend (in fact I was planning to suggest this) that for these people, total genital extirpation for male offenders and almost partial genital oblation in the female offenders, leaving room only for obligatory physiological processes. I really think we have to get tough on this thing of rape and incest.

I would give this my full support and I look forward to being involved with the review process.

Thank you very much.

THE SPEAKER: The Elected Member for North Side.

MRS. EDNA M. MOYLE: Madam Speaker I would just like to congratulate the First Elected Member for Bodden Town on his presentation of this Motion, and I, as a woman in this House, welcome this Motion with open arms.

I need not go into what the First Elected Member has said, I support him 100 per cent but, this review of the Penal Code will give me the opportunity with the support of my colleagues, I hope, to remove such words in Section 116 - Punishment of Rape - "Whoever commits the offence of rape is liable to be punished with imprisonment for life". When I look throughout the Penal Code the word "liable" is used in all instances when it refers to offences against women. I hope the gentlemen and the other Lady Member will support me when we go into this review that these words shall be replaced with the words "that these offenders

shall serve a term of imprisonment of "X" number of years" and not just two years. We shall put mandatory sentences because when we see cases of incest of children under the age of 12 being put in prison for four years, in my opinion, Madam Speaker, that is an insult to the women of this country.

I will also support what the Second Elected Member for George Town has said concerning drug pushers. This country, in order to save the future of our young people must deal severely with drug pushers. We always hear the argument that if there is no one there to use drugs, there will not be anyone to push it. I argue the other way, if there are no pushers with the drugs our young people will not have it available to them and I would support any term of imprisonment for the drug pushers in this country that the Members of this Honourable House are prepared to bring here. As a matter of fact, I would willingly support a term of life imprisonment for anyone found pushing drugs on our young people and, as the Second Elected Member for George Town stated, we should confiscate everything that they own that we can prove has been gained through the sale of drugs.

Madam Speaker, I support this Motion 100 per cent.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you Madam Speaker.

I stand to support this Motion that has been so ably brought by my colleague, the First Elected Member of Bodden Town, and it made me feel very good, and proud, when the Second Official Member said Government would be in full agreement and will be giving this Motion its full support. This country has now come to a stage where the entire population is overwhelmed and is greatly concerned over this issue of crime and I think that this Motion is a very timely item.

I refer to the fourth recital of the Motion which says, "AND WHEREAS many of these criminals are repeat offenders. Two years ago I was reading an article that there are some States in the United States of America where some offenders come before a court of law and after three or four times they are termed as "habitual criminals" and they are put away for a long period of time. I think when we do this assessment this could be one of the areas that we look at, because it is evident that once a person goes to court and is given one, two, or maybe three chances and if they come back again, it is time that we take a serious look and give them something to remember.

When we look at the Annual Report of the Royal Cayman Islands Police Force, on page 27 there are three crimes that top the list; drugs, burglary and theft. They all add up to 1,754 events which makes up 77 per cent of this group. It is very evident to me that all three of these crimes are interrelated and it is time that we take a very serious look (as other Members have said) at this drug problem. There are certainly two groups of people involved in this, the pusher and the user. I think it is almost agreed by consensus that with the user it is more like a disease and it is not financially prudent just to keep sending these individuals to Northward Prison. We have to look at rehabilitory provisions for these persons, but when we are able to grab one of these pushers I think they should get the maximum.

When we go back in our history and look at the travel of events, I think some of our problems began when we started suspending sentences. This still baffles me. Why do you sentence a person and then turn around and say, literally, we did not mean to sentence you, we are going to give you a break and will not send you to Prison. For some people this may be helpful but I think we need to take a serious look at what all of this literally leads up to. Once again, I would beseech the parents in regard to juveniles to try and get involved with their children. Try to spend more time with them and, once again, I would like to say that I will be supporting this Motion.

Thank you.

THE SPEAKER: The Fourth Elected Member for West Bay.

MR. D. DALMAIN EBANKS: Thank you Madam Chairman.

I rise to support this Motion because I know it is very much needed. We have come to the crossroad now of crime and saving our country. If crime has to be prolonged much longer I think we will not have the Cayman Islands we once had. My feeling on crime and sentencing is that we are being too lenient with the punishment. We have to do, as the old people used to say, "fight fire with fire". If a person continues to commit a crime, punish him and he should be punished drastically.

All developing countries get an influx of immigrants who bring crime and sickness, etcetera. This has to be faced as the old frontier in the west was faced. You had gangs in there taking over with crimes and would pull in people, some of them were probably criminals too, but they fought them on their own level and it broke the backbone of crime there. That is what saved the west. We have to do that here, whether it is to work them, flog them, or whatever, they have to learn their lesson. With that I support this Motion wholeheartedly.

Thank you.

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

CAPT. MABRY S. KIRKCONNELL: Madam Speaker I rise to support Private Member's Motion No. 1/93 - Review of the Penal Code. I would like to congratulate the Mover and the Seconder for bringing this Motion which I feel is very necessary. I am also very encouraged to hear that Government will be accepting this Motion.

When I think, and hear Members say, that we are 20 years into a Law that was adequate at that time, and think of the millions of dollars that we have spent in education and

providing better facilities for our people. To think what has happened, and what is happening now within our community it is, really, a distressing situation.

Other Members have spoken of what illegal drugs, both pushing and consuming have done, and continue to do, to our country. To say nothing of the expense of incarcerating these that are brought to justice or before a Judge. It has given me great concern and, Madam Speaker, a lot of tha responsibility (I think) rests with the parents of our children. I think parents have abdicate some of their responsibilities and I am glad that mention has been made in this Motion in the WHEREAS, because if something is not done the future generations of this country will have far greater problems to deal with than we the Members of the Legislature today.

I realise that it is not confined to the Cayman Islands but, being a small society and the close knit society that we are, it seems that we should be able to have better control on our future. I look forward, since this will be going to a Select Committee of the whole House, to have an opportunity to hearing the input from all the concerned professionals as to what is best to be done to the Penal Code, what amendments are necessary that we will have the most adequate code that is possible at this time.

So with these few words, Madam Speaker, and with my great concern that we get the best, I support this Motion.

THE SPEAKER: Second Elected Member for Cayman Brac & Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

I rise to support Private Member's Motion No. 1/93 which asks for a review of the Penal Code and that this be done in a Select Committee of the whole House. In the recitals set out in this Motion I think one could say that these various statements give a very good synopsis of conditions in the country on a whole. It is true that there is extremely fast-growing criminal activities in these Islands. Juveniles are committing more crimes, so are adults, and there are also crimes of different types which before, seldom happened, the crime of murder, for example.

This society, like any society, must attempt to deal with a rise in crime and acts of criminal activity. I, however, would like to poster the point of view that punishment cannot be seen as the only answer. I believe that one of the reasons why there are so many crimes in the Cayman Islands today is that there has been a major departure from our cultural values in Caymanian society. I believe that stemming from the household, in many instances, children no longer understand, to the extent that they should know, right and wrong, why something is right and why something is wrong.

I believe, to a considerable extent, that this society is becoming mired in a state of mind that just about everything is alright if we do not make too much fuss about it; that one can do most anything and there is someone or, somehow, an excuse will be made for why that was done. So while we need to review the Penal Code and to bring it in line with conditions at this present time, I think there needs to be some strong doses of realization that our cultural roots and the values we have, need to be enhanced and we need to hold on to them, practice them, and inculcate them, as much as is possible.

There are some severe penalties already provided for in our Laws. For example, in the Misuse of Drugs Law, while I have heard of so many instances where persons have been caught with hundreds of pounds of cocaine, they have not received some of the sentences that are set down in the table there where, for amounts over two ounces, persons can get 15, 20, and 30 years imprisonment. Why it is not being applied, I do not know. If it is the case that the Penal Code has an overriding position where it is concerned, I think this is an area that needs to be looked at. But, anyone who gets the Misuse of Drug Law and takes at look at the penalties set down there, will notice that they are some of the stiffest in the world. Certainly the area of drug abuse is one of the main areas of crime in this community, both in the consumption of it and for young people getting into trouble with it. I do not believe that punishing them by putting them in jail to prevent them from using drugs is going to stop them, at least not in the majority of cases. But, if they understand that cocaine is frying their brains and rotting their bones and it is making them a slave and, while those things are not desirable in the human being, perhaps that my have some positive effect.

There are repeat offenders in every society and I remember once reading an article in the "Reader's Digest" where a survey was done in Canada and they were actually able to quantify the number of people who were committing these illegalities. Because the highest percentage were those who were doing it over and over again. It was a most interesting article and it bears out the fact that there are repeat offenders. We have repeat offenders and we have to find ways of handling them other than putting them in prison. As the numbers grow it means we have a problem paying for the prison services and all that it entails and one day, when they come back out into the society, they are going to do it all over again. So punishment, by itself, is not a sufficient deterrent, in my opinion.

The policy of sentencing juvenile offenders and them going to schools in the United States to supposedly have their bad habits corrected, I do not believe that is an answer. I totally agree with the recital here in this Motion which says that money could be spent better to provide a place of retention here in these Islands. As I recall last year (I think it was) there was several hundred dollars earmarked to be spent on four or five young people (when we have them in the dozens) to go to the United States. It cannot be a sensible approach. I agree, Madam Speaker, that we need to provide a facility here in these Islands to deal with the children. First of all when we send them away, we are sending them into a foreign society among foreign people in a new culture. If they indeed acclimatize to that then when they come back into this society in which they were born, and knew they have a problem right away adjusting.

I have never supported that concept, Madam Speaker, and now I certainly do not. I believe that parents have to be held more responsible than they are now for the acts of their

children. How they will respond to or against the children, I am not here to say, but I think that some realization needs to be driven home to parents that they simply cannot shirk their responsibilities and it is sufficient for little Johnny, or little Mary, to go to court and the Justice of the Peace sits and sympathizes with the case and the parent is, in effect, doing little to nothing to help in the process of stopping the bad habits or actions of the children. So I believe this is an area that needs to be looked at very carefully in the Select Committee and to hear from persons, physiologist, teachers, social workers, or whoever, that might have ideas in this area, and for that matter to look at systems in other countries where this is being tackled from both the position of the parent and the juvenile. That there should be a "get tough and no nonsense" position, that, Madam Speaker, I agree with. And I agree with it, again, from the point of view of the culture of my country where, heretofore, a parent who knew that their child was doing something wrong corrected them. They did not find excuses for them. If another parent told them that they saw their child doing something that was wrong, they thanked that person instead of cursing them. For us to get tough it has to begin at home where the parents of the home condemn certain actions and do not tolerate it. In turn, young people who are committing illegal acts will also expect that the Court will not be sympathetic with them if, indeed, mother and father are not.

So, Madam Speaker, in supporting this Motion I believe what I have said, or some of the points of view, should be taken into account. And while we are reviewing the Penal Code we should take every opportunity of also considering what is good from a social point of view which can support the whole system of crime and punishment.

Thank you, Madam Speaker.

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

HON. W. McKEEVA BUSH: Madam Speaker the Honourable Attorney General has already put forward Government's position and I rise to briefly state my support for the Motion in its entirety. I note that the Motion does talk about juvenile crime and, Madam Speaker, some Members have mentioned that there is a policy in place to send juveniles overseas to treatment centres. That is correct. That is not my policy, but having taken over the Portfolio there were certain Court Orders that I had to uphold and these Court Orders for juveniles have been upheld (I should say to the House).

I also made it very clear in my Budget and Throne Speech debate that it is our intention to establish a programme by September for treatment service for our youths who are now caught in the web of problems. I also informed the House that by September, the Juvenile Legislation should be before this House, that is the revision of the present Juveniles Law. Madam Speaker, there are many problems affecting juveniles and some not caused by themselves, by that I mean not caused by the juveniles, but impacted upon the youth population of this country.

We as a Government recognise this situation and in the three months (and better) that we have been in office we have been doing everything possible to strike at the heart of our juvenile problems. But, the problems demand programmes which can be put forward, some not so easy, but the overall problems will be in facilities. In this day and age, and this particular time, when our country is going through severe financial stress, it is not easy especially when Members want roads fixed, and there are all kinds of calls on the few available funds at our disposal. I can only say to the House, bear with the Government in this matter support us in this matter, and we will institute those programmes where we feel that it will help to lessen the problems of juvenile crime.

We know, for instance, that a Remand Centre is seriously needed. This is not a "today" thing, Madam Speaker, it has been going on for years and you, yourself, as a Justice of the Peace can quite understand what the problem is. Again, I trust that no one is expecting this Government to alleviate these problems immediately. As I said, the truth is that we need a Remand Centre and we are going to put forth the plans, but the money is not yet available. I trust that throughout the year that that aspect of it will become more clear.

Thank you, Madam Speaker.

THE SPEAKER: Would the Mover wish to wind up the debate? The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

I would like to thank all those people who spoke in support of the motion and, especially, to thank the Government for their graciousness in accepting the motion. I gleaned, from the responses made, that there is near unanimity in the acceptance of this motion. Therefore, Madam Speaker, my reply will be a brief one. I would like to say that I agree with the sentiments expressed that the revision of the Penal Code will not be a panacea. But, rather, it will serve as a reminder to those people who insist on taking their chances and breaking our laws that we are prepared to deal with them as is necessary. The most effective cure would lie in education, a realisation, and a living up to our responsibilities; be they parental, societally, individual, or otherwise. Unfortunately, however, the very nature of human beings does not allow for the ideal situation to exist, particularly where there has to be decisions of exigence made and people have to decide whether they are going to hold two jobs or sacrifice one and stay at home and try to give their children the proper upbringing. All too often, parents make the trade off to earn more money at the expense and neglect of their progeny. Gone are the days when Caymanian women and mothers could afford to be housewives. There is a whole economic development of our society now that precludes that and, indeed, to be a housewife now in Caymanian society, is to be recognised as living in luxury because, quite often, it necessitates two members of the family working and in the case of a single parent, or single mother, the single mother in many instances has to work two jobs to make ends meet.

So, as a Mover of this motion, I do not expect that the review is going to be the end of the crime situation, but rather, I expect that it will serve notice that we are cognisant of what is going on and this is our way of showing some concern, not the only way that we will show concern, but this is one way. Let me put it this way, a kind of last resort for those people who cannot confront the situation before this, this is our way of putting up a bulwark and saying, no, we will not allow you to pass beyond this point to allow our society to degenerate into lawlessness or anarchy.

I want to say, too, that the effort to be effective has to be one in which all elements of society work together. In saying this, I recognise that we would be stupid if we think that we can legislate morals. I lament, as my colleague, the Second Elected Member for Cayman Brac did, the passing of our culture into a kind of degeneracy into the kind of position where parents no longer deem it as important to chastise, or no longer take pride, many of them, to ensure that their children have the proper upbringing.

The rights of passage (Madam Speaker I have said this before) from childhood into adulthood, have changed and many of the things that were absolutely essential when we were growing up are now nonexistent. One of the observances I have made is that there is a breakdown now, and I have noticed juveniles hanging out with adults and wherever I come in contact I always warn the juvenile that they are going to be exploited by the adults. This exploitation takes place in a myriad of ways; not the least, sexually. I know, from my experience traversing the streets, that among the young men what happens is that the juveniles are preys used by the adults in the drug business. They are quite often told, "Look, if the police catch you they cannot put you in jail because you are a juvenile", so they are left, in many instances, holding the bag. They operate under a strict code of silence and, frequently, when these juveniles are caught they will not divulge the extent and the members of the conspiracy, and this compounds the problem. That is one reason why I argue for parents to be held more accountable for the whereabouts, activities, and actions, of the juveniles.

In my days of growing up, Madam Speaker, when night fell, if I was not within the environs of my house, I was on my way towards that. If I was going away from it, you can rest assured my father or my mother knew where I was. That no longer exists. I have seen 13 and 14 year olds with, to use my mother's expression, "the keys to the street". When you ask them, they do not know where their parents are, and when you ask the parents, they do not know where the children are.

It is a total commitment that we have to make, but I want to ensure that we have a tool which the Judiciary can use to their discretion. This is particularly relevant when we come to those people of a foreign nationality in this country. We want to have an effective tool in dealing with those. I agree that there has to be a distinction and a differentiation between the treatment of the people who use drugs, and the people who deal and push drugs. I also agree that it is of paramount importance, and time is of the essence, that we build a Remand Centre for the juveniles.

I realise that we are not in the best of financial positions, and I would have the Honourable Member know that we are not expecting miracles, but we are expecting that cognisance be taken of the problem and a plan of action be prepared so that we can be able to deal with it effectively, and sensibly, as, and when, the time arises that our finances improve.

So, Madam Speaker, in conclusion, this is not an effort only for the Legislators. It is an effort for the community, for the churches, for the schools, for the private sector organisations, it is an effort for all of us but we, as Legislators, in reviewing the Penal Code, are serving notice that we are prepared to do our part in having Legislation with teeth, and having it so effective that when it is necessary to open the books, the statutes are there to be used, and to be used effectively. Madam Speaker, in conclusion, if it pleases you, may I humbly suggest that you appoint the Second Official Member to head this review of Legislators. Again, let me thank all of my colleagues who spoke in support of the motion, and those who by their silence stood in total agreement with what is proposed.

THE SPEAKER: The question before the House is Private Member's Motion No. 1/93 - A Review of the Penal Code. I shall put the question. Those in favour please say Aye....those against No. The Ayes have it.

AGREED. PRIVATE MEMBER'S MOTION 1/93, PASSED.

THE SPEAKER: In accordance with Section 69(2), I nominate the Honourable Second Official Member to be the Chairman of the Committee. At this time, the House will be suspended until 2:30 P.M.

PROCEEDINGS SUSPENDED AT 12:53 P.M.

PROCEEDINGS RESUMED AT 2:31 P.M.

THE SPEAKER: Please be seated.

PRIVATE MEMBER'S MOTION NO. 2/93

INVASION OF PRIVACY ACT

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

MR. GILBERT A. McLEAN: Madam Speaker, I beg to move Private Member's Motion No. 2/93 titled, Invasion of Privacy Act, which reads:

> WHEREAS there exists no specific legislation in the Cayman Islands regarding the right of privacy in telephone conversational transmissions, facsimile transmissions and other similar telecommunications transmissions;
>
> AND WHEREAS various concerns have been expressed by the public from time to time that their privacy has been invaded;
>
> AND WHEREAS ample opportunity now exists for interceptions of private telecommunications by individuals within and without the Cayman Islands;
>
> AND WHEREAS it is recognised in most democratic countries of the world that the right of privacy must be protected;
>
> BE IT NOW THEREFORE RESOLVED THAT this Honourable House agree that legislation, guaranteeing such right of privacy similar to the invasion of Privacy Acts in other jurisdictions, be enacted as soon as possible.

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

CAPT. MABRY S. KIRKCONNELL: Madam Speaker, I beg to second the motion.

THE SPEAKER: The question before the House is Private Member's Motion No. 2/93, Invasion of Privacy Act. The motion is open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. There have been immense developments and innovations in our world, and one of the areas where there has been some of the most pronounced development is in the area of electronics. Not least of all is the area of electronics that deals with transmission of communications; the telephone, facsimile, to name but two. This has reached a point that while there has been this incredible technological development in this area which has made life simpler, in many instances, and which has improved business, in many instances, there has also developed, parallel to it, or side by side with it, means by which communications can be intercepted. Interception of communications is sometimes necessary, but this can also be done for sheer mischief, illegality, and injury to parties who suffer this particular act.

Here in the Cayman Islands, Madam Speaker, we are a country where our economy and our business life is, to a large extent, based on confidentiality and keeping confidential business dealings. We are aware that one of the easiest ways to overcome, overwhelm, or outdo our competition is to have inside information as to what they are doing. Therefore, this being the case, there is always an attractiveness in attempting to find out what is being said by our competition in business, or by individuals.

We are also aware that under our Confidential Relationships Act, there are various countries who do not see eye-to-eye with us and they would not like anything better than to glean information which would provide them with knowledge of what is happening here in the financial world. So, I suggest that the Cayman Islands, perhaps more than most societies, has quite a lot to lose if we do not take steps to guard, or protect, our privacy in terms of invasion in telecommunication transmissions.

There have been several instances where I have been told by persons that they have serious cause to believe that their telephones have been tapped, or bugged as it is so termed. I am aware of, at least, one instance in a situation of a divorce between a husband and wife where, I am reliably informed, the husband in the proceedings, had his phones, apartment, and otherwise, effectively tapped and bugged. This caused, if anything, more grief and contention between the parties involved. It is something which no particular one of us is really free from. It is not a question that someone may say "oh they bugged so-and-so, but it does not affect me", because that person may also have their privacy invaded, unbeknownst to them.

I have heard, and read, in fact, of instances where some of the people who are experts in this field that one might get to do a particular security network in one's office or house, and so on, those people have the capability of tapping in on those very things they have put in place, and they have turned around and bugged the security systems. So it is something that is real, and something that, I believe, all of us, as Legislators, easily can see the seriousness of. Certainly members of the public are aware of it and I have heard many express their concerns about it. I have also had occasion, in recent times when I was thinking of bringing this motion to the House, of speaking with someone connected with one of the big security companies here who said to me (it was a non-Caymanian, a technician) "it would surprise you the number of businesses that request us to sweep to make sure that there are no electronic listening devices and taps on the phone." In fact, he said that a particular bank, in recent times, had found bugs. This matter has national significance for us and we should take some steps and I, in the presentation of this motion, will certainly not attempt in any way to offer any solutions or guarantees of how one stops this. What I am simply asking is that the Government undertake to write some type of Legislation which is specific to deal with it and make it illegal for those persons who might try to do so.

Ample opportunity exists here because of less than keen, or careful, attitude, I believe, towards the immense potential of invasion of privacy in this regard. The situation has also grown to, where at one time to get a listening device or a piece of electronic equipment that could intercept conversations on telephone lines, for example, cost a whole lot of money, or a bug that could be put in an office cost a whole lot of money, but that is no longer the case. These are being produced now in mass production and there is no longer the case anymore, either where anyone is worrying if you are a private eye or a government agency and so I will not sell you, it is being sold to anybody who goes to buy it. The cost is much lower now and, therefore, it has become more and more accessible to individuals. I would imagine that there are those of us who have heard of some of our own people, or citizens, who have certain devices and capabilities of doing this and, indeed, it is alleged they are doing so in various instances.

Madam Speaker, a Law specifically relating to this would be able to prescribe where and when such interceptions might be acceptable, and under what circumstances it could be done. Right now, to the best of my knowledge and understanding, there are really no set guidelines to the police, to private investigators, to citizens, who might get a notion to equip themselves to invade another's privacy in telecommunication transmissions. The whole idea that someone can be, to the best of their knowledge and belief, talking to someone in a confidential manner, and something that is important and purely personal to their lives, an intimacy as the case may be, that someone, some busy body or, basically, anyone is in a position to listen in on that and to use that for whatever purpose they may choose. Because democracy deems a person has a right to privacy, is why many democracies of the world have in place legislation which guarantees this in terms of making it an offence when breaches of one's privacy is conducted.

Madam Speaker, another thing to take into account is that information is a very vital element in one's life. The housewife needs information on the price of goods in the various supermarkets so she can purchase at the one where the goods are the cheapest. The mechanic needs information as to what is the best type of body fill, or glue, or whatever, he may use. So throughout this society, in any sphere of life, information is vital. One of the things that causes listening and gleaning information very attractive is that information can be sold. People may glean information by intercepting the privacy of conversations to sell to another party. Information can be sold to another government, depending upon the type of information it is. Certainly, I think we would all agree that there is certain financial information which goes on in the Cayman Islands that would have interest in other jurisdictions.

There are, however, instances where it is right and proper, and desirable, that there is interception of communications between citizens, within, or without, the Cayman Islands. There are instances where the national security of these Islands may be threatened. Where persons outside of the Islands may have cause to be working with persons here on the Island where the national security may be threatened, or even in the Island when the state must move to learn and know about that information to put an end to it to secure the country. There are also instances when interception of telecommunications is in order; such as stopping crime with a view of prosecution and conviction. So, certainly, I am not saying that there are not instances when this would be desirable and it should be done. To catch criminals and to stop subversion is very important in any country, and no less in the Cayman Islands.

There are various jurisdictions that have laws that deal with interception, and the invasion of privacy in telecommunications, including the United Kingdom. I have been able to find out that in the United Kingdom there are mainly two pieces of legislation; one is the Telecommunications Act of 1984, and the Interception of Communications Act, 1985. These acts make it illegal for telecommunications to be intercepted, or the post to be intercepted, unless it is authorised by the Secretary of State or such other authorised person. Under the Telecommunications Act, 1984, modifications of messages is illegal. Interception and disclosure of messages, except for the prevention or detection of crime which would lead to criminal proceedings, is also illegal. It is not illegal, however, if the person is doing so in obedience to a warrant issued by the Secretary of State or the Commissioner (I take that to be the Commissioner of Police).

In the Interception of Communications Act, 1984, of the United Kingdom, this also follows on and, as far as I can glean, it expands that which is already set down in the 1984 Act and it certainly deals with the prohibition on the interception of the post or telecommunications. The only way it can be done is through a warrant being issued for an interception which is issued by the Secretary of State. If I was to transpose that in my opinion to the Cayman Islands (we do not have a Secretary of State, as such, here) I think we would need to consider who would be the most appropriate person to issue such a warrant. My own suggestion would be the Judge of the Grand Court, for I imagine in any legal interceptions it would be, more or less, the police who would wish to do so, and the police should not be able to approve their own warrant to carry out such interception. I believe it would appropriately lie with the Court. That would be my recommendation; someone such as the Chief Justice, or someone that he might so designate.

In this particular Act, I read where a warrant is not simply a wide open authority for anyone to do anything they may wish to do and to any extent. It is specific and it has to prescribe what scope it allows. It has to be specific to the address where the interception might be carried out, or to the person. It also has time limitations placed on it, which means that it simply would not go on and on indefinitely, a certain time has to be prescribed and the warrants can be renewed; according to what I understand here in this piece of legislation. There is also a provision that the warrants may be modified and thus, overall, it strikes me like much careful thought has gone into this because it is dealing with the right to privacy and, apparently, neither the state (in this case the United Kingdom) or those citizens thereof, who certainly have their ideas about rights of privacy, have not taken the situation lightly.

I think, and believe, that in the Cayman Islands, like everything else that has come to us (crime, drug abuse) so has come to us capabilities and means of invading our privacy in

telephone communications, and otherwise. There is no way that we can find a magic solution to solve this because the great industrialised countries of the world have no solution. Those who make the devices that give this capability also sell those to people who can counteract those capabilities and so, on, and on, it goes. At best, I think, Madam Speaker, that here in the Cayman Islands we can try to discourage entities, be they companies or individuals, who would invade privacy from doing so because it would be an offence under the Law; whether or not they were motivated by mischief, or for profit, or for any gain, or satisfaction, whatsoever. I believe that there is enough legislation from jurisdictions around the world, including the United Kingdom Act, which could guide the Government in being able to modify, or adopt, legislation which would safeguard, to the extent that it could, the privacy of companies and individuals in these Islands from invasion of privacy.

Therefore, Madam Speaker, I have brought this motion to the House believing that all Members will know that we do live in times when electronics have become a way of life and we would choose to protect ourselves and our country as best as we can in terms of putting in place proper legislation. I therefore recommend this motion to the Government and all other Honourable Members of the House.

THE SPEAKER: Honourable Member for Agriculture, Communication and Works.

HON. JOHN B. McLEAN: Thank you, Madam Speaker. I accept Private Member's Motion No. 2/93, Invasion of Privacy, on behalf of the Government. If this Motion was not brought before the House, it was my idea to bring legislation in any case because I totally agree with what has been said by the Second Elected Member for Cayman Brac and Little Cayman. This is, indeed, a problem. I had, on one occasion (when I was a Backbencher) brought a question to the floor of this House on this matter.

We have, in this country today, those who tend to feast on news and those who tend to do nothing else but create problems for other people. The Member is correct. I believe that in this area there has been more than enough grief created for people. I think the time has come when something should be done about it. There is a fact, that in this country today, there are numerous scanners, tapping devices, recorders, there is an abuse of radios and, Madam Speaker, there are some who walk around constantly, you have to be careful of what you say to them because if they do not have a recorder in their pockets, they have them in their brief cases. This is a fact. I am prepared, Madam Speaker, to have this matter researched, as the Member with responsibility for Communications. It is my understanding from the Second Official Member that in the United Kingdom, that there is a Law, or Act, on the books which we can, perhaps, research and, if necessary, adopt.

I would like to say that the Members from Cayman Brac should be congratulated for the timely motion and I give them the assurance that the Government will do whatever is possible to put Legislation in place as soon as possible.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I rise to support the motion brought by the Second Elected Member for Cayman Brac and Little Cayman, and I was glad to see that the Member responsible for Communication, on behalf of Government, supported this motion. I was made to understand that last year during the General Elections there were close to 100 of these listening devices brought in. I am glad to know that it had no effect on the forming of this Government. I would once again pay credit to both Members for Cayman Brac for bringing this motion, and I will be supporting it. Thank you.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: These kinds of motions attest to not only the growing sophistication of our society but also to some of the more negative aspects of that sophistication. The Mover of this motion is quite accurate in detailing the extent to which this kind of sophisticated electronic eavesdropping, the deleterious effect, and destructive effect, it can have not only on individuals, but on corporations. In the United States, the FCC is very keen and watchful over the uses of the electronic media and devices with regards to eavesdropping and garnering information which can give one company an unfair advantage over another when it comes to trading, particularly in shares, stocks and bonds and, indeed, any other shares, including real estate transactions. So, we are moving with the times, so to speak.

Those of us who move around and, indeed, all of us in this Legislature move around, because if we were not adept and abreast of what was going on we would not be in here as representatives of the people. So those of us who move around are aware that there are people in this society, some of them, I might say, for altruistic and totally harmless reasons (as a hobby) use scanners. But there are other mischievous people who use them for the sole purpose of being mischievous and destructive.

From personal experiences I can attest to the fact that there are some of these people in this society who will stop at nothing. Last year sometime, I brought a listening device that we found at one of the offices at which I work, and we have reason to believe that the person, or persons, responsible for placing that device there, it was not a result of business, but purely someone on a personal vendetta. When people will go to that end to destroy someone whom they might not like, I think it is within the realm, and within the reason, of the rest of the citizens to expect protection from the law. So I hope, and I am glad, that Government and the Member speaking on behalf of the Government saw fit to accept this motion because it will reassure all strata of society, corporations and private citizens alike, that the Government takes a dim view of people who bend the law or who, for purely selfish reasons, set out to destroy, or to gain advantage over, other people.

It will not be easy, but I am sure that the resources that the Government has at its disposal will allow it to draft the most practical, and effective means of controlling this as is possible. I would not like to see a ban on scanners but, rather, some type of control so that even those people who have devices which are used purely for listening would have to obtain some type of licence, or could be made to have their names on some list that the Government and the public could have available to it, if it so wishes.

I would like to commend the Mover and the Seconder, for moving it to fulfill a glaring need, and it is my pleasure to lend my support to this motion.

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

CAPT. MABRY S. KIRKCONNELL: As the seconder of this Motion, naturally, I support this motion and I want first to express my appreciation to the Member, speaking on behalf of Government, for Government's acceptance of this motion. The Mover has gone into an extreme amount of detail and I concur with what has been said by him and other speakers, and I see the need for it here. I look forward to seeing that Government will be looking into this in the near future.

This also brings to my attention, although not listed in this motion, there is a certain amount of invasion of privacy of individual's, and other aspects, within our country and, although this may not be the proper time to mention it, something that has been on my mind for a number of years is the many unsigned letters within the press, signed by a "concerned Caymanian".

I feel that some of those, in my non-legal mind, are an invasion into the privacy of the individual which they attack because they do not have the courage, if that is the proper word, to place their signature to that letter. I would like to see, although I hasten to say I fully support a free press, but I do not believe that it is in the best interest of all of us, and our country in particular, that persons can be attacked and the letter just be signed "concerned Caymanian". I do not agree with that nomenclature. I think it is a person who has in mind destroying Cayman, rather than being concerned about being constructive. So, Madam Speaker, with these few words I, again, would like to thank the Mover for moving it, it has been my pleasure to second it, and the Government for accepting the motion.

THE SPEAKER: If there is no further debate, would the Mover exercise his right to reply? The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. I would like to thank all Honourable Members who spoke on this motion and expressed their support. I believe the silence of others does not mean that they are not in agreement with it. I thank the Government for accepting it, and the Member who spoke on Government's behalf.

It seems clear to me by what he said that he, himself, has been doing some investigation and inquiry into this matter and is aware of the extent to which this business really goes on in this island as I have heard many unpleasant tales, myself, of what is happening here. I think that we do have the guidance of legislation in terms of the United Kingdom statute, whatever other legislation we could find that would be suitable to clearly define and offer as much protection as is possible in an effort to stem the invasion of privacy where it is happening illegally, would be advisable for us to follow.

I am certain that there are many areas of agreement among all Members of this House and this certainly seems to be one such area, to my mind, and I am glad to see that the motion has been accepted by the Government, and I look forward to seeing legislation, in the near future, on this as the Member has undertaken that he will bring to the House. Once again, Madam Speaker, I want to thank all Members who spoke, and the Government for accepting the motion.

THE SPEAKER: I shall put the question on Private Member's Motion No. 2/93, Invasion of Privacy Act. Those in favour please say Aye....those against No.... The Ayes have it.

AGREED. PRIVATE MEMBER'S MOTION NO. 2/93 PASSED.

THE SPEAKER: The next item on today's Order Paper is Government Business, Bills. First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE COMPANIES (AMENDMENT) BILL, 1993

CLERK: The Companies (Amendment) Bill, 1993.

THE SPEAKER: The Bill is accordingly set down for Second Reading.

THE PUBLIC FINANCE AND AUDIT (AMENDMENT) BILL, 1993

CLERK: The Public Finance and Audit (Amendment) Bill, 1993.

THE SPEAKER: The Bill is accordingly set down for Second Reading.

SECOND READING

THE TOURISM ACCOMMODATION (TAXATION) BILL, 1993

CLERK: The Tourism Accommodation (Taxation) Bill, 1993.

THE SPEAKER: The Honourable Financial Secretary.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move the Second Reading of a Bill entitled, a Bill for a Law to Amend the Tourist Accommodation (Taxation) Law, Revised. The purpose of this amending legislation, as indicated in the Memorandum of Objects and Reasons, is to transfer the responsibility for the collection of Tourist Accommodation Tax from the Department of Tourism back to the Treasury. The amendments which are being proposed will, in effect, revert the responsiblity for the collection of this tax to the Treasury where it used to be collected prior to 1988.

The Tourist Accommodation Tax (Amendment) Law, 1988, appointed the Director of Tourism in place of the Collector of Taxes as being accountable to ensure the collection of this tax. Now that the system of tax collection is working efficiently, it is felt that arrangements for the collection of this tax should be integrated with the enhanced procedures developed within the Treasury since 1989, which allows for the timely follow up on arrears of revenue by the Treasury Debt Collector. In addition, the Treasury has the expertise to inspect Hotel Records as allowed by the Law.

The Officer presently attending to this activity within the Department of Tourism will be transferred to the Treasury along with this activity. Therefore, instead of having one Officer, there will now be two persons having responsibility for pursuing arrears of revenue which will embrace the pursuit and collection of Accommodation Tax due to the Government. The proposed amendments are straight forward and require that where the title, Director of Tourism appears in Sections 2, 5, and 7, of the Law, that this be replaced by substituting, the Collector of Taxes. Madam Speaker, I recommend this amending legislation to this Honourable House.

THE SPEAKER: The question is that the Tourism Accommodation Taxation (Amendment) Bill, 1993, be given a Second Reading. The Motion is open for debate. The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I support the Bill before the House as it corrects a mistake which was made in the past. The Treasury is equipped to collect monies for Government and is the department which should deal with this matter. The Department of Tourism does not have the qualified staff, even if they are given some help from Treasury, but more than that, they are not in a good position to be dealing with this matter.

The Director of Tourism needs to be on very friendly terms with the Hotel Industry in order to ensure a smooth operation. However, the tax, which is collected under this Law by a hotel, is Government's money and should be paid over to the Treasury. A hotel manager, or any organisation who collects this tax and withholds it from the Government, is stealing from the Government and should be prosecuted. I would recommend to the Honourable Financial Secretary that he take the necessary steps to recover any monies which he determines are owed to the Government. The Tourist Accommodation Tax is a tax which is added to the bill of the tourist, and collected from the tourist, and belongs to the Government. We know that some hotel managers also keep back the gratuity which is collected, which they collect on behalf of their staff. In the case of the tax, they have an obligation under the Law to pay this money over and I strongly recommend that the Government hotly pursue any money which is owing to it.

I commend the Honorable Financial Secretary for bringing this Bill, which will now, as he has outlined, put the proper system in place so that Government may earn the money which is paid to them.

THE SPEAKER: If there is no further debate, would the Honourable Financial Secretary wish to reply?

HON. GEORGE A. McCARTHY: Yes, Madam Speaker. I would like to thank the Third Elected Member for the District of Bodden Town for the observations he made in connection with this Bill, and to also thank other Members for their silent support on this, because I am sure that everyone is in agreement that what is being proposed should be pursued.

THE SPEAKER: The question is that a Bill entitled the Tourism Accommodation (Taxation) (Amendment) Bill, 1993, be given a second reading. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. THE TOURISM ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.

THE COMPANIES (AMENDMENT) BILL, 1993

CLERK: The Companies (Amendment) Bill, 1993.

THE SPEAKER: Honourable Third Official Member.

HON. GEORGE A. McCARTHY: I beg to move the second reading of a Bill entitled, a Bill for a Law to Amend the Companies Law, Revised. As set out in the Memorandum of Objects and Reasons, this Bill will amend the Companies Law, Revised, to provide for the registration of a new form of exempt company with limited duration. This amending legislation is one that has once more emerged from the private sector; namely the Company Law Review Committee, under the chairmanship of Mr. Casey Gill.

According to the Committee, some of our Trust Companies were approached by foreign advisors pointing out the advantages of Wyoming Limited Liability Company. Those companies have been given special tax consideration by the United States Authorities. The Committee, therefore, took the view that in order to bring further business to the Cayman Islands, we should amend our Companies Law to permit the introduction of this limited duration company which is similarly structured to the Wyoming Limited Liability Company. This form of company will retain its characteristics whereby its members' liability is limited, but offers further advantages of it being viewed for tax advantages too and, in particular, citizens of the United States of America.

This amending legislation has been vetted by members of legal firms in the United States with favourable comments. Those firms, in communicating their observations to the Committee, viewed the legislation as a plus when seeking incorporation in a foreign jurisdiction. The legislation has been given wide circulation also within our private sector community and comments, as well, have been favourable. One would say, the rationale underlying this piece of legislation that is being proposed is that a lot of jurisdictions currently levy taxes on the basis of earnings of entities; either corporations, or individuals, or partnerships. The burdens to the incidence of tax varies from capital gains, or activity levy, as well as income tax.

In recent years, particularly in the United States, some people have sought tax relief by getting tax rulings on entities and situations. In Wyoming, the Limited Duration Company has received favourable tax consideration. One or two other states have followed the example of Wyoming. None of the off-shore jurisdictions have, as yet, adopted that formula. We, in the Cayman Islands, expect to be the first. It will suitably fit in with a slight alteration to our existing Company Law.

At the moment we have two types of Companies. I am sure that all Members of this House will know this but, if they consider it mundane, I would ask that they bear with the repetition. At the moment we have two types of companies; the Ordinary and the Exempt. The Ordinary Company can be used either for local business, or designated as non-resident. We have made provision in the Law for an Ordinary Non-resident Company to become an Exempt Company. This was done in a previous amendment. We have also, in the past, pursuant to international demands, permitted companies to come to the Islands, or leave the Islands, on a continuing process. The Limited Duration Company would, first and foremost, comply with the requirements of an Exempt Company and then, with the addition of a few items and clarifications as to certain company procedures, fit suitably into the Company Law. Those procedures are as set out in the Bill.

Essentially, the Limited Duration Company will have a maximum life span of 30 years, and will attract the same registration and annual fees as an Exempt Company. An existing Exempt Company will also have the choice, as well, if it so desires, to convert to a Limited Duration Company upon the payment of a fee of $200. There will be a bit of work beyond the passing of this legislation in that attempts will be made to seek the ruling of the Security and Exchange Commission in the United States as a part of the implementation of this legislation.

In this brief discussion we have had with the representatives of the Company Law Review Committee, this has been regarded as a desirable feature and will be pursued. Time did not permit for me to go into details on the various clauses, but these are clauses which stand on their own in the Legislation, as such. So it is not in many instances it will be found where there have been variations within the existing clauses. The new clauses, basically, will be appendages, as such, to existing legislation. On this basis I will ask for the tolerance of Members in not going through these clauses on an item-by-item basis.

THE SPEAKER: The question is that the Companies (Amendment) Bill, 1993, be given a Second Reading. The motion is open for debate. If there is no debate I shall put the question. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. THE COMPANIES (AMENDMENT) BILL, 1993 GIVEN A SECOND READING.

PUBLIC FINANCE AND AUDIT (AMENDMENT) BILL, 1993

CLERK: The Public Finance and Audit (Amendment) Bill, 1993.

THE SPEAKER: Honourable Third Official Member.

HON. GEORGE A. McCARTHY: I beg to move the Second Reading of a Bill entitled, A Bill for a Law to Amend the Public Finance and Audit Law, 1985. The amendment to the Public Finance and Audit Law, 1985, will give the Government the power to extend the provisions of the Law to Statutory Authorities. It is thus an enabling amendment.

The financial dealings of Statutory Authorities can have a significant effect on the finances of Government and also on the provisions of services to the public. The Government wishes to ensure that the financial affairs of statutory authorities are maintained at the same high standards of financial control, and public accountability as Government Services. It is therefore not intended that Government will usurp the proper authority of the Board of statutory bodies, as set out in the relevant legislation, but to assist them in ensuring proper standards of financial management.

Additionally, statutory bodies form a large and important part of the public service. It becomes essential that their future plans for the development of services, the financing of those plans, the level of fees to be charged, and the contribution to Government finances must form part of the overall Government deliberations when the Budget is being formulated. The legal framework necessary to give effect to this, has to be put in place. This amendment to the existing Law will allow for these changes to be made. Essentially, this was dealt with, or pointed out, in the Budget Address that this will be a piece of Legislation that will be introduced. It is not intended to interrupt the operations of the statutory authorities as they now stand or to usurp the authority of the Board of Directors that deal with the policy-making decisions of these Boards. What needs to happen is that especially the development plans of these authorities will be carefully looked at by the Government and will be considered, first of all, that their expansion programmes, and the way the resources of these authorities are expended, are consistent with the overall macro-policy of Central Government.

To this extent it should lend itself to greater efficiency. It is not in all instances where all the provisions of the Financial and Stores Regulations will be deemed as applicable. But to the extent that they do can enhance the efficiency of the operations of these authorities it will be both beneficial for the Authorities themselves, and also for Central Government. In this regard, Madam Speaker, I recommend this Legislation to this Honourable House.

THE SPEAKER: The question is that a Bill entitled the Public Finance and Audit (Amendment) Bill, 1993 be given a Second Reading. The motion is open for debate. The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I support the Bill which, I believe, is needed. The statutory bodies created by Government, or by Law, were nothing before; that is, they had no assets until the Government gave them the land, or the port, or the hospital, or whatever; until the Government seconded staff; and these new creatures, created by Law, cannot now say to Government, "You have no control over me, simply because you have spawned me". It is quite timely that these controls are put in because we saw that the Authorities had begun to abuse their position, perhaps due to the way the law had been drafted with a "hands-off" situation from Government. We know the story of how contracts were put out without going to public tender. We know about the Capital projects done with money that should have been paid over to Government, and the Legislative Assembly is told "this is a statutory body", or a complete entity in itself and, "you cannot do anything about it"; the Government who created them, who made them, who brought them up from nothing, and whose resources they are squandering.

It is necessary to have this amendment and bring sanity back. Because if they are left alone, they will defeat the very purpose for which they were created. We know that authorities like the Cayman Islands Corporation (I believe that was the first one) set up because the lending organisations wanted to deal with such a body in order to give the loans for the airport. We know the reason initially, why they were set up. But in the case of the most recent "baby" of Government, the Health Authority, we found other reasons creeping in and all sorts of modifications in the lot, where the Member would have unbridled authority and his self appointed Board would have unbridled authority.

So this is very necessary, and as the Honourable Financial Secretary mentioned in his Budget Address, they will be seeking to get these authorities to prepare and present to Government their Budgets, so that at the end of the year, and throughout the year the authority will know what it is working towards, too. It will not be merely paying over to Government what is left over. They will have in their Budget a sum of money which they aim to earn which, at the end of the year, after the $100,000 or whatever is kept for contingencies, the balance will be paid over to Government.

So this is a bookkeeping exercise of important dimensions but highly necessary for the fiscal prudence which this Government is going to practice. I must say that I admire the courage of the new Government and the Financial Secretary for putting forward such a Bill. I particularly like the clauses that say whenever their directions are inconsistent with the provisions of that other Law, that the Law which created them, those provisions cease to exist. But I do not want to get into the details of the Bill, no more than to say that I heartily support this Bill and I trust other Members will do so.

THE SPEAKER: If there is no further debate, I will ask the Honourable Third Official Member if he would like to reply.

HON. GEORGE A. McCARTHY: Madam Speaker, once more I would like to thank the Third Elected Member for the District of Bodden Town for his comments on the Bill which has been put forward, and to thank all other Honourable Members for their tacit support. Thank you, Madam Speaker.

THE SPEAKER: The question is that a Bill entitled the Public Finance and Audit (Amendment) Bill, 1993, be given a Second Reading.

AGREED. THE PUBLIC FINANCE AND AUDIT (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.

THE SPEAKER: The House will now go into Committee to consider the Bills.

HOUSE IN COMMITTEE 3:48 P.M.

COMMITTEE ON BILLS

THE CHAIRMAN: Please be seated.

The House is in Committee to consider the Tourism Accommodation Taxation (Amendment) Bill; The Companies (Amendment) Bill; and The Public Finance and Audit (Amendment) Bill. As is always customary it is assumed that the House will give the Honourable Second Official Member the authority to make any minor amendments or correct any errors which may have been found in the Bill.

The Clerk will now read the Clauses of the Bill.

THE TOURISM ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1993

CLERK: Clause 1. Short Title.
Clause 2. Interpretation.
Clause 3. Section 2 Amended.
Clause 4. Section 5 Amended.
Clause 5. Section 7 Amended.

THE CHAIRMAN: The question is that Clauses 1 through 5 do stand part of the Bill. The motion is open for any questions or debates.

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

AGREED. CLAUSES 1 THROUGH 5 PASSED.

CLERK: A Bill for a Law to amend the Tourism Accommodation Taxation Law, Revised.

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

AGREED. TITLE PASSED.

THE COMPANIES (AMENDMENT) BILL, 1993

THE CHAIRMAN: The next Bill is the Companies (Amendment) Bill.

CLERK: Clause 1. Short Title.
Clause 2. Interpretation.
Clause 3. Section 2 Amended.
Clause 4. Section 29 Amended.
Clause 5. Section 131 Amended.
Clause 6. Section 132 Amended.
Clause 7. Part 7(A) Inserted.

THE CHAIRMAN: The question is that Clauses 1 through 7 do stand part of the Bill. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. CLAUSES 1 THROUGH 7 PASSED.

CLERK: A Bill for a Law to amend the Companies Law, Revised.

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

AGREED. TITLE PASSED.

THE PUBLIC FINANCE AND AUDIT (AMENDMENT) BILL, 1993

THE CHAIRMAN: The next Bill is Public Finance and Audit Bill, 1993.

CLERK: Clause 1. Short Title.
Clause 2. Law Amended.

THE CHAIRMAN: Question is that Clauses 1 and 2 do stand part of the Bill. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to Amend the Public Finance and Audit (Amendment) Law, 1985.

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

AGREED. TITLE PASSED.

THE CHAIRMAN: The question now is that the House should report these Bills. Those in favour please say Aye....those against No....The Ayes have it.

AGREED. THAT THE BILLS BE REPORTED TO THE HOUSE.

HOUSE RESUMED AT 3:54

REPORT ON BILLS

THE SPEAKER: Please be seated.

THE TOURISM ACCOMMODATION (TAXATION) (AMENDMENT) BILL, 1993

CLERK: The Tourism Accommodation (Taxation)(Amendment) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to report that a Bill for a Law entitled The Tourism Accommodation (Taxation) (Amendment) Bill, 1993, was considered by a Committee of the whole House and passed without amendment.

THE SPEAKER: The Bill is accordingly set down for a Third Reading.

THE COMPANIES (AMENDMENT) BILL, 1993

CLERK: The Companies (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to report that a Bill entitled The Companies (Amendment) Bill, 1993 was considered by a Committee of the whole House and was passed without amendment.

THE SPEAKER: The Bill is accordingly set down for a Third Reading.

THE PUBLIC FINANCE AND AUDIT (AMENDMENT) LAW, 1993

CLERK: The Public Finance and Audit (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to report that a Bill entitled The Public Finance and Audit (Amendment) Bill, 1993, was considered by a Committee of the whole House and passed without amendment.

THE SPEAKER: The Bill is accordingly set down for a Third Reading. Would Honourable Members wish to continue without a break? Accordingly, the next item is Motions.

GOVERNMENT MOTIONS

GOVERNMENT MOTION NO. 1/93
CINEMATOGRAPHIC AUTHORITY

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

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. Government Motion 1 of 1993:

WHEREAS under Section 2 of the Cinematographic Law, Cap 18, provision is made for the establishment of an Authority consisting of the Governor, three elected members of the Legislative Assembly and one member nominated annually by the Governor to carry out the stipulation of the above-cited Law and Rules made thereunder;

BE IT RESOLVED THAT the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority:

Mrs. Berna L. Murphy
Mr. D. Kurt Tibbetts
Mr. D. Dalmain Ebanks.

THE SPEAKER: The question is Government Motion No. 1/93 Cinematographic Authority, the question is open for debate. If there is no debate, I shall put the question. Those in favour please say Aye....those against No.... The ayes have it.

AGREED. GOVERNMENT MOTION NO. 1/93 PASSED.

GOVERNMENT MOTION NO. 2/93

CAYMAN ISLANDS HEALTH SERVICES AUTHORITY LOAN GUARANTEE

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker,

WHEREAS pursuant to Government Motion No. 3 of 1992 the Legislative Assembly, acting in accordance with section 28(1)(a) of the Public Finance and Audit Law, 1985, resolved to authorise the Government of the Cayman Islands to act as guarantor in respect of a loan of CI$18,000,000 (or the equivalent in United States Dollars) by the Bank of Nova Scotia, Barclays Bank PLC and the Canadian Imperial Bank of Commerce and Trust Company (Cayman) Limited to the Cayman Islands Health Services Authority for the construction and equipping of a hospital in George Town, Grand Cayman and the expansion of the Faith Hospital in Cayman Brac;

AND WHEREAS the construction and equipping of a hospital in George Town, Grand Cayman, although started, is to proceed no further;

BE IT THEREFORE RESOLVED THAT the said resolution of the Legislative Assembly to authorise the Government of the Cayman Islands to act as guarantor in respect of the said loan of CI$18,000,000 (or the equivalent in United States Dollars) to the Health Services Authority be amended by omitting authorisation in the said sum of CI$18,000,000 (or the equivalent in United States Dollars) and substituting authorisation in the sum of CI$6,000,000 (or the equivalent in United States Dollars).

Madam Speaker, I would like to correct a point on the last sentence of this motion, I should say, "the authorisation in the sum of Cayman Islands $6,000,000 (or the equivalent in United States Dollars).

THE SPEAKER: The question before the Honourable House is Government Motion No. 2/93, Cayman Islands Health Services Authority Loan Guarantee. The motion is open for debate. Honourable Financial Secretary.

HON. GEORGE A. McCARTHY: Madam Speaker, as this motion is in connection with the Hospital Project, which is now sub judice, a statement has been made to this effect by the Second Official Member, the Attorney General, in this House. I will not expand on the contents of the motion other than to say that the reduced sum of $6 million is to allow for $2 million being the amount allocated under the original motion for expanding the Faith Hospital in Cayman Brac and $4 million to cover expenditure incurred on the Grand Cayman Project prior to it being stopped, and to meet other contingent obligations.
Thank you, Madam Speaker.

THE SPEAKER: If there is no debate... The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. I rise to raise a few questions with regards to this motion.

It is a motion which asks that the Government's guarantee originally approved for CI$18 million (or the equivalent in US dollars) to the Health Authority be amended to be, now, CI$6 million or the equivalent in US dollars. What gives me some concern is that it was my understanding,

through official releases in the media, that the Government had withdrawn the guarantee from the banks here named. I wondered, at the time, whether that was possible for the Government to do without the approval of the Legislative Assembly, which gave it in the first instance. I am now wondering if, indeed, it was not the case and could not have been the case for the Government Executive to withdraw the guarantee and if it indeed, required the Legislative Assembly to do so, as it now appears to be the case?

The Honourable Financial Secretary has given a breakdown, to some extent, of what the $6 million will be for; $2 million of which I understand will go to the Cayman Brac Hospital, something which I fully support. However, I wonder where the monies were paid from prior to this money being approved and, indeed, where is it reflected, as such, in this year's Budget or, for that matter, last year's? I am somewhat unclear as to what has actually happened or is being transacted in this particular case. It is also my understanding that the construction company which has been doing the work to whatever extent and to the point where it has been stopped, has been paid. I wonder if, indeed, the Government, having paid it, is now in effect, reimbursing the local revenue as such by assigning $4 million out of the $6 million to this particular area?

To say the very least, it is not very clear to me at all in this respect, and I do hope that the Honourable Financial Secretary can cast some light on these particular technical aspects of the use of these Finances. Certainly, if it means having the approval of this House, of which I am a part, to withdraw the guarantee and reduce it to CI$6 million, then this does not have my support as, indeed, Government's decision to stop the project I did not believe that was the correct thing to do, I had a varying opinion on that. So, having raised those points, I trust there could be some explanation of exactly what is happening in this respect on the points that I have raised.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: I wish to register my full support for this motion. I have so many things that I could say on it and I hope that at some time in the future I will be allowed to say and make certain pertinent statements regarding this motion seeing that the matter is sub judice, I shall sit down. Thank you.

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

HON. W. McKEEVA BUSH: Madam Speaker, I am very well in support of this motion and if this project had not been started against the opposition of the people of this country, or the opposition of a vast majority of people in this House, including the Second Elected Member for Cayman Brac, who opposed it strenuously, then it would not have had any reason to get to the stage where it is at today. He very well understands, or he should understand, the word "sub judice". He very well knows that the matter is under investigation, and he very well understands that we cannot get into the debate of it. But I wish today that for his benefit and his edification, I could, Madam Speaker. I consider his remarks like his debate; trouble making and clearly an opposition speech, and I count it as such.

When the investigation has been completed, then it will be good time to debate. Up until then, we cannot go into the details. What this Government has done, I believe, has been endorsed by the Caymanian people and we took the decision because we believe it was the right thing to do, after looking at the project in its entirety. When you do not know something, Madam Speaker, you should keep your mouth shut.

Thank you very much.

THE SPEAKER: If there is no further debate, would the Honourable Third Official Member wish to reply?

HON. GEORGE A. McCARTHY: Madam Speaker, I would just like to point out that as the Honourable First Elected Member for West Bay has pointed out, the matter is sub judice and as a result of that I am unable to give any further information than what has been stated earlier. Thank you.

THE SPEAKER: The question is Government Motion No. 2/93, The Cayman Islands Health Services Authority Loan Guarantee.

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

HON. W. McKEEVA BUSH: Madam Speaker, I would like a Division.

THE SPEAKER: Honourable Member, I have not heard any Noes, and therefore there is no reason for a Division.

HON. W. McKEEVA BUSH: Madam Speaker, I think the custom is that if a Member wants to record his vote he can ask for a Division.

THE SPEAKER: The Presiding Officer may.

HON. W. McKEEVA BUSH: Well, Madam Speaker, you did hear one Member say he was not going to support it.

THE SPEAKER: But I did not hear any Noes. If you wish we can have a Division. Madam Clerk, please proceed to a division.

CLERK:

DIVISION 1/93

Ayes: 14 **Noes: 0**

Hon. Thomas C Jefferson
Hon. Richard H. Coles
Hon. J Lemuel Hurlston
Hon. George A McCarthy
Hon. W. McKeeva Bush
Hon. John B. McLean
Mr. D. Dalmain Ebanks
Dr. Stephenson Tomlinson
Mr. D. Kurt Tibbetts
Capt. Mabry S. Kirkconnell
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

THE SPEAKER: The result of the Division is 14 Ayes.

AGREED. GOVERNMENT MOTION NO. 2/93, PASSED.

GOVERNMENT MOTION NO. 3/93

AMENDMENT TO THE LEGISLATIVE ASSEMBLY STANDING ORDERS (REVISED)

THE SPEAKER: The Honourable Elected Member responsible for Tourism, Environment and Planning, Leader of Government Business.

HON. THOMAS C. JEFFERSON: Madam Speaker, I am happy to move Government Motion No. 3/93. And, maybe by coincidence it deals with Motion 3/90. The motion reads:

> WHEREAS it is desirable that there be amendments to the Legislative Assembly Standing Orders (Revised);
>
> AND WHEREAS, in accordance with the provisions of Standing Order 84, notice of a Motion is hereby given to amend the Legislative Assembly Standing Orders (Revised);
>
> BE IT THEREFORE RESOLVED THAT the Standing Orders be amended as set out in the attached Schedule.

Just for points of clarity to the listening public, the amendments set out in the Schedule is to amend Standing Order 21(1), which deals with questions and omits "five days" being a period for questions to be presented to the Clerk, and substitutes "10 days". It also deals with motions where the amendment is to Standing Order 24(5), which removes the words "before the sitting", and substitutes "prior to the commencement of the meeting of the House". It simply means that motions should come five days before the House commences.

Under Standing Order 46(1), it deletes "14 days" and substitutes "21 days" for the reading of Bills in the Legislative Assembly, simply to give the public a greater opportunity to see and understand the Bills more fully, rather than the 14 days. Under Standing Order 62(A), that complete Order is revoked, dealing with the Finance Committee, and is substituted by the following Standing Order as 73(1), which reads:

> 73(1) There shall be a standing select committee to be styled the Finance Committee, for the consideration of the estimates of expenditure, financial bills and other business referred to it by the House or by the Governor.
>
> 73(2) The Finance Committee shall consist of the Financial Secretary as Chairman and all the elected Members.
>
> 73(3) Subject to Standing Order 81 and 82, the deliberations of the Finance Committee shall be public.

73(4) The quorum of Finance Committee shall be eight Members including the Chairman.

THE SPEAKER: The question is that Government Motion No. 3/93, be passed and that the Motion be referred to the Standing Orders Committee. Those in favour please say Aye....those against No.... The Ayes have it.

AGREED. GOVERNMENT MOTION NO. 3/93, REFERRED TO THE STANDING ORDERS COMMITTEE.

THE SPEAKER: For Information of Members, the Standing Orders Committee consists of the whole House with the First Official Member as Chairman. That concludes the business of the Assembly for today, I shall ask for a Motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, prior to moving the motion to adjourn, perhaps I should ask a question. I think it is the wish of this House that the Standing Orders Committee meet tomorrow morning and complete their exercise and come back to this Honourable House tomorrow. So I can move the adjournment until 10:00 tomorrow morning if we believe that is sufficient time to deal with it.

THE SPEAKER: May I just make a statement before I put the motion? The Honourable First Official Member has said that he wishes to give notice that Government has a Paper and Report to lay on the Table which is The Review of the Royal Cayman Islands Police by the Overseas Police Advisor. I would assume that after the meeting of the Standing Orders Committee that the House will resume? So accordingly, he will also have a statement on a public matter so that will also be part of the business of the House when it resumes. The question is that the House do now adjourn to resume after the Standing Orders Committee has finalised its meeting and is ready to make a Report. Those against please say Aye....those against No.....The Ayes have it.

AT 4:18 P.M. THE HOUSE STOOD ADJOURNED UNTIL THE CONCLUSION OF THE WORK OF THE STANDING SELECT COMMITTEE OF THE WHOLE HOUSE ON STANDING ORDERS.

FRIDAY
26TH MARCH, 1993
11:42 A.M.

THE SPEAKER: I will ask the First Elected Member for Cayman Brac and Little Cayman to say Prayers.

PRAYERS

CAPT. MABRY S. KIRKCONNELL: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.
Proceedings are resumed in the Legislative Assembly.

PRESENTATION OF PAPERS AND REPORTS

THE SPEAKER: Presentation of Papers and Reports, The Honourable Elected Member responsible for Tourism, Environment and Planning, Leader of Government Business.

SIGNED STATEMENT BY MEMBERS OF THE LEGISLATIVE ASSEMBLY IN RESPECT TO THE VISIT BY THE DECOLONISATION COMMITTEE OF THE UNITED NATIONS.

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to lay on the Table of this Honourable House the statement which I read on the 22nd of March on the Decolonisation Committee of the United Nations which was signed by all Members of the House except Mrs. Berna Murphy Thompson, who is off the Island, and Mr. Gilbert McLean, who was unable to sign.

THE SPEAKER: So ordered.
The Honourable the Third Official Member.

REPORT OF THE STANDING FINANCE COMMITTEE (Meeting held on 22nd December, 1992)

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Finance Committee of a meeting held on the 22nd of December, 1992.

THE SPEAKER: So ordered.

HON. GEORGE A. McCARTHY: Madam Speaker, approvals by the Committee were:

	$
Finance and Development	172,346
Customs	37,112
Registrar General	10,000
Treasury	35,000
Judicial	77,590
Legal	4,000

Broadcasting	26,327
Immigration	441,436
Prisons	50,000
Personnel	38,126
District Administration	53,429
Tourism, Aviation and Trade	3,492,465
Education	460,773
Health and Social Services	6,520,000
Communication Works and Agriculture	672,741
Public Works	64,838
TOTAL SUPPLEMENTARY:	$12,058,183

Other approvals, Madam Speaker. The Recurrent Expenditure Virements Between Different Subheads. The Standing Finance Committee ratified virements totalling $246,619, as approved by the Financial Secretary during the period September through December 1992, in accordance with Section 2.70 of the Financial and Stores Regulations, 1986.

Capital Expenditure Virements between different classifications. The Standing Finance Committee approved the virements totalling $114,839 which represents the movement of funds between different classifications under Capital Expenditure and which resulted in a change of purpose for which the original funds as approved by Finance Committee, were made.

There were approvals for the writing off of cheques totalling $690. What I have done, in accordance with your earlier approval, instead of giving the details according to Subheads, by Departments, I gave the totals according to Heads of Departments.

THE SPEAKER: Thank you.

GOVERNMENT MINUTE ON THE PUBLIC ACCOUNTS COMMITTEE REPORT ON THE AUDITOR GENERAL'S REPORT ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1991

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: I beg to lay on the Table of this Honourable House the Government Minute on the Public Accounts Committee Report on the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31st December, 1991.

THE SPEAKER: So ordered.

HON. GEORGE A. McCARTHY: Thank you, Madam Speaker.

REVIEW OF THE ROYAL CAYMAN ISLANDS POLICE FORCE BY THE OVERSEAS ADVISOR, MR. L. GRUNDY, OBE

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

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to lay on the Table of this Honourable House the Review of the Royal Cayman Islands Police Force, conducted in September, 1992 by Mr. Lionel H. Grundy, OBE, Inspector General of Dependant Territories Police Forces.

THE SPEAKER: So ordered.

HON. J. LEMUEL HURLSTON: In doing so, Madam Speaker, I would just like to briefly say that this is the first occasion on which such a reports is being laid on the Table and so made public. I would just like to identify that a number of paragraphs have been deleted from the published reports as these paragraphs relate to confidential interviews with members of the Judiciary and consequently, do not form part of the published Report. I should also say, Madam Speaker, that the Government intends to make future similar reports public as well.

REPORT OF THE HOUSING DEVELOPMENT CORPORATION FOR THE YEAR ENDED 30TH JUNE, 1992

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

HON. W. McKEEVA BUSH: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Housing Development Corporation for the year ended 30th June, 1992.

THE SPEAKER: So ordered.
The next item on the Order for today are the Questions.

QUESTIONS TO HONOURABLE MEMBERS

THE SPEAKER: According to Standing Order 23(7) "No questions shall be asked after 11:00 A.M.", and it is now 11:50 A.M. While suspension of Standing Orders should not be encouraged, I think in order to complete the Business of the House today, a motion will have to be made to this effect. Honourable Leader of Government Business.

SUSPENSION OF STANDING ORDERS 23(7)

HON. THOMAS C. JEFFERSON: In accordance with Standing Order 83, I move the suspension of Standing Order 23(7), in order to allow the questions on the Order Paper to be taken.

QUESTION PUT: AGREED. STANDING ORDER 23(7) SUSPENDED.

THE SPEAKER: The next question is No. 60, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 60

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

NO. 60: If steps are being taken to reduce the overtime paid in the Customs and Immigration Departments?

HON. J. LEMUEL HURLSTON: Yes. The Immigration Department has reduced its 1993 provision for overtime payment by 29 1/2 per cent as compared with 1992. A new shift system at the Airport has recently been introduced by the Customs Department and both Departments are utilising time-off in lieu for working overtime. It is anticipated that these measures will have a positive effect in reducing overtime spending.

SUPPLEMENTARY:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Member say whether this shift arrangement has been made possible by simply rescheduling; or has it been necessary to take on more officers to cover the shifts?

HON. J. LEMUEL HURLSTON: Madam Speaker, I believe it is the latter. A number of officers have been added to enable the extra shifts to be put in place.

THE SPEAKER: If there are no further supplementaries, the next question is No. 61, standing in the same of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 61

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

NO. 61: If the newly elected Government intends to take steps to reinstate hanging as the penalty for murder?

HON. J. LEMUEL HURLSTON: No. As Honourable Members are aware, capital punishment for murder was abolished by an Order of the Government of the United Kingdom - Caribbean Territories (Abolition of Death Penalty for Murder) Order 1991.

SUPPLEMENTARY:

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

MR. GILBERT A. McLEAN: In view of the fact that there was, at least it has been said that there was, a meeting with Members, or a Member, who is now a Member of Executive Council, with other Dependant Territories' leaders on the question of the death penalty and that representations were to be made to the United Kingdom Government; has any such representation been made. If the Honourable Member is aware, that the Death Penalty be reinstituted for murder in the Dependant Territories, including, of course, the Cayman Islands?

HON. J. LEMUEL HURLSTON: Madam Speaker, I am not aware of any representation arising from what the Member referred to. All I can say is that there is a big difference between representation and alteration. The Order remains in effect.

THE SPEAKER: The next question is No. 62, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 62

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

NO. 62: What is being done to effect the review of the Royal Cayman Islands Police Force as requested by Private Member's Motion No. 21/91 and passed unanimously on 27th December, 1991?

HON. J. LEMUEL HURLSTON: The Royal Cayman Islands Police is inspected every two years by the Senior Police Advisor based in London, U.K. This inspection is, in effect, a review of how the Force operates, its policies, command, adequacy of resources available, and a number of other detailed aspects appertaining to the overall conduct of the Force. The last such inspection was conducted in September 1992. Government has today tabled the first such Report and will make any such future reports public.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: I think the Member's reply said that there is a review by a Senior Police Advisor from London, every two years. I take this review to be a routine review and not necessarily of the type that was envisaged, and asked for, by the motion and, indeed, in the extensive debate on this subject in 1991. Is there any plan for an in-depth review, especially approved, or undertaken, to review the Cayman Islands Police Force?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, that matter is still under review and the Government hopes to make a statement about it in the very near future.

THE SPEAKER: The next question is No. 63, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 63

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

NO. 63: Under what law or authority was the National Health Insurance stopped and the Insurance Commission ordered to cease its function?

HON. W. McKEEVA BUSH: The Health Care Insurance Law has not been stopped and the Commission was not instructed to cease its functions. A new Commission was appointed effective January 31, 1993.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Would the Honourable Member confirm that, I think it was only yesterday, he said that he told, or issued directives to, the Commission, or the Supervisor of Insurance, that the matter of the Health Insurance was under review and should, in effect, cease in its operation?

HON. W. McKEEVA BUSH: I would ask the Member to go and search the *Hansards* and he will find out that is not what I said. It is in the *Hansards*, and I have no more to say about it.

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

MR. GILBERT A. McLEAN: So could the Member confirm, Madam Speaker, to the House that the National Health Insurance, the Law and its application in terms of providing a national health insurance, can proceed within the ambit of the Law and has been discussed in a past administration, and is it also possible for insurance companies to proceed now similarly?

HON. W. McKEEVA BUSH: Madam Speaker, the application of the Law in question was dealt with very clearly yesterday. I cannot give anymore information than that. This answer is just about the same as was stated yesterday, and I therefore, have no more information to give to this Honourable House.

THE SPEAKER: The next question is No. 64, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 64

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

NO. 64: What is the procedure for carrying out health inspections at restaurants and other food service businesses?

HON. W. McKEEVA BUSH: The procedure for carrying out health inspections at restaurants and other food service businesses begins with an initial visit by an Environmental Health Officer when an application is submitted to the Secretary of the Immigration Board for a licence to operate. During this visit, consideration is given to:

1) the provision of potable water;
2) dry food storage;
3) cold storage facilities;
4) general cleanliness and sanitation;
5) the potential risk of contamination and food poisoning;
6) the general hygiene practices of the applicant.

Following this inspection, a report is issued to the Secretary of the Immigration Board detailing the suitability of the property as a food service business. After the restaurant opens for operation follow-up visits are made anytime during normal working hours. However, the frequency and depth of inspections will vary depending on the sanitary history of the property.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Member say, in the run of any given year, what would be the frequency, or the chances, of the Public Health Officer visiting all of the food service businesses on the island?

HON. W. McKEEVA BUSH: As I understand it, in regards to frequency of visits, in Cayman Brac, there is a possibility of visitation of all food restaurants five times per year. It is about the same for Grand Cayman.

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if in these visits any breaches are found in the proper handling of food and, if so, how are they dealt with. Is an order served on the premisses and does the Public Health Officer have the authority, for example, to close down a restaurant or food service business where conditions might be highly unacceptable?

HON. W. McKEEVA BUSH: Madam Speaker, let me outline for the House what the situation is. Regrettably, during the past six months many cases have been identified where persons are operating a food business without the appropriate Trade and Business licence. This practice presents an unacceptable risk to public health as it exposes the entire population to the risks of the debilitating effects of food poisonings. When this situation is encountered, every effort is made to ensure compliance with the governing Laws and Regulations.

Operating licences may take the form of a Trade and Business Licence, or a local Companies Control Licence. Prior to a food service business being established on a permanent basis, approval will normally be sought from the Central Planning Authority at which point the Environmental Health Section is requested to provide input as to the requirements to be expected in such a development.

Inspections may take place anywhere between once per day and once per year. Guidance with respect to both the establishment and operation of food service businesses is contained in a number of manuals which are available to the public. In order to work towards compliance the Environmental Health Section works in conjunction with the Immigration Board, which issues the relevant operating

licences, as well as the Royal Cayman Islands Police.

Upon confirming that an operation is not duly licenced, they are given a letter advising that they should cease operations immediately and apply for a licence within two weeks. They are also advised that they should not resume operations until a licence has been obtained.

There is a case in Cayman Brac where an unlicensed operator is now being pressured to seek a licence. She has been given every opportunity to do so prior to measures being taken to cease her operation. The operator apparently commenced business in December last year as an ordinary retailer with the licence necessary for this. She subsequently began to take in cooked food items for sale. When this came to the attention of the District Administration, an inspection was done. The operator was advised to cease business on 10th of March because of the debilitated and unsafe nature of the premises. The order to cease was based upon the poor condition of the premises under the Public Health Law. In addition, however, it seems the Trade and Business Licencing Law has the provision that a licence will not be granted if there is an objection by the Medical Officer of Health.

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

MR. GILBERT A. McLEAN: I think that the Honourable Member has established that the Public Health Inspection is carried out at the inception of the operation of such businesses. Is it the case that in the course of a business carrying out its function if it is found to be in an unacceptable manner, does the Public Health Officer have the power to stop the operation, close it down, or take severe remedial action?

HON. W. McKEEVA BUSH: Madam Speaker, the information I gave to the House earlier did say that the police were involved. In this instance, yes, the Environmental Health Officer would notify the police.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Would the Member say if the Chief Environmental Officer is aware of many people in the country selling food from their car trunks, and if so, are they licenced; and whether the correct procedures regarding inspections are carried out?

HON. W. McKEEVA BUSH: Yes, Madam Speaker. We are aware of this situation and we have been, for a long time, concerned about these types of operations because of the health aspect and we intend to do something about it by bringing regulations to effect the matter.

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

MR. GILBERT A. McLEAN: I thank the Member for pointing out the fact that in some instances the Public Health Inspector can call in the police. What I was trying to establish was whether the inspector, himself, has authority as say in the United States, where he can put a seal where he can order a closure to apprehend a condition; and if any thought is being given, perhaps, to including it in the law to empower him as such?

HON. W. McKEEVA BUSH: Madam Speaker, as I understand it we intend, in the Regulations coming forward and in the overhaul of the Law, to look at all of these circumstances.

THE SPEAKER: The last question is No. 65, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 65

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

NO. 65: What are the improvements to be made to the present hospital site and give a detailed cost of each improvement including the following areas:

(a) demolition of existing structure and preparation of site;
(b) Construction cost;
(c) Professional fees;
(d) Equipment;
(e) Plumbing and Electrical; and
(f) Operating cost of new equipment?

HON. W. McKEEVA BUSH: The improvements to be made to the present hospital site have not yet been confirmed. A Committee has been appointed and has begun to examine this matter. Their recommendations will incorporate input from the staff. The objective is to effect necessary improvements in facilities and service, as quickly as possible, and in the most cost-effective manner that can be achieved.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Member give the House any indication as to when he might have the necessary information or when these works might be undertaken. Is there any chance it might start this year?

HON. W. McKEEVA BUSH: I did say that a committee is looking at the whole site. When that process is completed the other matters will be taken up and the Members and the general public will be informed.

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

MR. GILBERT A. McLEAN: Could the Honourable Member say in the meantime, the various services that are being delivered from the present site, if they are adequately housed and there is sufficient accommodation and other utilities available for the carrying on of the services?

HON. W. McKEEVA BUSH: That matter remains the same as I found it on November the 25th when I got into Executive Council. I hardly could have put up any building or effect any long term changes in this short period of time. The Committee is ongoing, and I await their report.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: I wonder if the Member would be in a position to tell us if the plans that are to be encompassed with the improvements to the existing site, if these plans are short, medium or long term plans with regards to improvements to the site?

HON. W. McKEEVA BUSH: The answer to that supplementary is that we are looking at both the long term and short term situation at the present site.

THE SPEAKER: If there are no further supplementaries, that concludes Question Time for today.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

ORDER OF NATIONAL HEROES

HON. W. McKEEVA BUSH: Madam Speaker, this Government recognised that there is no civilisation worth emulating in which it is not possible to see the forward march of social development. As a Government we see the necessity for cultural institutions to give our people a belief in themselves and a sense of belonging to this country. We envision a society completely free and unfettered by the debilitating effects of race and class prejudices where genuine patriotism is encouraged and where we are collectively inspired to become an enlightened nation where progress is achieved through honesty, industry and merit.

It is the responsibility of all of us to engender patriotism, loyalty, civic pride and responsibility within our people. In this regard, Madam Speaker, it is the intention of this Government to bring to this Honourable House in June a Bill for the establishment of an Order of National Heroes for which there is already a draft of our instructions. It is proposed that we establish the present gardens of the Court House into a National Heroes Circle with a monument, in the middle of the present central walk-way, depicting Caymanian life.

It is also our intention to name the late James Manoah Bodden, past Member of this Honourable House and a Member of the Executive Council, as our first National Hero. His statue will be placed in the corner of the Heroes Circle overlooking this Assembly. Madam Speaker, I know of no other who commanded the respect of this country, who bought us into a modern Cayman, where the common Caymanian was lifted up, participated in and enjoyed the fruits of progress in his country. I say, I know of no other contemporary leader who, young and old alike respected, loved, fought, and loved again. I will be immensely proud to move the Bill in June.

Also it is our intention in our forward march in social development to set down in law for a national flower. Whether it is the Periwinkle or the Hibiscus, or any other flower, will be the subject of an essay contest between all school children. It is also my intention to establish in law the status of the song already known and accepted as our National Song "Beloved Isle of Cayman" by Lella Ross-Shier. We must build, Madam Speaker, a society with an awareness and respect of its past, a firm grip on the present and the ability to chart its future.

These proposed milestones cannot make anyone rich. They may not even inspire some, but I believe at this time in our development, its many stresses, disappointments and even questioning of things Caymanian, these measures will serve to create patriotic men and women in the future, lift many hearts and strengthen the resolve of many of us in the present and give all a sense of belonging. Be there a soul so dead who never to himself has said, "this is my own, my native land".

THE SPEAKER: Thank you.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

THE TOURIST ACCOMMODATION (TAXATION) AMENDMENT BILL, 1993,

CLERK: The Tourist Accommodation (Taxation) Amendment Bill, 1993,

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that a Bill entitled The Tourist Accommodation (Taxation) Amendment Bill, 1993 be given a third reading and passed.

THE SPEAKER: The question is that a Bill entitled The Tourist Accommodation (Taxation) Amendment Bill, 1993 be given a third reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

THE SPEAKER: The Ayes have it.

AGREED. THE TOURIST ACCOMMODATION (TAXATION) AMENDMENT BILL, 1993 GIVEN A THIRD READING AND PASSED.

THE COMPANIES (AMENDMENT) BILL, 1993.

CLERK: The Companies (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker I beg to move that a Bill entitled the Companies (Amendment) Bill, 1993, be given a third reading and passed.

THE SPEAKER: The question is that a Bill entitled the Companies (Amendment) Bill, 1993, be given a third reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

THE SPEAKER: The Ayes have it.

AGREED. THE COMPANIES (AMENDMENT) BILL, 1993 GIVEN A THIRD READING AND PASSED.

THE PUBLIC FINANCE AND AUDIT (AMENDMENT) BILL, 1993.

CLERK: The Public Finance and Audit (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that a Bill entitled The Public Finance and Audit (Amendment) Bill, 1993, be given a third reading and passed.

THE SPEAKER: The question is that a Bill entitled The Public Finance and Audit (Amendment) Bill, 1993, be given a third reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

THE SPEAKER: The Ayes have it.

AGREED. THE PUBLIC FINANCE AND AUDIT (AMENDMENT) BILL, 1993 GIVEN A THIRD READING AND PASSED.

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: The Standing Orders Committee met earlier this morning and its report is presently being typed. May I, in the present circumstances, ask for a five minute adjournment?

THE SPEAKER: The House will suspend for five minutes.

PROCEEDINGS SUSPENDED AT 12:55 P.M.

PROCEEDINGS RESUMED AT 1.02 P.M.

THE SPEAKER: Please be seated.
We will continue on the Report of the Standing Orders Committee and, regrettably, the House was more than five minutes. The Honourable First Official Member.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING ORDERS COMMITTEE (Meeting held on 26th March, 1993)

HON. J. LEMUEL HURLSTON: I beg to lay on the Table of this Honourable House the Report of the Standing Select Committee on the Standing Orders in respect of a meeting held on the 26th of March, 1993.

THE SPEAKER: So ordered.

HON. J. LEMUEL HURLSTON: Madam Speaker, the Standing Select Committee on Standing Orders met pursuant to the unanimous passing of Government's Motion 3 of 1993 on the 25th of March, 1993, which motion stood referred to the Standing Select Committee on Standing Orders in accordance with the provision of Standing Order 84(3). The motion reads:

> WHEREAS it is desirable that there be amendments to the Legislative Assembly Standing Orders (Revised);
>
> AND WHEREAS, in accordance with the provisions of Standing Order 84, notice of a Motion is hereby given to amend the Legislative Assembly Standing Orders (Revised);
>
> BE IT THEREFORE RESOLVED THAT the Standing Orders be amended as set out in the attached Schedule.

The Committee was comprised of the whole House in accordance with the provision of Standing Order 75(2). The Committee held one meeting on Friday the 26th of March, 1993, minutes of which form part of this Report. The Committee's recommendations by majority are as follows:

> (a) That Standing Order 21(1) of the principal Orders be amended by omitting "five" days and substituting "ten" days.
>
> (b) That Standing Order 24(5) be amended by omitting the words "before the sitting", and substituting the words "prior to the commencement of the meeting of the House".
>
> (c) Standing Order 46(1) of the Principal Orders is amended by omitting the word "Fourteen", and substitution therefore, the word "twenty-one".
>
> (d) Standing Order 62(a) of the principal Orders is revoked.
>
> (e) The Principal Standing Orders are further amended by inserting, immediately after the heading, "Standing Select Committees", the following Standing Order:
>
> "73 (1) There shall be a Standing Select Committee to be styled the Finance Committee for the consideration of the estimates of expenditure, financial bills and other business referred to it by the House or by the Governor. The Finance Committee shall consist of the Financial Secretary as Chairman, and all the elected Members. Subject to Standing Order 81 and 82, the deliberations of the Finance Committee shall be public. The quorum of the Finance Committee shall be eight members, excluding the Chairman. For the purposes of Standing Order 67, the Financial Secretary may, at any time, whether there is a meeting of the House in progress, request a meeting of the Finance Committee at the earliest possible date or at any other date proposed."

Mr. Gilbert McLean voted against the new proposed sections two and three. The Committee further recommends that Standing Order 13(1) be amended by substituting the word

"eight", for the word "seven", wheresoever it appears in the second line. The Committee also recommends that in view of the fact that the House now has 18 Members, that Standing Order 13(1), may, at some time in the future, be amended to provide for a quorum of nine Members.

This, Madam Speaker, is agreed to be the Committee's Report.

THE SPEAKER: Honourable Member, would you move the motion for adoption of this Report?

MOTION FOR THE ADOPTION OF THE REPORT

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to move that the Report of the Standing Select Committee on Standing Orders be adopted.

THE SPEAKER: The question is that the Report of the Standing Select Committee on Standing Orders be adopted. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

THE SPEAKER: The Ayes have it.

AGREED: **THE REPORT OF THE STANDING ORDERS COMMITTEE ADOPTED.**

THE SPEAKER: That concludes business for this Meeting of the House and it now leaves for the Honourable Leader of Government Business to move the adjournment of the House until the 21st of June, 1993.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Before I move the adjournment, Madam Speaker, may I be bold enough to take the position that, on behalf of all Members of this Honourable House, I give a grateful thanks to the Clerk and her staff for the kind assistance rendered to us during this entire meeting?

I now move the adjournment of this Honourable House until Monday, 21st June, 1993.

THE SPEAKER: If there is no debate I shall put the question. Those in favour please say Aye, those against No. The Ayes have it.

AYES.

THE SPEAKER: The Ayes have it.

AT 1:09 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 21ST JUNE, 1993.

WEDNESDAY
16TH JUNE, 1993
10:36 A.M.

THE SPEAKER: I will ask the Honourable Elected Member for Tourism, Environment and Planning to say Prayers.

PRAYERS

HON. THOMAS C. JEFFERSON: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed in the Legislative Assembly.

PRESENTATION OF PAPERS AND REPORTS

THE SPEAKER: Presentation of Papers and Reports.

Report of the Standing Business Committee. The Honourable Elected Member responsible for Tourism, Environment and Planning, Leader of Government Business.

REPORT OF THE STANDING BUSINESS COMMITTEE

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee for meetings held on the 2nd, 18th and 23rd of March, 1993.

THE SPEAKER: So ordered.

Report of the Standing Finance Committee, the Honourable the Third Official Member responsible for Finance and Development.

REPORT OF THE STANDING FINANCE COMMITTEE

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Finance Committee held on the 24th of March 1993.

THE SPEAKER: So ordered.

HON. GEORGE A. McCARTHY: Madam Speaker, matters dealt with at that meeting by the Committee were as follows:

> The Finance Committee gave authorisation to the Government to issue a guarantee of up to $3,166,000, for a loan to finance Phase III of the Bodden Town water supply project.
>
> The Finance Committee also gave authorisation for the Government to issue a guarantee of up to $255,039, to cover the Cayman Islands' portion of a Caribbean Development Bank Loan offered to the University of the West Indies to finance the expansion and improvements of the University's continuing studies and distance education programme and passed the following resolution:
>
> "Be it resolved that this Committee acting in accordance with section 28(1)(b) of the Public Finance

and Audit Law, 1985, gives its approval to the Financial Secretary to enter into a guarantee agreement on behalf of the Government of the Cayman Islands guaranteeing the payment by the University of the West Indies to the Caribbean Development Bank of the sum of $255,039, being the proportionate part attributable to the Cayman Islands' Government of a sum of $8,896,000, being advanced by the Bank to the University for the improvement and expansion of continuing studies and distance education of the University together with interest commitment charges and other charges in respect of the said sum of $255,039."

Finance Committee also gave authorisation for the Government to issue a guarantee of up to $2,614,000 to cover the lease payments to be incurred by Cayman Airways Limited and Air Cayman Limited on the aircraft leased from ILFC.

Finally, Madam Speaker, the Committee gave approval or ratified a change in security on a Hurricane Relief loan made in November 1988, by Finance Committee, to Mr. Franklin Smith.

THE SPEAKER: Thank you. Amended Report of the Standing Select Committee on Standing Orders, the Honourable First Official Member responsible for Internal and External Affairs, Chairman of the Committee.

AMENDED REPORT OF THE STANDING SELECT COMMITTEE ON STANDING ORDERS

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to lay on the Table of this Honourable House the Amended Report of the Standing Select Committee on Standing Orders in respect of a meeting held on the 26th of March, 1993.

THE SPEAKER: So ordered.

Financial Statement of the Port Authority of the Cayman Islands at 31st December 1992 and 1991, the Honourable Elected Member responsible for Tourism, Environment and Planning, Leader of Government Business.

FINANCIAL STATEMENT OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS AT 31ST DECEMBER, 1992 AND 1991

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to lay on the Table of this Honourable House the Financial Statement of the Port Authority of the Cayman Islands for December 31st 1992 and 1991.

THE SPEAKER: So ordered.

1992 Report of the Advisory Council on the Misuse of Drugs, The Honourable Elected Member responsible for Health and Human Services.

1992 REPORT OF THE ADVISORY COUNCIL ON THE MISUSE OF DRUGS

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. I beg to lay on the Table of this Honourable House the 1992 Report of the Advisory Council on the Misuse of Drugs.

THE SPEAKER: So ordered.

HON. W. McKEEVA BUSH: Madam Speaker, as is noted in the introduction of this Report, it is the first by the Drug Council since 1990. It contains important information for Members to have. Honourable Members will recall the unfortunate circumstances surrounding the break in the Council's activities. A set of circumstances which I sought to break through by means of a Private Member's Motion in aiming to reactivate the Council. I am pleased that this did occur and the present Report is evidence of this. I should note, however, that I have for some time considered the Drug Council to be somewhat constrained in the scope of its operation because of the nature of the legislative instrument which guides its activities. It is, therefore, my intention to move a Bill in this Session to establish the Council on a somewhat different footing which, for obvious reasons, I will not elaborate on at this time.

Madam Speaker, I think Members will appreciate that the Drug Advisory Council's Report is a little different from the Report of most statutory agencies, even now. It is not a statement describing its operations, intending to give a picture of an organisational entity including its accounts and so on. The Council's Report deals with a matter which has wide reaching and deep resonance in this community like so many other communities in the world today. I do not propose to make any detailed comments on the substance of the Report at this stage. I intend, rather, to complete the review of this Report at a early date, which seems likely, at this point, to include detailed discussions with the Council, including aspects of clarification or further explanation, some directly from the Council, others from various agencies mentioned in the Report.

Members may be assured that action is already being taken on some of their recommendations. The Cayman Counselling Centre has already been moved under the administration of the Social Services Department in an effort to better integrate the range of counselling services available. Both a residential drug rehabilitation facility and facilities for juvenile remand and social rehabilitation are in the course of development and I shall be saying more about both of these during this Meeting. In a more general vein, however, I should say that by the next Session of this House I should be in a position to present Government's detailed responses to the Report and the recommendations contained in it.

As a further general observation, I should note that the Council has rightly drawn attention to the continuing seriousness of drug abuse in this community and to the need for unrelenting and, in some cases, increased efforts to deal with this blight having its most direct effect primarily on the young people of this country. I know all Members will support me in responding to the Report in a general way by saying that we will not relent and, wherever necessary, we will increase our efforts to eliminate drug abuse in the Cayman Islands. We have already said that our policy is to educate and to try to rehabilitate. I would like to close my brief remarks by offering a few congratulations. First to the Chairman and Deputy Chairman and Members of the Council, both current Members and previous Members, for their hard and unselfish work and for, what I believe, a decent Report.

Secondly, to the Chairman herself, Mrs. Tessa Bodden, on the announcement on Monday, that she will receive the Cayman Islands Certificate and Badge of Honour. Thirdly, in a different vein, congratulations to the Royal Cayman Islands Police and their recent capture of large quantities of illicit drugs and arrests of persons apparently involved. We can only hope that this is, however, the result of better detection and apprehension efforts on the part of the police and not evidence of an increasing flow of drugs in and through this jurisdiction.

THE SPEAKER: Thank you, Honourable Member.

Questions to Honourable Members. Number 66, the Second Elected Member for Cayman Brac and Little Cayman to ask the Honourable the First Official Member responsible for Internal and External Affairs

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 66

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

NO. 66: What is the total number of Caymanian versus non-Caymanian Civil Servants broken down by departments and nationality.

HON. J. LEMUEL HURLSTON: The total number of Caymanian versus non-Caymanian Civil Servants as of 12th March, 1993, is as follows: 1,040 Caymanian; and 547 non-Caymanian. Details of nationality and deployment are:

(1) **His Excellency the Governor**
1 British
1 Scottish
1 American
Total: 3

(2) **Audit**
5 Caymanian
1 British
1 Jamaican
Total: 7

(3) **Public Service Commission**
5 Caymanian

(4) **Portfolio of Finance & Development**
28 Caymanian
3 British
3 Jamaican
1 Belizean
1 Australian
1 Trinidadian
Total: 37

(5) **Banking Supervision**
10 Caymanian
1 British
Total: 11

(6) **Customs**
67 Caymanian

(7) **Insurance**
5 Caymanian
1 British
1 Canadian
Total: 7

(8) **Legislative**
7 Caymanian
1 Jamaican
1 American
Total: 9

(9) **Marine Survey**
2 Caymanian
5 British
1 Indian
Total: 8

(10) **Registrar of Companies**
13 Caymanian
2 Jamaican
Total: 15

(11) **Statistics**
6 Caymanian
1 Saint Lucian
1 Canadian
Total: 8

(12) **Treasury**
19 Caymanian
2 British

1 Nicaraguan
Total: 22

(13) **Judicial**
26 Caymanian
4 British
4 Jamaican
1 Trinidadian
1 Nicaraguan
1 Canadian
Total: 37

(14) **Portfolio of Legal Administration**
9 Caymanian
6 British
2 Jamaican
1 Trinidadian
1 American
1 Ghanaian
Total: 22

(15) **Portfolio of Internal & External Affairs**
15 Caymanian
1 Jamaican
Total: 16

(16) **Broadcasting**
14 Caymanian
2 Belizean
1 Vincentian
1 American
Total: 18

(17) **Immigration**
68 Caymanian
1 British
1 American
1 Trinidadian
Total: 71

(18) **Police**
161 Caymanian
39 Jamaican
33 British
7 Belizean
4 American
2 Canadian
2 Barbadian
2 Guyanese
1 Trinidadian
1 Nicaraguan
Total: 252

(19) **Prison**
35 Caymanian
31 Jamaican
9 Barbadian
4 Belizean
3 Nicaraguan
2 British
1 Saint Lucian
1 Guyanese
Total: 86

(20) **Personnel**
45 Caymanian
10 British
9 Canadian
2 American
Total: 66

(21) **District Administration**
33 Caymanian
2 Jamaican
1 American
Total: 36

(22) **Portfolio of Tourism Environment & Planning**
11 Caymanian
3 British
1 American
Total: 15

(23) **Fire Department**
112 Caymanian
1 Jamaican
Total: 113

(24) **Tourism**
15 Caymanian

(25) **Trade & Labour**
5 Caymanian
1 Honduran
Total: 6

(26) **Portfolio of Education and Culture and Aviation**
12 Caymanian
5 American
2 British
1 Canadian
1 Guyanese
Total: 21

(27) **Education**
127 Caymanian
77 British
66 Jamaican
18 Barbadian
13 American
12 Trinidadian
8 Canadian
4 Guyanese
2 Grenadian
2 Irish
1 Bahamian
1 Vincentian
1 Belizean
1 Scottish
1 Norwegian
1 Pakistani
1 Nicaraguan
1 Filipino
1 Colombian
Total: 338

(28) **Portfolio of Health and Human Services**
20 Caymanian
6 Jamaican
5 Trinidadian
1 Saint Lucian
1 British
1 American
1 Indian
1 Sri Lankan
Total: 36

(29) **Social Services**
28 Caymanian
5 British
4 American
4 Jamaican
3 Trinidadian
1 Canadian
Total: 45

(30) **Portfolio of Agriculture Communications and Works**
12 Caymanian
2 Jamaican
1 American
Total: 15

(31) **Agriculture**
6 Caymanian
3 Jamaican
2 Trinidadian
1 Barbadian
1 Guyanese
1 American
1 Panamanian
Total: 15

(32) **Mosquito Research & Control Unit**
16 Caymanian
6 British
1 Dutch
1 Honduran
Total: 24

(33) **Lands & Survey**
22 Caymanian
7 British
4 Jamaican
2 Belizean
1 Cuban
1 Canadian
1 Trinidadian
Total: 38

(34) **Planning**
17 Caymanian
4 American
1 Jamaican
Total: 22

(35) **Postal**
36 Caymanian
4 Jamaican
2 Nicaraguan
Total: 42

(36) **Public Works**
35 Caymanian
6 British
1 Trinidadian
1 Saint Lucian
1 Jamaican
1 Cuban
1 American
Total: 46

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say whether the numbers given here reflect the permanent, pensionable posts, or are group employees also included in this number?

HON. J. LEMUEL HURLSTON: Madam Speaker, these statistics exclude group employees and include only those on the established posts in the permanent establishment, though they are not all permanent employees.

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

MR. GILBERT A. McLEAN: Would the Member say if there has been any reduction in the non-Caymanian work force, seeing that certain exercises have been going on with a view to reducing staff in the Service and, if so, what level of jobs have been so affected?

HON. J. LEMUEL HURLSTON: Madam Speaker, the Immigration Department and the Immigration Board, specifically, publish quarterly statistics of licences granted, or work permits issued and, if I understood the supplementary question correctly, it is from that published information that we see the reduction in expatriates in the work force vis a vis Caymanians, or did I misunderstood the supplementary?

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

MR. GILBERT A. McLEAN: Yes, Madam Speaker, I was thinking specifically of the persons involved who are working in the Civil Service and I was wondering if there has been any reduction in those numbers within the Civil Service and, if so, in what levels or categories of jobs?

HON. J. LEMUEL HURLSTON: Madam Speaker, there is an ongoing effort to Caymanianise posts within the Civil Service and those efforts are reflected in these numbers. The nationalities shown in the schedule attached will show an increasing proportion of posts being held by Caymanians.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member can say whether there is any systematic period of review as far as the Caymanianization of the Civil Service goes, or whether the Caymanianization is based solely on the fact that preference is given to Caymanians in the first instance but if no Caymanians are forthcoming then peoples of a foreign nationality are employed?

HON. J. LEMUEL HURLSTON: Madam Speaker, the Honourable Member is correct in his latter statement that preference on an ongoing basis is offered, always, firstly to Caymanians. That is the responsibility of the Public Service Commission to ensure that in a recruitment effort suitably qualified and experienced Caymanians are given the first preference for vacancies.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say whether the Government undertakes to inform the High Schools of vacancies which exist in the Civil Service, or which their projections show are likely to exist in the near future so that Caymanians can be prepared and trained to fill these vacancies or whether these vacancies are only brought to light in the annual Job Fair?

HON. J. LEMUEL HURLSTON: Vacancies are advertised quite widely in the local media, in circulars, and in notices posted on the Notice Board of the Public Service Commission. Additionally, presentations are made throughout the year to all High Schools on the Islands and in particular at Job Fairs and annual Career Convention days. Particular effort is made by the Public Service Commission to highlight career opportunities to high school graduates. High school graduates are additionally assisted whenever they are registered with the Labour Office.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I would like to ask the Honourable Member if these people of a foreign nationality are hired on a strictly contractual basis and are paid gratuities at the end of their contracts or what other system or procedure of employment are they hired under?

HON. J. LEMUEL HURLSTON: The non-Caymanians employed in the Service are employed in a variety of categories. Some are on contract for which they are paid a Contracted Officers Supplement, few presently remain on terms which attract any form of gratuity, that having been replaced with the Contracted Officers Supplement. Others are employed on temporary terms which are month-to-month terms of employment. So there are a variety of terms available to non-Caymanians.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I would like to ask the Member why, in similar services there is such a difference in the number of Caymanians employed? For example, in the Fire Department out of 113 people employed, 112 are Caymanians, while in the Prison Service, which is a similar service, I believe we have 51 non-Caymanians as against only 35 Caymanians and, if the Government is doing anything to correct this imbalance?

HON. J. LEMUEL HURLSTON: This imbalance exists simply because Caymanians exercise the right to choose. Where they choose, or have a preference in career, in employment opportunities, they are encouraged to exercise those choices. The truth is that there are too few Caymanians to go around, consequently we have to rely on a certain number of non-Caymanians to fill the gaps.

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

MR. GILBERT A. McLEAN: Could the Member tell the House if any selection process is done in terms of nationalities as, it is my understanding, is the case of the Immigration Board when it comes to skilled and semi-skilled vocational type of employees?

HON. J. LEMUEL HURLSTON: Although not strictly bound by the regulations and directives as are applicable to the private sector and administered by the Immigration Board, the Public Service Commission has for some years now given an undertaking and has been following the practice of applying those guidelines similarly in the public sector so that where there are restrictions applicable to the private sector in terms of geographical preferences, similar restrictions, wherever possible, are applied to the Public Service as well.

THE SPEAKER: May I draw your attention to the fact that it is now past 11 o'clock and you may wish to have a motion for the continuation of Question Time since the House did not commence until 10:39. Honourable Leader of Government Business.

SUSPENSION OF STANDING ORDER 23(7) AND (8)
11:01 A.M.

HON. THOMAS C. JEFFERSON: In accordance with Standing Order 83, I move the suspension of Standing Order 23(7) and (8) to allow the other questions to be taken this morning.

THE SPEAKER: The question is that Standing Order 23(7) and (8) be suspended to allow the other questions to be taken this morning. I shall put the question. Those in favour please say Aye...Those against No.

AGREED. **STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE THE REMAINING QUESTIONS UPON THE ORDER PAPER TO BE TAKEN.**

THE SPEAKER: The next question is No. 67, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 67

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

NO: 67: To make a statement regarding the method taken by the Government for a reduction in the Civil Service.

HON. J. LEMUEL HURLSTON: His Excellency the Governor announced a proposed 7.5 per cent cutback in personnel in the Civil Service, including statutory bodies. This was announced in a Government press release on 26th February, 1993, and appeared in the local press on 1st March, 1993. A two-man inspectorate appointed by His Excellency was directed to meet with all Heads of Departments, sections and statutory bodies to review options for achieving the cutback in staff. Specific areas targeted for cutbacks included contract officers and temporary staff, staff who are of retirement age and staff who are proven inefficient performers. Group employees are to be considered also.

The Inspectorate concluded its work and submitted recommendations to the Governor on the 31st March, 1993. Following receipt of the recommendations, the Governor, in consultation with the Chief Secretary, the Financial Secretary and acting upon the advice, in appropriate cases, of the Public Service Commission, will make decisions on effecting the staff cuts. The principle of fair employment practices will be applied and every effort made to assist Caymanians in securing alternative employment.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Would the Member say how, with the extent of suddenness of this whole exercise, could the two-man inspectorate fairly assess this situation in the time given compared to the fact that the condition of the Civil Service was an ongoing, existing condition and was not addressed until this particular time?

THE SPEAKER: Honourable Member, that is requiring an expression of opinion and I cannot allow that to be asked. The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say what ability the two-man inspectorate that was appointed had in assessing what was required of it under its terms of reference that the Organisation and Management Division did not have on an ongoing basis to achieve what the two-man team was required to do?

HON. J. LEMUEL HURLSTON: The team was appointed to carry out the exercise in light of the circumstances prevailing. The need having been determined, the objective having been clearly stated, it was a question of determining who was suitably available to dedicate that time that was necessary to undertake the exercise and the two-man inspectors were chosen on the basis of their availability and their backgrounds in specific disciplines, namely: administration and finance. Bearing in mind that this was an initiative that was largely driven by economic and financial considerations.

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

MR. GILBERT A. McLEAN: Would the Member say (a) if the main function of the O & M Division of the Government, or should I say one of the chief functions, is that of ongoing assessment of staff and their performance and whether, indeed, certain jobs are necessary or should be made redundant and; (b) who actually determines the question of whether staff are performing properly or whether certain jobs should be made

redundant or transfers should be made?

HON. J. LEMUEL HURLSTON: Madam Speaker, it is true to say that the Management Services Unit, or the O & M Division as the Honourable Member refers to it, has an ongoing mandate to advise the Government on ways and means of ensuring that it is receiving value for money. There are a number of other agencies within the Civil Service structure that have a parallel mandate. For example, the Internal Audit Section also has a mandate to examine controls and procedures to ensure that the Government is receiving value for money. The Auditor General has a statutory obligation to report to this Honourable House on a similar vein. So that whilst we have a number of opportunities running parallel to each other to safeguard Government's assets, this particular exercise was embarked upon with a particular objective in mind and that is a seven and a half per cent average reduction in staffing levels and it was felt that in order to achieve this that we should set about a Task Force, rather than relying on the traditional sources for that purpose.

The recommendations arising from the inspections were arrived largely by interviews and consultations with Heads of Departments concerned who are, after all, the managers of their particular areas of responsibility and they are the ones who are most intimately familiar with good performers and inefficient performers and the recommendations were largely based upon their recommendations.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member can say whether there were any consultations with the Civil Service Association as a body or with the Management Unit of the Civil Service Association regarding these reductions?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker. The President and the Management Council of the Civil Service Association were made aware of these proposed initiatives prior to them being publicly announced.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member can explain what is meant by "made aware", that is, whether the Management Unit of the Civil Service Association had any influence or any input in the decisions, whether they objected or whether they were wholly cooperative and understanding of the reductions made?

HON. J. LEMUEL HURLSTON: Madam Speaker, the process and the relationship between management and staff associations is one of mutual benefit. On this particular occasion the President and his Management Council were informed of Government's plans and its initiative. The President endorsed the objective of the initiative and the initiative has not been concluded. Therefore, one cannot say whether the Management Council is going to agree with all of the outcomes of the initiative because the initiative has not yet been completed. The Civil Service Association has issued a questionnaire to its members, have submitted its preliminary findings to me, and they are currently in the process of writing to me as a follow-up to the observations made in their questionnaire.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I wonder if the Member could give, in as much detail while not taking too long, the exact role of the Public Service Commission in this exercise?

HON. J. LEMUEL HURLSTON: Madam Speaker, the role of the Public Service Commission in this, or in any other exercise for that matter, is to advise His Excellency the Governor on the filling of vacancies, the transfer of staff, promotion of staff and/or the discipline of staff. In this particular exercise the advice of the Commission is required in relation to the redeployment of staff to vacant positions, if any, and to the retirement of officers who are recommended for retirement and to the disciplining of officers who require discipline. That is the role of the Commission, it is an independent tribunal that acts upon recommendations put before it by Heads of Departments and its duty is to advise His Excellency the Governor, whose advice His Excellency is not obliged to accept.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I wonder if the Member is in a position to say if what he has just explained is exactly the way it is happening?

HON. J. LEMUEL HURLSTON: Madam Speaker, I can assure the House that what I have just explained is the position and the papers that are currently before the Public Service Commission are being presented in such a manner that they can carry out their duty as just described.

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say how the seven and a half per cent reduction was arrived at, and really who decided on this, as it is highly held that it was politically motivated and, in fact, certain reduction in staff, transfers, terminations and so on are a result, supposedly, of a political hit-list which is supposed to be carried out within this exercise?

HON. J. LEMUEL HURLSTON: Madam Speaker, I can categorically state that His Excellency takes personal responsibility for the decision as well as for the determination of the size of the reduction and that whilst he did have regard for the fact that the National Team in their campaign did state politically that in their opinion the size of the Civil Service had grown beyond what was reasonable, to that extent there was political commitment to support the decision for a reduction. It was no political commitment in terms of the size of the reduction nor indeed was there any political advice sought as to how it should be carried out.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. Could the Honourable Member state if there was a monetary quantity arrived at as to what the seven and a half per cent savings would be, or was the main purpose a seven and a half per cent in number?

HON. J. LEMUEL HURLSTON: Madam Speaker, the initiative was tied largely to a reduction in posts but it was translated by the Finance Department into an economic range of $3.5 million to $4.5 million dollars. The number of positions involved were estimated to be 123 positions.

THE SPEAKER: The next question is No. 68 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 68

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

No. 68: Whether any staff changes are being planned in the near future between the levels of Head of Department to Principal Secretary either by promotions or transfers?

HON. J. LEMUEL HURLSTON: There are no specific plans for movement of staff between the levels of Head of Department and Principal Secretary by promotions or transfers. The proposed amalgamation of Government Departments will reduce the number of Heads of Departments, thus some changes and adjustments of some graded posts will be inevitable.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Would the Honourable Member say if by the amalgamation of Departments into super-Departments and making those Departments, or what were prior Department Units, if it means the redundancy then of the posts of Head of Department and will it inevitably mean certain Heads of Departments will no longer be necessary due to these exercises?

HON. J. LEMUEL HURLSTON: Madam Speaker, when the exercise is completed it may prove inevitable that a number of redundancies may have to be decided upon. That has not been decided in advance. Amalgamations are proceeding on the basis that we are committed, firstly to delivering no less a level of service than is presently being delivered, and in most instances we will continue to require the same management structure in order to deliver that quality of service. If in the process we find that we can create some economies in the senior management structure by making some senior positions redundant, that will come in time.

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

MR. GILBERT A. McLEAN: Would the Member say if any Heads of Departments have been earmarked for possible promotion to the level of permanent Secretary if, indeed, the changes proposed to the Constitution come about and there is a fifth Portfolio or Ministry?

HON. J. LEMUEL HURLSTON: Madam Speaker, I think it goes without saying that, if and when another Portfolio is established, there would be a need perhaps for another position of Principal Secretary. If that were to be created that vacancy would have to be filled at that time.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. A part of that question, Madam Speaker, was if there had been any Heads of Departments identified, through seniority or whatever, for whatever reasons, who might move into such a position including considering where there may be redundancies occurring amongst these Heads of Department?

HON. J. LEMUEL HURLSTON: Madam Speaker, appointments to positions such as Principal Secretaries are decisions that are made by His Excellency the Governor acting in his own discretion and without consultation. If and when such a position is established His Excellency will decide how to go about filling it and it is usually filled by internal promotion. But it is premature to say that anyone or any Head of Department could at this stage have been potentially identified.

THE SPEAKER: The next question is No. 69 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 69

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 69: To state the reasons for the Civil Service adjustment or retrenchment exercise and to lay on the Table of this Honourable House, or otherwise make public at the time of answering the question, the list detailing the extent of the adjustment/retrenchment exercise?

HON. J. LEMUEL HURLSTON: Madam Speaker, the down-sizing of staffing levels in the Public Service is necessary on economic and financial grounds. Details of posts affected are presently unavailable as the recommendations are now being considered for implementation and are incomplete.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. If the list of the down-sizing is incomplete, may I then ask the Honourable Member how is it some members of the service have already been in receipt of their termination notices?

HON. J. LEMUEL HURLSTON: Madam Speaker, that is because the down-sizing exercise has commenced, it has not been concluded.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. May I then ask the Honourable Member if any attention was given to the displacement of Caymanians vis a vis employees of a foreign nationality in this down-sizing and if, in the displacement of these Caymanians, any consultations were held with the Heads of Departments and also with the Public Service Commission?

HON. J. LEMUEL HURLSTON: Madam Speaker, in giving the answer to Parliamentary Question No. 67 earlier this morning, I indicated that every effort would be made to assist Caymanians in securing alternative employment. Preference is always given to the displacement of non-Caymanians as of preference to displacing Caymanians. Where Caymanians have to be displaced every effort is given to them in assisting them to secure alternative employment. In answer to the second part of the supplementary. These initiatives have in the main been made by Heads of Departments and, therefore, have the blessing and support of Heads of Departments.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member would be kind enough to give some examples where Caymanians have been assisted in finding alternate sources of employment and if he could explain whether the Government plans to set up an Employment Agency in addition to the present Labour Board?

HON. J. LEMUEL HURLSTON: Madam Speaker, the Government will render whatever assistance it possibly can render using its existing resources, namely the Personnel Department, the Employee Assistance Programme Coordinator and the Labour Office.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Is the Member then in a position to say how many Caymanians have benefited from this assistance in seeking alternate employment to this day?

HON. J. LEMUEL HURLSTON: Madam Speaker, I do not have any details to answer that supplementary at this time.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. The original question asked that information be laid on the Table of the House and the Member has said that the exercise has not yet been completed. Would he, or could he, give the House an undertaking that when this exercise is completed that he would lay on the Table of this House the details of this exercise as to how it was accomplished?

HON. J. LEMUEL HURLSTON: Madam Speaker, the House will be given a summary of the results of the exercise once it has been completed in as much detail as it affects posts. Details affecting individual Public Servants' careers will not be provided in that detail but the result of the exercise to the extent that the seven and a half per cent has or has not been achieved in financial and establishment terms will be readily available.

THE SPEAKER: The next question is No. 70 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 70

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 70: To state the progress that the Civil Service retrenchment exercise has made to date and to lay on the Table of this Honourable House, or otherwise make public at the time of answering this question, documentation showing those posts/jobs phased out, years of service and salaries of those persons holding those posts, as well as their nationality.

WITHDRAWAL OF QUESTION NO. 70

MR. ROY BODDEN: Thank you, Madam Speaker and I would crave the Chair's indulgence in withdrawing this question since the Member has said that the exercise is not yet completed. I suppose it would be unfair, Madam Speaker, to ask him to provide this information.

THE SPEAKER: The question is to the House, I will put the question for withdrawal of question No. 70. Those in favour please say Aye...Those against No.

AGREED. QUESTION NO. 70 WITHDRAWN.

THE SPEAKER: The last question is No. 71, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 71

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 71:
(a) To give the number of persons, ages 17 to 25, who have been convicted of criminal offences since November, 1992, to date;
(b) to provide a breakdown of convictions;
(c) to give the comparison for the period November, 1991, until May, 1992; and
(d) to state the categories of offences.

DEFERRAL OF QUESTION NO. 71
Standing Order 23(5)

HON. J. LEMUEL HURLSTON: I beg the leave of the House, in accordance with Standing Order 23(5), to request a deferral of this question as the answer is not yet available.

THE SPEAKER: The question is that the House approve the deferment to the answering of question No. 71 under Standing Order 23(5). Those in favour please say Aye...Those against No.

AGREED. ANSWER TO QUESTION NO. 71 DEFERRED.

THE SPEAKER: The next item is Bills. Government Business.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE MARINE CONSERVATION (AMENDMENT) BILL, 1993

CLERK: The Marine Conservation (Amendment) Bill, 1993.

THE SPEAKER: The Bill is accordingly deemed to have been given a First Reading and is set down for Second Reading.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1993

CLERK: The Development and Planning (Amendment) Bill, 1993.

THE SPEAKER: The Bill is accordingly deemed to have been given a First Reading and is set down for Second Reading.

SECOND READING

THE MARINE CONSERVATION (AMENDMENT) BILL, 1993

CLERK: The Marine Conservation (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Member, Leader of Government Business.

HON. THOMAS C. JEFFERSON: Thank you Madam Speaker. I beg to move the Second Reading of a Bill entitled a Bill for a Law to amend the Development and Planning Law (Revised). The Memorandum of Objects and Reasons for this Bill....

THE SPEAKER: Excuse me, Honourable Member. I think we are dealing with the Marine Conservation (Amendment) Bill, 1993.

HON. THOMAS C. JEFFERSON: My apologies, Madam Speaker. I beg to move the Second Reading of a Bill entitled the Marine Conservation (Amendment) Bill, 1993, and the reason for this Bill, Madam Speaker, is to amend section 25 of the Marine Conservation Law, 1985, to increase the monetary penalty for a breach of the Law from "five thousand dollars" to "$500,000".

Madam Speaker, the Cayman Islands, from time to time, is said to be, by "Skin Diver Magazine" and others, the "No. 1 diving destination in the World", as they put it, and I believe that we have every right to preserve our marine environment and to say to those who perhaps by negligence have not been paying proper attention to the various containments sections on ships, to avoid dumping any effluent or any garbage into our waters. I believe that the Cayman Islands' tourism is substantially attractive because of the clarity of the water, the quality of the water and the quality of the marine life that surrounds these Islands. Increasing the fine to $500,000, Madam Speaker, means nothing if everybody decides to police and control their ship. Because the system is that, whilst we increase the maximum fine to $500,000, it is the Court that decides what quantum will be charged based on what evidence, and based on whether, perhaps, there has been more than one or two, or maybe even three, incidents.

I believe, Madam Speaker, that this amendment is in the best interest of all of the people of the Cayman Islands, and I recommend it to Honourable Members.

THE SPEAKER: The question is that a Bill entitled the Marine Conservation (Amendment) Bill, 1993, be given a Second Reading. The Motion is open for debate. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: I rise, Madam Speaker, to offer my support of this Bill. I think it is a further step in the right direction. I recall, when the Marine Parks were being established, there was an outcry and there were some objections to that move but I think time has proven the prudence of those measures. Because if you visit any of the Marine Parks that have been established there is an abundance of marine life and a lot of the inhabitants such as lobsters, conchs, or whatever that was fast becoming extinct, are now on the rebound.

One of the attractions that we have here as a tourist destination is our waters. I have personally travelled and visited quite a few places in the world and I can tell you that I have never found any destination that compares with the Cayman Islands, as far as the marine environment is concerned. I believe that ships using our destination here have to be reminded of how seriously we take the idea of protecting our marine environment. I believe that by increasing the fine, which will be extended if offences of this nature take place, it will send the right message to those parties involved and as a result we can continue, that is residents as well as visitors, to enjoy the pristine marine environment that we enjoy here in the Cayman Islands.

Thank you, Madam Speaker.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. I rise to support the Bill for a Law to Amend the Marine Conservation Law of 1978. I feel that this is very necessary if we are to put the fear where it needs to be and to preserve what is necessary to continue to make this country a successful tourist destination and also a place where we can leave our successors clean water and a clean environment.

I had the privilege of being in this Honourable House in 1985 when we amended the principal Law of 1978, which had a fine of only $500 to $5,000. We felt that that would serve as a deterrent, but it has not. The amendment that we are looking at reads as follows:

> "Whoever contravenes any provision of this Law or any regulation made thereunder shall be guilty of an offence and liable on summary conviction to a fine not exceeding $500,000 or to a term of imprisonment not exceeding 12 months, or to both such fine and imprisonment. In addition thereto, the Court so convicting may order the confiscation of any vessel or equipment that it is satisfied has been used for the purpose of committing or facilitating the commission of such offence or was intended to be used for such purpose.".

Madam Speaker, I feel this being a maximum fine will give the magistrate or the judge the authority to impose a fine according to the damage or the potential damage. As we all know $5,000 is such a small amount in today's world it could not deter. It is easier to commit the crime and pay $5,000 than to be inconvenienced. I feel that a sum of $500,000 will not be taken so lightly.

So with these few words, I support this Bill.

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

MR. GILBERT A. McLEAN: This amendment to the Marine Conservation Law of 1978, I believe, is very timely and it is a positive response to some of the problems that have been occurring in the waters of Cayman in recent times. I read in the newspaper, as have most people, that on about two or three occasions cruise ships have discharged effluents, or chemicals, into the waters that have damaged marine life, fish life at least, and one may assume that it may have had some effect on plant life as well.

When I see some of the fines that were levied on the cruise ships, it seems almost funny they were so low. I think in one instance it was $3,000, when there as a maximum that could have been charged of at least $5,000. Why the judge chose to make it less, I do not know. In cases like this, to the best of my knowledge, various destinations have exceedingly high fines for pollution of their marine environment. I am made to understand that one of the things that makes oil tankers, or the crew of oil tankers, so alert is the extremely vast fine that can be charged to a ship that causes oil to be spilled in the various ports from which they load. Certainly when they cause spillage in other waters there are also severe fines.

The mover noted that this would only come into play if there was an offence. But if there are to be continued offences, I believe that the cruise ships, or any ship, who is, indeed, polluting the waters of the Cayman Islands should have to pay for it. It has been said that if you really want to hurt someone the place that has the most effect is to hurt them in the pocket-book for there is a direct connection between the pocket-book and the human brain. So, Madam Speaker, I certainly agree with the increase of the fine in this Law. There are those in this society who believe that the marine life should be preserved for the sake of the marine life. I share that view. But, certainly, our marine environment means something extremely large to us economically for our tourism is largely based around aqua sports in all its various forms, be it fishing, diving, submarine rides, or whatever. It can be hurt, it can be damaged. In fact, we hear quite regularly that it has been damaged by anchors and various means. So I think it is very rational and reasonable and sensible to put in place harsh fines for those persons who would damage our marine environment.

I believe it would also be very necessary through whatever means in the various travel magazines or through our Government Information Service, the media in its various forms, to get the message out to the world that the Cayman Islands is taking seriously the preservation and conservation of its marine environment and thus it might not be necessary, ever, or perhaps in very few instances, to levy such a fine on offending persons or entities. Madam Speaker, I believe this amendment is very necessary and I give it my full support.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

If it was necessary to send a message to the world that we are serious about protecting our marine environment, then this Bill is such a message. Coming from a nation which once prided itself, and still can if the necessity arose, on having some of the most capable and most experienced seamen in the world, Madam Speaker, that adds importance and seriousness to this warning. I believe that it would be the preference of the Government not to be in a position to have to prosecute this fine as Caymanians would

prefer respect, which stops short of taking people to court to collect this fine. But if that is necessary, then I am happy to say that this Bill provides the teeth and provides a semblance of justice to the disrespect and destruction of our marine environment. While this Bill carries a heavy maximum fine, the important thing is to send a message that the marine environment is our natural resource, of the same consequence and importance as natural resources of those countries which have gold, oil, uranium or any other valuable resource. We have an obligation not only to protect and to preserve it for ourselves, but also to protect and preserve it for posterity and for future generations of Caymanians.

It is true that there have been some reported instances of abuse in the past. The fines which were levied, and which the Law carried, were so small and inconsequential that many of the companies could afford to break the law as those fines were mere pittances to them. It remains to be seen now how seriously they will take this new step and, Madam Speaker, it is one to which I lend my full support and I say it is high time we have bills and laws like this in place.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Some members of the public have expressed the fear to me that perhaps a move like this might drive away our cruise ships. I have taken the opportunity to point out to them that if something is not done that before long there will be nothing for the cruise ships to come for. Our natural resources are few and we know that it takes centuries to build our coral reefs. Once destroyed it is too late. I believe the majority of people that I have spoken to certainly have come around as a result of certain explanations. We certainly need to make a move like this to give those in the cruise ship industry, etcetera, the full knowledge that we are serious about protecting one of our few natural resources.

I give this my full support. Thank you.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I also rise to support this timely piece of legislation brought before this Honourable House. It shows by the increase from the token fine of $5,000 that was in there, that inflation has now caught up with the Cayman Islands. I think the cruise lines, when they see that we mean business, will spread the word. This first came out in the Eco-Tourism Conference which was hosted by these Islands and I think that this message shows that, once again, the Cayman Islands have taken the leadership in an effort to preserve the natural resources of this country; the natural beauty that has been touted throughout the world by the many magazines.

I know that it is full time that we put our foot down in regard to the travesty that has happened recently, as the Second Elected Member from Cayman Brac said, the pittance that has occurred in some of the fines and I give this Bill my full support. Thank you.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I, too, rise to support this Bill. I feel that the $5,000 fine that was in the law before was peanuts and I feel that with this increase to $500,000 that the message will, hopefully, be sent to the cruise ship operators and that we must protect our marine environment.

I agree that this was done during the Eco-Tourism Conference and I believe that that was a very wise move and that we paved the way and I believe that this is at the right time. I, too, will support it. Thank you.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, 15 years ago I had the responsibility for putting the Marine Conservation Law through this House. I was then the Member in charge of natural resources. This was the first time that anything like this had happened. Whatever good has come of conservation it has stemmed from the initial law. I need not say that the press at the time was about as objective as they are today, but, nevertheless, we did what we thought was the right thing and after 15 years it is necessary to amend this section.

There have been other amendments before this. We must not loose sight of the fact that ships generally try to abide by the law, where there is a law. For example, I sailed for five years on ships, three years on tankers, and during those years the crew made certain that it did not spill any oil in any harbour, or they did not dump any garbage or let out any effluent from tanks because there were heavy penalties and the crew members were made aware of these penalties. So the shipping companies will help this country to protect its environment, if we have an interest in it.

I am always cautious when dealing with the conservationists because they come from two schools; one is a conservationist who is sensible. But like every other group of people they have those extremists that would turn the sea into holy water. I look forward to dealing with them, perhaps, when we go on to the Development Plan Review sometime later in the year, or next year. Despite all of our efforts and despite all of the efforts of the shipping companies, there will always be accidental spills, there will always be malfunctioning of equipment, and the courts have discretion, when this happens, to deal with those matters. But whenever there is willful pollution of the harbour, well, this amendment makes it possible for the courts to bear down hard on the offenders. If we believe in our motto, "He hath founded it upon the sea", we have to do the right thing to preserve the foundation upon which this country rests. So I support this Bill, Madam Speaker.

THE SPEAKER: If there is no further debate I will ask the Honourable Member if he would like to exercise his right to reply.

HON. THOMAS C. JEFFERSON: I think it is fair and proper to thank the Honourable Members for what appears to be unanimous support, some voiced, some in silence. I believe that the amendment which is before this House will be a message that, to some extent, has already gone out. We have received coverage in "The Wall Street Journal", we have received coverage in the "Los Angeles Newspaper", among many others. I get clippings almost every day. The message is out there, it is clear, and I believe that message says to all of the people, like the Third Elected Member from Bodden Town said, even the conservationists, they like to hear that too; that there is a country in the Caribbean that is willing to take the stand, the Honourable Members of this House, willing to take the stand to demonstrate to everyone, without any doubt, that we are adamant about protecting the treasured marine life we have in these Islands.

Thank you, very much.

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

AGREED. THE MARINE CONSERVATION (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.

THE SPEAKER: The next Bill.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1993

CLERK: The Development and Planning (Amendment) Bill, 1993.

THE SPEAKER: Honourable Member for Tourism Environment and Planning, Leader of Government Business.

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe it is now correct to move the Second Reading of a Bill entitled A Bill for a Law to Amend the Development and Planning Law (Revised). This amendment is to Section 5 of the Development and Planning Law (Revised), to allow the Central Planning Authority, with the approval of the Governor in Council, to delegate its time consuming minor functions, that is the processing of straight forward and non-contentious minor and immediate applications to Planning Commission, through the Director of Planning, or through the Director of Planning and a member of the Authority.

We have spent a lot of time in recent months dealing with the Planning Department and the activities of the Central Planning Authority and this amendment is only the beginning of more action to come which is to expedite approvals given by the Planning Department and to reduce the bureaucracy wherever it may be. I believe that Planning applications for fences, for swimming pools, for signage, for small houses or apartments need not go to the Central Planning Authority. I believe those are some of the items that the Central Planning Authority considers reasonable to delegate to the Director and a member of the Board.

We also know for every story we hear there is another side to it as well. We hear the Planning Department is holding them up on this application or the other application, and to some extent that may be true. But there are also applications which are coming before the Planning Department which do not provide all of the required information. So it is not the Planning Authority which is holding them up in this case, it is the lack of information supplied by the applicant which the Planning Department has to ask the applicant to submit in order to put the application before the Central Planning Authority.

There is a need for all of us to work together, developers, architects, contractors, the Planning Department and all of us in this Honourable House, to ensure that the development which comes to the Cayman Islands is processed expeditiously while ensuring that what is approved meets the specifications of laws, regulations, rules and guidelines established by all of us. As I said, Madam Speaker, this delegation of authority is really the first step in moving on with the Central Planning Authority and the Planning Department. We have heard, too, that some members of staff, and I think we should be open about this, have different rules when applications come to the Planning Authority. I believe that this, if true, should now be put to bed as the Director of Planning has established a Procedural Manual which all staff in the Planning Department must follow. So we cannot have too much discretion given when dealing with applications of all kinds. They must abide by the Procedural Manual.

More importantly, I believe that Government is presently putting together a package, which hopefully will be brought to the next sitting of this Honourable House, to stimulate the economy of this Island, as far as development is concerned. I believe it would be premature to talk about it now, as the package has not been detailed sufficiently to bring it to the attention of Honourable Members and the listening public. But I assure Honourable Members, and you, Madam Speaker, and the people of this country, that it will be brought here in September.

I recommend this amendment to the Development and Planning Law (Revised) to Honourable Members.

THE SPEAKER: The question is that the Bill entitled the Development and Planning (Amendment) Bill, 1993, be given a Second Reading.

The motion is open for debate. The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker.

I rise to support, once again, this very timely piece of legislation. I would venture to say that since this Government has been returned one of the main complaints that I have been hearing has been coming from that sector in regards to construction. Their complaints of the red-tape and the bureaucracy experienced when they take their plans to the Planning Department. Once again, it makes me feel good that this Government, of which I am a part, has heard the hoof beats on the ground, has started in motion the wheels that will start to take some of this pressure off of the construction industry.

Friday, a week ago, 15 other people and I visited with the Honourable Member in regards to expressing their problems and their disenchantment of what was going on in the Planning Department. As you know, this Government has now started to take the action as was evidenced in the past where we have seen where the Tent City problem came up. The problem was addressed and there were complaints that we may have been rushing the Constitution. Once again this Government has put their ears to the ground, have reacted accordingly and I hope that this trend will continue and that any unnecessary red-tape that is in there will be cut. I know that the idea of streamlining these duties in the Planning Department will make a lot of difference and I know that the construction workers out there will be glad to see that something is being done.

We all know that the Cayman Islands make a lot of its money from the tourism industry but basically the survival of the right-down Caymanians comes from the construction industry and I am glad to see that something is being initiated to take the pressure off of the developer and the construction people. Once again, I would like to give wholehearted support to this measure and when the time comes, as the Honourable Member intimated down the line, we will be cutting more of this red-tape to free up the builders and the developers in this country and, once again, I would like to support this motion. Thank you.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

In lending my support to this Bill, having served on the Central Planning Authority for a number of years prior to this, I have seen on many occasions when staff within the Department and the Authority itself felt hog-tied with the work load of processing applications and seeing them through the correct passage and to their various approvals. I am confident that this is a step in the right direction.

The Memorandum of Objects and Reasons outlines the purpose of this Bill in allowing the Central Planning Authority, with the approval of the Governor in Council, to delegate its time-consuming minor functions to the Director of Planning or to the Director of Planning and a member of the Authority, jointly. One observation that I have with it, for those who might have great favours about any negative end results, is that there is a new subsection (5) of section 5 being proposed which says: "A delegation under subsection (3) is revocable at will and does not prevent the exercise by the Authority of any function so delegated.". This simply means, Madam Speaker, that while we fully intend to cut as much of the red-tape as possible there are still some constraints with regards to procedures and applicants towing the line in certain areas. So I think it is obvious that it is not the intention to allow anything to happen with regards to the process that might put either the Authority or the Department in any embarrassing situation down the line by giving any approvals that should not have been given.

I also would like to ask the Member, following on the passage of this Bill through this Honourable House, to pursue other areas within the Planning Department where there is room for improvement in its operation, not by personnel deficiencies but simply other red-tape (if I may use the terminology) which at times encumbers them. I feel confident that with the passage of this Bill there will be other matters considered and maybe the other Members of the Government bench might want to follow suit in other areas that we might get the ball rolling a little faster.

Thank you, Madam Speaker.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Madam Speaker, I also rise to offer my support to this amendment to the Development and Planning Law. I think it is another example of this Government's attempt to reduce the bureaucracy that members of the public experience on occasions in dealing with certain Government Departments and one of those Departments, Madam Speaker, has been the Planning Department.

I think it is very wise for the Central Planning Authority to delegate to the Director of Planning and his staff and maybe insisting that one of their members be a part of that process where they can deal with routine approvals. As was mentioned by the Member, if you want to put up a sign you have to go to the CPA (Central Planning Authority), if you want to establish a television dish (satellite), under the Law you have to get the approval of the CPA and this does take a lot of time from the CPA that should be directed maybe to other projects which need more attention.

I believe that the Director of Planning and his staff would be qualified to deal with these routine approvals including, like the Member said, approval for a small private home or apartment unit and, Madam Speaker, it would definitely reduce the frustration that members of the public experience when they deal with the Planning Department for such approvals. I think this is a step in the right direction but I also believe that this effort must be taken even further and that (and I have seen it in the past and I have seen it myself), I believe, that conditions which are extended by the Central Planning Authority for certain

approvals should be practical. Because, Madam Speaker, every condition that is set down as a condition for approval, in most cases, costs money and the average man on the street may be in a position to obtain a mortgage for a home but if he has to put in an additional $15,000 in shrubbery or plants as a part of that condition for approval for his home, then it becomes very expensive. I am not sure in all cases if it is fair or practical to that individual.

As far as the commercial side is concerned, I believe that the time of the Central Planning Authority has to be directed to deal with the major projects that come before them for approval and not only be in a position where they can lend more time to actually scrutinizing the projects, but deal with them in a much more efficient and prompt manner. Because, Madam Speaker, a lot of these projects are opportunities that if they are not dealt with in an expeditious manner, these opportunities, in a lot of cases, as far as that developer is concerned, are lost. So I believe, Madam Speaker, that this is a step in the right direction and I look forward to seeing where the measures of this nature put forward by the present Government, and I trust that once this amendment is put in place and the practices established that the Director of Planning and his staff will also see to it that routine approvals which now become their responsibility are taken care of in an expeditious manner.

Thank you, Madam Speaker.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

Madam Speaker, if there is one area that I hear numerous complaints from the public about, it is the Planning Authority. I hear complaints from large developers who say that because of commissions or omissions by the Town Planning Authority they have millions of dollars tied up in developments and at stake and they are losing money because of non-approval. I hear complaints from people who make applications for small things such as houses, and what not, before the Town Planning Authority and they meet resistance or there are severe requirements put in place.

Today the Member has said that many of the plans which go before the Planning Authority are not complete and, therefore, the Planning Authority has to require that persons meet the various requirements. I personally believe that some of the major problems of the Planning Authority are where it seems to get down to nit-picking because a building is supposed to be 10 feet from the boundary and because it is 9 feet eleven and three quarter inches someone on the Board puts up a squawk about it. I have heard of instances where, if, indeed, the information is so, and there are no good causes to think that everyone that has spoken to me about it was not telling the truth, it all amounts to nit-picking. I think much time is lost there and developers and individuals find frustration in these particular sorts of things. I believe, too, that it is these areas within the Development and Planning Law that need to be changed to become practical and realistic rather than the Board which has been appointed under the Law to delegate certain of its authority to the Director or the Director and a member.

Madam Speaker, I believe that there are improvements that can be made to the Town Planning Authority where non-contentious matters can be dealt with expeditiously and small applications can be dealt with expeditiously by the Board itself. I suggest that by simply properly planning the agenda by the Director and his Deputy (or however many other technical people he has) they can group together such matters that come before the Board and they are dealt with expeditiously by the Board and, therefore, there should be no delays such as apparently have brought about the recommendation for this change.

The Law, Madam Speaker, under section 3(1) sets up an Authority, and it reads,

> "For the purposes of this Law there is established a body of persons to be called the Central Planning Authority, exercising such functions throughout the Cayman Islands as are hereinafter assigned to it.".

A body of persons. I believe that the intention of this Law was to bring together a number of persons with various views, skills and professions, to be part of the Planning Authority and that body of persons could best arrive at practical and reasonable decisions. If there is a problem with that body of persons now or in the past then the situation ought to be corrected.

I understand from the Member moving this motion that a Procedural Manual has been created. What a wonderful thing! What a pity it was not there before. Because another complaint that I hear often, as the Member raised, is that "A" has his plans dealt with in a certain manner and "B" has his dealt with in a different manner. If there is a prescribed way of dealing with all applications so that developers, so that any individuals applying to that Board, know that these are the requirements that they have to meet, if they are set down, if they are made available to the public at large then it reduces or lessens or removes the excuses of anyone not knowing what is required of them. So I think the production or the establishment of a Procedural Manual is indeed very, very necessary and I am happy to hear that such is being done.

Madam Speaker, I think that while the Authority is politicised simply because it is appointed by the Executive Council and so, as all boards do and should, reflects the policies of the Government of the day, making this particular change politicises it in a way that is not good. I can see no good reason why the Board must give up its authority to the Director and one member. Who will that one member be? How will he be selected? Will he be the chairman or will he be an ordinary member, what will qualify him? Is he the most supportive of the Government policies of the day? These are the questions which, Madam Speaker, in my

opinion, come into play. I believe and certainly I support totally and fully the most wide sweeping measures being taken to get the Planning Authority in the Island as functional and moving as quickly as is possible in making determination on applications, but I do not believe that this particular move is one which will have the type of positive effect that it should.

The Board on a whole is now criticised for its decisions and its actions, what will become then of the Director of Planning who has been given extra authority to deal with individuals or with a company who might come in to bring forward approvals for an apartment building. Will he not be criticised, is it not opening the situation where that person and one member of the Board come under undue criticism, will this remove all obstacles in this case? I do not believe so, Madam Speaker. If it is being share-and-share-alike, which is not the case in sharing between these Islands, there is also a Board called the Development Control Board in Cayman Brac. I wonder why such considerations have not been given to that Board as well. I hear criticisms that things are held up there as well, why is it not done for that Board? If it is such a good move and if there is a move to politicise well it might as well go the full scope.

Madam Speaker, this amendment, while I can see and understand the intention of the Member moving it, and hear what he has stated, I share his concerns, but the means by which it is being attempted to correct it, I do not believe are correct. I believe a whole look needs to be taken at the procedures and practices of the Planning Authority and it cannot be solved by simply delegating extra authority to the Director and one member of the Board. It runs far deeper, Madam Speaker, and so it has to be dealt with perhaps in the wider way that the Member has spoken about.

I hear of situations where people are not allowed to, or cannot get their Certificate of Occupancy because someone on the Board does not like where the developer proposed to put a particular piece of shrubbery. I hear of multi-million dollar developments where there is a question of how deep you dig the trench to put down the pipe to run electricity underground and then they found out that that type of electrical conduit is not satisfactory. I hear of frustration of developers, the sidewalk is not sufficient and there also has to be a bicycle track. Madam Speaker, these are the things that I believe, if the Government is to act to change things positively and overall, need to be addressed. I understand that there are situations where the Electrical Inspectorate may give full approval or find everything in place for a building but "Planning" says that the person cannot get approval for that until he has made some changes to the crack in the outside piece of concrete. These are the types of ridiculous things which are happening in some instances in the Board. These are what need to be addressed.

So, Madam Speaker, this particular change, while it does not need my vote to pass, I disagree with it because this is tokenism to the overall problems and I do not believe that by taking authority from the Board and vesting it in the Director and one member to be in a position to give approval on behalf of the Board, the Board can just as easily deal with matters expeditiously if its practices and procedures are improved and corrected.

Thank you, Madam Speaker.

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

HON. W. McKEEVA BUSH: Madam Speaker, it is very timely that this Bill is before the House today. The Planning Department, Madam Speaker, and the Board are the main instruments which turn the wheel of development in this country. It is that Department that is the funnel through which the development dollars must pass and when that funnel is clogged because of bureaucracy then there will not be any dollars from development and the people that depend most on construction are the main ones that suffer.

We have been meeting over the past six months with wide groups of developers, contractors and other business people and the complaints we hear from them and they are the ones that should know, and we can include in that group of people, architects as well, is not about the Authority so much as the bureaucracy before reaching the Authority. I want to make it very clear that this bureaucracy is not something that has been set up overnight. This bureaucracy was set up and became deep rooted a long time before this Administration took office. It was a problem a long time before the present Director reached that post.

The Government is saying that this is only a small measure, one that has been blessed by architects, contractors and developers alike. It is not a Bill that is going to remove all of the bureaucracy, but this will eliminate some of the time-consuming arrangements within the department. We, too, have been hearing about the bureaucracy and I find, even as a Member of the Executive Council, that it has grown to such an extent, as one developer said, "it takes a large part of your time to deal with the bureaucracy in Government".

Some complaints we hear, it takes two months to get a single family dwelling. Not that it has reached the Central Planning Authority, but it is held up within the bureaucracy and arrangements of the Department. I believe that more than ever, today, we have to be vigilant. The idea that we can do what we please with that investor, be it the Planning, the man on the street, the Members of this House, must be done away with. Let us all remember we need the investor much more than he needs us. There are too many countries that he can go to. Let no one fool themselves and believe that there is no competition out there for these Cayman Islands, competition that copies all of our good legislation that has taken us years to develop. I believe that we need to spend much more time telling the investor how we can help him, instead of spending time telling him what he cannot do.

If we are going to entice the investor here, there needs to be a change in the attitude all around. This includes everyone, barring nobody. This includes the attitudes of some of the Civil Servants, it includes the attitude of the man in the street as well as the attitude of some Elected Members in this Legislature who are looking for a fight. We, in this House, must be leaders now. The fact is that this country is

hurting. We did not make it this way, but it is our responsibility now to change things. When the people voted in November of 1992 and threw out the Government of that day, it voted for a change. They wanted things turned around and when we were voted in to Executive Council it was with the idea that we were the ones to change the rot that had set in. Let me say it very clearly for all to hear inside this House and outside, no one, no one, Madam Speaker, but no one outside this House or inside this House, is going to stop this new Government from doing the job which has been entrusted to us by the people who wanted change. The man in the street is to be made to realise that the world was not made in one day and, while such measures as have been taken today are only small measures in the direction we want to go, these are the measures which are going to help and the Members of this House must give them a chance to help.

It is only six months since we took office and we have been busily trying to overcome the negatives left behind and bring back the confidence in Cayman which is needed for investors to start development again. It is the job of every single Elected Member who stood on our platform to help us restore and maintain that confidence. I believe the greater the body of support behind the efforts of the Government, the better the chance we will have for success. With our economic circumstances dependent upon getting people to come from abroad and invest money in Cayman, this can only be done if inside Cayman and outside Cayman there is confidence in the sense, the integrity, and the strength of Government and the country.

People are not going to come to these Islands and invest and then be made to feel the "we want your money but we do not want you" syndrome. That cannot work any longer if we are going to help our people. If all those services that the Government is called upon to provide we are going to have to get development and we are going to have to treat developers and investors good. Yet we cannot compromise too much, we realise that. We cannot prostitute ourselves, and this is not what we want. This is why we are taking certain actions and this is why we are taking some time, but we have been busily doing the work of the people. If those people who are out of work and are employable (because some out of work are not employable) are to stand a chance, all must understand that to get the money out of the foreign investor means that we Caymanians must make them feel that Cayman is welcoming them to these Islands.

In closing, the Planning Department has the most important role to play in our development progress, it has the most important role to play in making the foreign investor feel wanted. What happens when that investment comes? From where I stand the future and safety of these Islands depends upon our raising our standards of production and increasing our skill and knowledge as well. It is of no use for the Government to burn the midnight oil to get the investment here, to entice the developers here, and those people who get a job let us down. It is time for Members of this House who stand up here and on the public platform to say to the public of this country, especially those who complain a lot, if they want a job and they get a job they must be at work by seven o'clock. Be there! Eight o'clock is not good enough.

We have to realise that on any job (and they must be told this), there must be a boss, be they Caymanian or be they an expatriate. When you are employed by someone there is always a boss, a person in authority, and the employee is always expected to do the job, no less will do. They must be told as well, do not expect anyone to keep your job for you, and that the world owes no one a living and the quicker we, in this House, teach our people that, the better these Cayman Islands will progress. But get up and criticise the Executive Council, to get up on a soap box behind some grape tree and pretend that the Executive Council is doing nothing, is not helping the country. It takes a new vitality to reach into the will of the people of this country to raise standards of production to face the competition of the world. There is no time for political shenanigans to undercut the administration.

We, all of us, need to recognise that we are leaders, and must be prepared to lead and to build up our people. When they complain we need to sit down and explain, as the good doctor said he explained to his constituents, or to that person who was talking about the cruise ships not coming here. As long as we, as a Government, are visibly doing what is right, so long as we are visibly doing what is best, so long as we are evidently honouring the promise of working for those we promised to work for, we will succeed. That is what the new Members have to understand, and that is what those with four years' experience also need to understand.

It is up to all Elected Members to be workers or they can be complainers. But if they are complainers they must be prepared to put alternatives on the table. Madam Speaker, I could go on but I know that I am outside the ambits of the Bill and I thank the House for its indulgence. The Member for Planning is making a good effort and we back him in these efforts to start eradicating the bureaucracy which will show the investor and Caymanian alike, that we, the National Team Government, are on his side.

Thank you, Madam Speaker.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker.

Madam Speaker, a Bill for a Law to Amend the Development and Planning Law (Revised), is a Bill which is timely and it is a move in the right direction as the Honourable Member said, it is a beginning. I can see where it will be beneficial that people seeking to have an uncontentious application approved can get it without delay. It will also help the Planning Department and their much overworked staff.

One addition I would have suggested is that after the approval is made it could be attached to the agenda of the Central Planning Authority and ratified by the whole Authority at any meeting, which then would have brought the Authority responsible, as the Law says, for all Planning Approvals. Nevertheless, this will eliminate some of the complications. But primarily, while I stand, I would like to ask the Honourable Member to give consideration at the Committee stage to somehow include the word "Board" in this

amendment as Cayman Brac and Little Cayman suffer from the same problems and because our Board meets less frequently. In some instances there is a backlog and as we all know we do not have professional planners as a Department in Cayman Brac. It would certainly help if the Executive Secretary could be empowered to, with the Chairman of the Board or any Member of the Board, approve these plans because very often, as has been mentioned before, it is something of a minor nature, something that would create employment immediately and if it has to wait until the Board's next meeting it means it could incur unemployment.

I had hoped we would have seen a review of the regulations of this Bill. Since the Honourable Member has said that will be coming, because during my decade or more of serving on the Central Planning Authority and the Development Control Board, I found, in the latter times while I was there, that we were having considerable problems with our fee assessment as when all other applications were removed from the fee and it categorised some, it left us at a great disadvantage as to how to bill a TV dish and other things. That is something that I hope will be addressed when the regulations are amended.

I congratulate the Honourable Member for moving ahead on this and I look forward to all that he has told us we can expect in the future. I support the Bill.

Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker.

I have heard both praise and bitter criticism about the Planning Department. Praise, in particular, for the members of the Board going into the districts recently soliciting public input about the revision of the Development and Planning Regulations. The main criticisms are about the red ink and the bureaucracy that some people face in getting their plans approved. But we know how important the Planning Department is and it has been alleged that, unfortunately, the Department has been impeding progress and development in the Cayman Islands. We know now that tourism and the financial sector seem to be in a healthy condition, but construction is a bit asthenic and anemic at the time being and we need to do everything possible to jump start the construction industry in the Island to keep things moving.

I took it upon myself to talk to members, and the Chairman of the present and past Central Planning Board, and the feedback I got is that often the agenda is very, very lengthy, cumbersome, difficult to deal with, time consuming and much of the material there could be dealt with by people other than the members of the Board. I think this Bill is for that purpose, some of the less important things, as we heard from the Member, like signage, fences and, I am sure, extensions on houses and private dwellings. These can be dealt with and can take some of the load off of the Central Planning Board. I am a man that is always for progress and certainly not bureaucracy. We want to get things moving now and we want to stimulate our economy as much as possible.

I could never come here and say that I do not support this move. I would like to endorse it 100 per cent.

Thank you very much.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I want to remind Members of the National Team of what our campaign motto was. That was that we are building for the 21st century.

We also promised during the campaign that if we were elected that we would cut down on red tape and bureaucracy in Government and I believe that this Bill to amend the Development and Planning Law (Revised) is a means of doing that. It is not going to do it overnight, but I think with time that some of the bureaucracy will be cut out, that small matters can be dealt with very quickly and that the major developments that will be coming before the Planning Board then will have ample time and that they will be able to look at them closer and not have such a long agenda to deal with.

I believe that this is timely and that it will help. I would like to commend the Central Planning Authority for the work that they are doing and I believe also that their Department will see some of the cutbacks that we discussed earlier. But we must also give them some of our patience in putting forth the plan to the Board and I think that if they will not have to deal with these small matters then it will help a lot and they can be dealt with very quickly. So I too would like to support this Bill and I commend the Member for bringing it at this time.

Thank you, Madam Speaker.

THE SPEAKER: The Third Elected Member for Bodden Town.

I must say that it is after one o'clock and I think that the House should be suspended until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:59 P.M.

PROCEEDINGS RESUMED AT 2:30 P.M.

THE SPEAKER: Please be seated.

I apologise to Members for the delay in convening the House. Debate continues on the Second Reading of the Development and Planning Amendment Bill, 1993.

The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: The Bill before the House seeks to reduce some of the red tape which at present is experienced with regard to getting Planning permission. This is a timely amendment. The First Elected Member of Executive Council told us a while ago that many of the problems now experienced in Planning have been around for some time and are not the makings of the present Administration but have developed, or maybe "festered" would be a better word, over the years.

I think it was one of the former rulers of Russia that said, "I do not rule Russia, 10,000 clerks do". I think this is what has happened to Planning. The Director no longer runs Planning, 10,000 clerks do. This is why you have to cut down your lemon tree and replace it with a lime tree and you have to tell them what colour the leaves will be in the fall. I could tell many stories, some of them that I know of personally that have happened over the last two or three years and they have gone from what was a fairly good position to the most ridiculous situation imaginable.

It is my belief that we have to get Planning right because that Department, more than any other department, will either make or break this country. It is not what we do with the Constitution or what tourism will do, but the development of this country with regards to the planning, the construction of houses to serve the natives, the construction of major projects for development, these things must be done and they must be done efficiently and quickly.

If one looks to the Statistical Abstract of Government, for years in the past, one will note the big difference made after Government shed the yoke that was put on the country during the time when all these restrictive covenants had been brought into Planning and how in two years, when they introduced the new law with less restrictions, that Planning approvals rose from $13 million to $85 million in two years. We need the same thing today and we will not get it if the Authority continues to frustrate the people who make application to the Board. So this is a timely amendment. But because it gives discretion to one person or, at most, to two people, it has to be watched closely. If the system is abused we may have to add a further amendment to allow appeals by the aggrieved persons from decisions made by the Director and a single member.

The Honourable Member, in introducing the Bill, mentioned the production of the procedural manual which, as the Second Member from Cayman Brac said, will go a long way to streamline the procedures and methods and the work will not be left to the 10,000 clerks. Everyone will know how his application will be handled.

Planning, properly handled, can mean development; but if abused, it will stunt our economic growth. This Government, with the vision that it has, cannot allow this to happen. It is my understanding that even when the Authority approves an application there are so many "subject tos" attached to it that it takes many months before the individual can proceed. The person has to go around and get permission from every one of the other 9,999 clerks before the work can proceed.

This Bill should lessen the work of the Authority which, at best of times, is cumbersome and time-consuming as the Memorandum of the Bill says. It will delegate the time-consuming, minor functions to the Director and, in some cases, to the Director and to one member of the Authority. I cannot anticipate what will come in the jump start package that has been promised for the economy, but I would say that a good starting place, as far as Planning is concerned, would be a lessening of the restrictions of one storey dwelling homes, a lessening of the stamp duty on properties for the first home owner, and we could go on to many other things. I believe that Planning must play the key part in the revitalising of the economy and I have faith in the present Government that they will do the job that they have been elected to do and will continue to put forward amendments, programmes and packages which will benefit, if not all, the great majority of the people in this country.

THE SPEAKER: If there is no further debate I would ask the mover, the Member in charge of the Bill, if he would like to reply.

HON. THOMAS C. JEFFERSON: Yes, Madam Speaker, I think a reply is necessary. The comments of Honourable Members are well appreciated and I am most grateful for the support which has been given to the Bill. The Second Elected Member for Cayman Brac had the view that this Bill, in essence, is not going to help the situation. Obviously he and I do not agree.

If we look at the number of applications that came to the Planning Department from the 1st of January this year to the 25th of May, we find that there were a total of 340 applications. In the presentation of the Bill I did say that the delegation that was being proposed here would include houses, pools, signage, among other things. Just to look at houses alone, there are 101 applications for houses. There are 20 applications for pools, there are three applications to build tennis courts and there are five applications for fences, 22 applications for TV dishes, and 44 applications for signage and there are 21 applications for apartments. Now in that 21 there are likely to be a few that are not small. But if we just look at those items alone, and there are others, we are well over 200 already. So I think that based on those statistics, it appears, to me, that rather than having 200 or more applications go before the Central Planning Authority where decisions have to be taken on each one which have to be recorded, the minutes have to be produced and they then have to write to the individual applicants, it seems to me that this is a substantial streamlining of this process.

I do believe that having a member of the Board together with the Director of Planning provides a liaison between the Board and this delegated authority. So I think there is sufficient liaison there to make sure that the Board understands what is being done with this delegated authority. Moreover, I am sure, that whatever gets approved by this delegated authority, the Chairman will be informed of it and information will be produced which demonstrates to every member what was approved and perhaps, to some extent, when. So, I guess we agree to disagree on this point.

Regarding the Development Control Board in Cayman Brac and

the Central Planning Authority, personally I have heard no real complaints about those two bodies. The majority, if not all that I have heard, speak about the Planning Department, not the Central Planning Authority, neither the District Control or Development Control Board, if I have the name right. I have never heard about any backlog at the Development Control Board in Cayman Brac. I take the point by the two Members from the respective district and I will personally examine to see whether anything needs to be done. I doubt whether, at this stage, we should seek to amend what is before the House. But certainly in the coming months and in the next Meeting, having examined it properly, if it is necessary we will put the amendment forward.

Perhaps, too, it is fair to say that I intend, as I have mentioned to my colleagues, to establish within a section of the Planning Department a Forward Planning Unit. Not a body made up of thousands of people, but a body that is sufficiently staffed to plan forward together with the present day planning arrangements so that the Department begins to look beyond next year, beyond 1995 and even beyond 1996. I believe that, with some good secretarial service, and a Planning Officer and maybe an assistant Planning Officer, which could be staffed by present vacancies in the Department is about all we need. Members, at some stage, will be requested to support that move when it comes.

Speaking of Development, Madam Speaker, we realise that when the present Government took up their responsibility in this Honourable House and in the Executive Council one of the priorities of the day (actually we were sworn in and immediately got produced mounds of paper) Cayman Airways, so we immediately had a priority to fix that. I believe within the not too distant future the public of this country will agree that we are well on the way to fixing it. The financial hemorrhage of the Government position required us to deal with it, we needed to deal quickly also with the tourism side which, I believe if all statistics are correct, we have experienced the best five months in this country to date.

I am saying all of this to make this point. Certainly some of the backlog in the Central Planning Authority and the Planning Department must have been caused by the former Central Planning Authority exting office and the new Central Planning Authority taking up their responsibilities. But I am confident that we are well on the way, perhaps by today, to be able to say, "We are almost home, ready to touch home base", as far as being current is concerned. There will always be applications which get deferred for a number of reasons and I would ask each Member to examine them carefully. It will not necessarily be the Planning Department's fault all the time. Like all of us, they are human beings. As one Member put it, it is easy to nit-pick and, God knows, there is enough nit-picking going around in this country today. It is about time we start talking about the positive attributes that this country has, what has been achieved in the last six months, and I would venture to say that in my short time in the Government there has never been, and I challenge anybody to tell me about it, there has never been a six month period by any Government that betters the one that the Government presently has.

Maybe it is proper too, to say, in case I have not done so already, to the Members of the Legislative Assembly, since I began to talk about tourism, that the moratorium that was in place along the side Seven Mile Beach expired this month. Government will continue to monitor it and see what happens now that this moratorium has expired. I believe it would be well of us to just pay attention and see what significance it has in development.

Before I sit, I would like again to thank all Members for their support and their comments.

THE SPEAKER: I shall now put the question is that a Bill entitled The Development and Planning (Amendment) Bill, 1993, be given a Second Reading. Those in favour please say Aye...Those against No.

AGREED. A BILL ENTITLED THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.

THE SPEAKER: That concludes the business on today's Order Paper. I shall now ask for a motion for the adjournment of the House.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I hope that the Clerk has conveyed our thoughts on the subject of adjournment, but the Members have agreed that since the Business for tomorrow is not extensive that we should adjourn this afternoon until Friday morning at 10:00 o'clock

THE SPEAKER: The question is that the House do now stand adjourned until Friday the 18th of June, at 10:00 o'clock. If there is no debate I shall put the question. Those in favour please say Aye, those against No. The Ayes have it.

AT 2:55 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 18TH JUNE, 1993.

FRIDAY
18TH JUNE, 1993
10:08 A.M.

THE SPEAKER: Prayers by the First Elected Member for Bodden Town.

PRAYERS

MR. ROY BODDEN: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed.

APOLOGY

THE SPEAKER: Before we continue with the Business of the House, I would like to say an apology has been received from Mr. Dalmain Ebanks, the Fourth Elected Member from West Bay. He has been overseas for medical aid and is now back on the Island but has been advised by his doctor that he should not attend this meeting.

QUESTIONS TO HONOURABLE MEMBERS

THE SPEAKER: Questions to Honourable Members. No. 72, the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 72

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

No. 72: What is the total number of work permits issued in the Cayman Islands up to 28th February, 1993, including temporary permits, accounting for this category as a unit?

HON. J. LEMUEL HURLSTON: Madam Speaker, the answer. The total number of work permits in force as of the 28th February, 1993, was 11,059. The total number of temporary work permits in force on the 28th February, 1993, was 918.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, this substantive question sets a time limit because this was a question carried over from the last Meeting of the House. I wonder if the Member could say, if he knows, if there was an increase or reduction in either of the two categories, temporary or full-time work permits on the Islands?

HON. J. LEMUEL HURLSTON: Madam Speaker, I do not have with me the statistical

information to make comparison, but these statistics the total number of permits that are issued and the various economic sectors to whom they have been issued, are publicly published on a quarterly basis so that the information is available for comparison purposes.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member say if this is published in the Gazette or is it done through the Government Information Services?

HON. J. LEMUEL HURLSTON: Madam Speaker, it is done through the Government Information Services and done in the form of a press release.

THE SPEAKER: The next question is No. 73, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 73

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

No. 73: What is the total number of work permits issued in Cayman Brac and Little Cayman, including temporary work permits up to 28th February, 1993, with a breakdown of category and nationality?

HON. J. LEMUEL HURLSTON: Madam Speaker, the answer. The breakdown of work permits in force in Cayman Brac as of the 28th February, 1993, showed a total of 60 temporary work permits and 117 full work permits. Details of the breakdown by category and nationality are as follows:

DEPARTMENT OF IMMIGRATION STATISTICS

Cayman Brac

1. TEMPORARY WORK PERMITS

The following Temporary Work Permits can be considered effective up to 28th February, 1993:

Nationality	
United Kingdom & Ireland	4
United States of America	18
Canada	1
Jamaica & Honduras	36
Other West Indian Islands, Central and South America	1
	60
Occupation	
Finance	-
Service & support industries	7
Construction & related industries	13
Agriculture	4
Tourism	17
Religion & education	-
Recreation, culture and sports	3
Domestic workers	16
	60

2. FULL WORK PERMITS

The following full work permits can be considered effective up to 28th February, 1993.

Nationality	
United Kingdom & Ireland	1
United States of America	33
Canada	4
Jamaica & Honduras	65

Other West Indian Islands, Central and South America	12
South Africa	2
	117
Occupation	
Finance	-
Service & support industries	23
Construction & related industries	11
Agriculture	2
Tourism	27
Religion & education	5
Recreation, culture and sports	11
Domestic workers	38
	117

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Could the Member say if authority is given to the District Commissioner or any such officer in Cayman Brac to issue temporary permits or full permits or whether these matters have to be referred to Grand Cayman and to the Board here?

HON. J. LEMUEL HURLSTON: Madam Speaker, depending on the urgency of an application a temporary permit may be authorised by the District Commissioner in Cayman Brac acting on delegated authority given to him by the Chief Immigration Officer. When the matter is not urgent all applications are forwarded to Grand Cayman for processing in the normal fashion.

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

MR. GILBERT A. McLEAN: Could the Member say if any preference has been expressed to any Officials regarding the issuance of work permits, temporary or full, where Cayman Brac is concerned, where they be issued locally? Has any thought been given to allowing that or is it preferred that it continues the present way?

HON. J. LEMUEL HURLSTON: Madam Speaker, no official representation has been received recommending any change in the current procedure. The current procedure seems to work well in that if the matter is urgent it can be expedited locally. If it is not urgent then it is dealt with in a routine fashion.

THE SPEAKER: The next question is No. 74, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 74

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

No. 74: What is the number of dependents of non-Caymanian Civil Servants, Caymanian status holders, and temporary and full-time work permit holders broken down by each category?

HON. J. LEMUEL HURLSTON: Madam Speaker, the number of dependents of non-Caymanian Civil Servants is 887. This figure includes spouses. As of the 31st December 1992 (the last quarterly statistical return) the number of dependents of full-time permit holders totalled 2,421. No figures are available for dependents of temporary permit holders as these, if any, are not permitted as part of the permit process. They would be admitted as visitors. Their numbers, however, are likely to be very small.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Member say if, among the number given previously for work permit holders, some of the dependents of work permit holders are indeed within that group and in those numbers?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, in the case of the total of 2,421 that would be an all-inclusive number of dependents including full-time permit holders.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member can say if it is a common custom to issue dependents of permit holders work permits?

HON. J. LEMUEL HURLSTON: Madam Speaker, there is nothing to prevent a person who is legally resident on the Island as a dependent of a work permit holder from being considered for the grant of a permit, but it has to be done on a needs-basis, that is, the position to be filled by such an individual has to be competitively advertised and Caymanians have to be given the first preference. Failing that any others who are already legally resident on the Island may then be considered. Consequently, in many of the advertisements we see published locally, there is an invitation for Caymanians or persons with Caymanian Status or others legally resident who are invited to apply.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Member say if he has any idea, any statistics, as to the percentages or the numbers of dependents of non-Caymanian Civil Servants who are indeed working, or for that matter the number of these dependents of persons who first had work permits and their spouses or children took up employment afterward?

HON. J. LEMUEL HURLSTON: Madam Speaker, I do apologise. I do not have the statistics available to me on that basis. But, such as they are, they would be included and counted in the overall total number of work permits issued and they would be categorised into the various sectors of industry in which they are working. I do not have the correlations between who are dependents versus who are not dependents. I am sorry.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, I noticed that the answer omits Caymanian Status holders, could we get an answer to that part of the question?

HON. J. LEMUEL HURLSTON: I am sorry Madam Speaker, the answer given is the total number of dependents, be they non-Caymanian Civil Servants or Caymanian Status holders. But these are dependents of persons who are working in the public service, not in the public and private sector combined. We currently have, Madam Speaker, approximately 600 non-Caymanians employed in the public sector and if we allow one spouse as an average for each of those employees we would see that immediately included in this figure of 887 would be approximately 600 spouses. So that the number of dependent children in that case would be 287.

THE SPEAKER: The next question is No. 75, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 75

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

No. 75: To give the reason for the disbandment of the Internal Audit of the Customs Department and state what more effective controls the Government now has?

HON. GEORGE A. McCARTHY: Madam Speaker, as part of the measures for containing overall cost of the Government operations, it was pointed out specifically in the Throne Speech by His Excellency the Governor that all Departmental operations would be examined and amalgamated where possible with a view of containing cost without impairing efficiency. The Internal Audit Section of the Customs Department, whilst being viewed as useful, was obviously a duplication of the services provided by the centralised Internal Audit Section established in 1991 under the Portfolio of Finance and Development and which became fully operational during 1992.

The Government, therefore, given the financial constraints which were addressed in the 1993 Budget, took the decision that it would be more cost effective to absorb the Internal Audit Section of the Custom Department into the centralised Internal Audit Unit. It is recognised this absorption will reduce the man-day input into the specific examination of all import entries. However, with improved auditing techniques, as will be applied by the centralised Internal Audit Section, this would enhance the detection of clerical discrepancies and breakdown in internal controls while expediting the implementation of remedial measures such as improvements to the system.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member would care to explain how the Internal Audit Unit of the Government (which to my understanding is responsible for auditing the entire Government), is going to offer a more effective service than the Internal Audit Unit of the Customs Department which was a specific unit designed to ferry out cases where under-reporting of import duties was made and was at the access of the Collector of Customs to investigate individual cases, as and when they were necessary, or even on a routine basis?

HON. GEORGE A. McCARTHY: Madam Speaker, we will have to look at this at two levels. First of all the Internal Audit Section, while accomplishing all of what the Honourable Member has just mentioned, if we look at the procedures that applied in the first instance when an importer presented an Import Entry in order to make the payment of duty, this entry would be examined by a Customs Officer who would be the primary source person of dealing with that importer.

Secondly, it would be checked again by a Senior Officer within the Department. So we have two levels of internal checks being applied. Now at the time when the Internal Audit Section within the Customs Department became established in 1985, we did not have the Centralised Internal Audit Unit established within the Portfolio of Finance and Development. What has happened, Madam Speaker, initially when the decision was taken for the integration, while the necessary administrative details were being worked out, one of the offices in question was transferred into Finance in the first instance due to space limitation. Recently, a meeting between the Collector of Customs, the Chief Internal Auditor, the Acting Deputy Financial Secretary, and I, took a decision that what we are going to do is to transfer the central source person, who is a Senior Auditor from the Customs Department, into the Internal Audit Unit with specific responsibilities for dealing with the audit requirements for Customs.

This individual who will be trained in statistical sampling methodology, rather than going there and dealing with each import entry on a single basis he will probably take samples of a population and by looking on the amount of errors contained within this limited field will be able to determine the reasonableness of accuracy that will be applied to dealing with import entries and will also provide an indication of the revenue that is being lost.

Granted, Madam Speaker, having the Internal Audit Unit would mean that every import entry would be examined. That is not necessarily the most efficient way. A system of internal control (and as I mentioned earlier we have two levels of internal check that are being provided in addition to the person who prepares the Import Entry) plus the assistance that will be provided through the Centralised Internal Audit Unit which will also be accessible to the Collector of Customs should be able to cover all of the desirable internal controls that are required, and also will enhance the effectiveness of the audit function.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Member confirm that the Internal Audit Unit of the Customs Department was established specifically to give the opportunity to Officers to examine various Customs entries and in effect to audit the system? Is it more of a system audit than actually counting the dollars and cents, and if a system or procedure is not correctly followed that there may be a discrepancy in the funds, and, was it not specifically set up to deal solely with the Customs Department? Is it correct that the Internal Audit is under-staffed and over-worked? How can they then lend service to examining on a daily or weekly basis what happens in the Customs Department which is one of the largest revenue earners in the country?

HON. GEORGE A. McCARTHY: Madam Speaker, I think it is a subjective interpretation to believe that the Internal Audit Unit is under-staffed and over-worked; that could be said for most Departments within Government. But with auditing techniques that are applied to the examination of any given set of financial transactions, it does not necessarily mean that 100 percent audit coverage will be able to correct weaknesses within the systems. Systems, Madam Speaker, are what embrace the entire controls within an organisation.

The Customs Department, in the first instance that I mentioned earlier, has got the first level of check where the source person who deals with the importer examines the import entry. This examination is made against the invoices that are presented. This, at a secondary level, is also checked for accuracy. Periodically, the Internal Auditor will make an evaluation of the systems of internal control inside the Customs Department and, based on his findings, will determine whether the controls are operating adequately or otherwise. We had five staff members initially assigned to the Unit within the Customs Department. Since that time we have had enhancements to the system and it means that no system remains static. It is constantly changing, things are evolving and, as we put the desired internal controls in place, I think this will compensate for the weakness that was there initially and also the need to keep doing the detail checking that was done initially.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, can the Member say how many individual import entries are processed on a daily basis by the Customs Department, how many deposits taken and all the other functions, and, what percentage of these transactions would now be audited by the new system?

HON. GEORGE A. McCARTHY: Madam Speaker, while I would not be able to give the daily count of the average transactions, we are looking at approximately, for example, $60 million that is targeted to be collected in 1993. If we were to divide that figure by the average number of working days in the year which runs at about 240, we are going to come up with a substantial amount. In terms of how much, what percentage, of these entries will have to be checked out on a daily basis, this will depend on the accuracy of how the import entries are being processed. If, for example, 10 to 25 per cent, let us say, for example, we take up X number of import entries with a value of $1 million and let us say, 10 per cent of those entries are found to have contained discrepancies of $10,000, we can assume, then, if 10 per cent is representative of a sample within that given value of population we would have discrepancies amounting to 100,000. This therefore, would lend itself, not necessarily to additional persons being put in, but it would also mean that the system will have to be looked at properly and an assessment made because often times it could require retraining of the individuals that are there in addition to looking at, probably, how primary checking activities are carried out.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

Would the Honourable Member say, if it is not true that the Internal Audit in the Custom Department has uncovered in various instances where large sums of money which otherwise would not have been paid to Government and Government was able to benefit from such discoveries and such examinations, and will that same method or means, or ability, be in place now that it has been disbanded, and is it true that the reason for disbanding this Unit was that it had brought embarrassment in certain official areas about certain discoveries that were made where Government was not paid the relevant Custom Duties?

HON. GEORGE A. McCARTHY: Madam Speaker, in the first instance, I do not think looking at what has been taking place in the Internal Audit Unit at the Customs Department that it would have been set aside merely to avoid embarrassment to probably appease certain egos. That definitely would not be the case. We are looking at an entire system.

Secondly, if it was felt that the effectiveness of the section would have been reduced by the amalgamation, definitely this would not have taken place. There are several interpretations, Madam Speaker, for the events that are taking place within Government and, obviously, various conclusions will be drawn. What has been put in place, Madam Speaker, is to achieve a greater level of effectiveness. Because we should hope that the centralised Internal Audit Section should be able to monitor the system and do the necessary audit test to avoid the volumes of discrepancies that existed in 1985 and which we have found to be improving, plus the fact that we are not losing the immediate skills of the section: We have the senior person that will be brought across and his skills will be upgraded in terms of necessary training to make him more effective. In addition to that, the expertise of the Chief Internal Auditor, together with the other staff members, will be available to the section.

What we have done, Madam Speaker, similar to an exercise that was carried out earlier, we have amalgamated this section of the Tourism Department responsible for the checking of Tourism Accommodation Tax, and transferred that to the Treasury Department. Instead of having one Unit dedicated to a specific task, we are spreading the resources and we are obtaining what I would call better value for money in terms of deploying the expertise of the individuals in questions.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member can say how many officers were displaced by this amalgamation, what will be the amount of monies saved per annum by the Government, if any, if this amalgamation met with the approval of the Public Service Commission and if the officers who were displaced were required to have any input in the exercise regarding its effectiveness and, finally, how much time will the Internal Audit Unit be able to spend on specialised Customs work?

THE SPEAKER: Honourable Members, I would ask that in the future questions should be very simple ones rather than three or four contained in one submission, please. It is somewhat difficult for someone to answer. If the Honourable Member can answer, please do so.

HON. GEORGE A. McCARTHY: Madam Speaker, I will try to answer as much as I could retain from the questions that were asked. In the first instance, the Centralised Internal Audit Unit, in anticipation of this integration, allocated 50 man days. With the transfer of a staff member from the Customs Internal Audit Unit who will be available on a full time basis, and considering that six months of the year will be gone, taking the period 1st of July through December we have approximately 120 man days, so we are looking at approximately 170 man days that will be available.

When this is compared to the number of man days that were available previously, one will have to look at the seniority and skills of the officers in question. So what we are doing there, is we are prioritising the audit of the Customs activity to the very highest level where we are taking the senior officer in question and we are also bringing to bear the skills of the Centralised Internal Audit Unit. Secondly, the overall cost of that Unit, Madam Speaker, for 1992 was approximately $100,970. Out of this we are hoping, basically, to save approximately $60,000 to $65,000. This does not take into account the notional cost of the space that will be given up to other departments that will move into that section and thus alleviate the need for rental of

premises to be acquired elsewhere. So when that is factored in it therefore increases the savings to Government.

Thirdly, in terms of the displacement of the staff, initially one staff member was moved across, the others were deployed within the Customs Department in various administrative duties and this is still continuing. Fourthly, in terms of consulting the Public Service Commission on this, it was felt that since the decision was taken by His Excellency the Governor in regard to this amalgamation we did not operate outside that authority. The period that was given for achieving the amalgamation of the departments was the 30th of April. We gradually shifted the staff in place because we had to take into account, basically, that the work had to continue, the audit requirements had to be met. This was done followed by a submission being made through the Principal Secretary of Personnel to the Secretary of the Public Service Commission in order to achieve the change around of the staff members. This was not left, based on the submission at that time, because one of the officers that came to the Internal Audit Unit took the view that he would prefer to be back in the Customs Department. Yet, still, his choice is to be placed in another Department because he has been trained in the first instance as a pilot.

What we have done is we have gone beyond and we have taken into account the needs of that individual and the Acting Deputy Financial Secretary has been in touch with the Head of that Department concerned to see if that individual can be taken on staff, thus giving him his first choice in terms of developing his expertise. All of this is taking place, and in addition, as I mentioned earlier, the other officers have been absorbed within the various activities of the Customs Department. Lastly, the Senior Internal Auditor of the Customs Department will be transferred as a staff member of the Central Internal Audit Unit.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. In consideration that Customs Department is probably one of the prime revenue earners for this country, I wonder if there could be a consideration that the invaluable result obtained from the Internal Audit Service of Customs, if this could be reconsidered because the administrative cost, to me, would be minuscule as to the results that would come from a specified and specialised area such as this?

HON. GEORGE A. McCARTHY: I thoroughly endorse the concerns of the Member because this is a concern of the Government overall, and also my concern. If the view was taken that the effectiveness of the audit requirements would be diminished by the integration of the units, this would not take place because it is not a question of being penny-wise and pound-foolish. In terms of saving $60,000, if it was viewed that we would be losing more than this, then this would definitely not be the case. It is not a question of the individuals or the number of persons that are there, we are taking the audit of the Customs Department at the very highest level, where systems will be focused on and also the required training will be put in place. In addition to that, ongoing reviews will be carried out from time to time with the Collector of Customs to ensure that he understands fully the importance of internal checks being carried out and we are also making sure that the primary and secondary checks that are provided at this time are done by officers that will be able to spot discrepancies thus avoiding any loss of revenue that may be sustained.

THE SPEAKER: The last Supplementary, the Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. Having answered the barrage of questions, I wonder then if the Honourable Member responsible would give an undertaking of a time limit with a view to reexamining the situation to prove or disprove the views that are now held, so that a definite course of action, one way or the other, can be reported back to this House?

HON. GEORGE A. McCARTHY: Madam Speaker, initially when the decision was taken for the integration, talks were held with the Collector of Customs, talks were also held with the Chief Internal Officer. As I mentioned earlier, the overall scope of the requirements within the Customs Department was looked at. If it is a question that we want to revert to a 100 per cent tic-and-turn checking activity, we can do that. That will not necessarily achieve the desired level of effectiveness. What we are really putting in place at this time, basically, takes it beyond a heightened level of internal audit checking activities that will be carried out. In the first instance the person assigned to the audit of Customs will be reporting to the Chief Internal Auditor up to the Financial Secretary. This will take this level of reporting to a higher point from where it was before, with the Collector of Customs. I know that the Collector of Customs was very much concerned and keen about what was happening but it was felt that his expertise, basically, is in the area of excise and Customs activity.

Since we have brought on board a Chief Internal Auditor who specialises in the field of auditing and looking at the global requirements of Government, it was felt that it would be best if he could make a determination and assessment of the audit requirements that were being provided by Government. I can say that we can go and examine, I am not sure in terms of the outcome what he will find in it, but from interpretation of the audit requirements, so far, it suggests that what we have just put in place will be more effective and an enhancement to the audit system than what previously existed.

THE SPEAKER: The next question is No. 76, standing in the name of First Elected Member for Bodden Town.

QUESTION NO. 76

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

No. 76: To provide the Quantity Surveyor's list which was included in the application for duty exemption on building supplies and materials imported for the Rankin's Airport Inn.

HON. GEORGE A. McCARTHY: Madam Speaker, as per the Member's request a copy of the list is hereby provided.

SUPPLEMENTARIES:

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

MR. ROY BODDEN: Thank you, Madam Speaker. This says, "Estimate take-off". I would like to ask the Honourable Member if this is the Quantity Surveyor's list or is this, rather, an estimate?

HON. GEORGE A. McCARTHY: Madam Speaker, the Collector of Customs has confirmed that this is the Quantity Surveyor's list as was submitted by B & B Building Consultants, Limited.

THE SPEAKER: The First Elected Member from Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I would now ask the Honourable Member to state if these items were actually checked by the Customs to ascertain that the items on this list were in fact the items imported and also if he could state when was the last of these items imported into the country?

HON. GEORGE A. McCARTHY: Continuous examinations were carried out by the Customs Task Force to ensure that the items imported were in conformity with the list. We cannot be sure at this time as to the exact date that the last set of items were imported. But that information can be looked into and provided to the Honourable Member.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can give some dates of the times that these examinations took place and also the venue of these examinations?

HON. GEORGE A. McCARTHY: Madam Speaker, I can request the Customs Task Force to provide the dates on which various examinations were carried out, but I understand that the venues of the examinations were either the construction site or the premises of the owner who imported the items in question.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: I wonder if the Honourable Member would be able to say if this material came directly invoiced to the Rankine's Inn or under the invoice of another company?

HON. GEORGE A. McCARTHY: Madam Speaker, I have been made to understand that some of these imports came in under the names of other companies that are owned by the owner. But checks could be carried out to make sure that the items identified for Rankine's Inn were checked off in conformity with what is on the list.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say whether this is a common practice and if it is, how then can we guarantee that items presented on a Quantity Surveyor's list and items imported are exactly the same number and the same value?

HON. GEORGE A. McCARTHY: The infrequency of these facilities would suggest that this would not be happening on a regular basis. Most of the importers in question would not have multiples of companies in question. It would be difficult to determine the exact cost compared with what was set out on the original list? What has to be the guiding factor is the quantity of items in question to ensure that they conform to specifications.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, would the Member confirm if duty exemption was actually granted on all of these items listed?

HON. GEORGE A. McCARTHY: All of the items imported would qualify for the abatement of duty as approved under the Hotels Aid Licensing Board, on the 21st of August 1992.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member if some of these goods came in under the name of a company other than Rankine's Airport Inn, why were those honoured by duty exempt status?

HON. GEORGE A. McCARTHY: The proprietor of Rankine's Airport Inn confirmed that the items in question would be used in the specified project and this is a condition I understand that has been set out by the Board.

THE SPEAKER: The next question is No. 77, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 77

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

No. 77: What measures have been adapted by the Customs Department to curb the illegal importation of spearguns into the country.

HON. GEORGE A. McCARTHY: The Customs Department is pursuing every available avenue to curb the illegal importation of spearguns and other contraband into the country. Measures adopted by the Department include the following:

(i) the Task Force Unit of the Department has been strengthened by four additional Officers so that a wider range of cargo examination can be carried out;

(ii) tighter scrutiny is also given to arriving vessels and private aircraft;

(iii) the Department is also acting on certain information received from other Government agencies concerning the probability of the smuggling of spearguns and/or speargun parts.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say when were these measures adopted and also if he is able to comment on the effectiveness of the measures to date?

HON. GEORGE A. McCARTHY: Madam Speaker, I have been made to understand that there is no specified date as to when these measures were implemented as they are being implemented on an ongoing basis, as and when required. I also understand that the Customs Task Force is increasing its vigilance into this specific area to minimise any illegal importation of such items coming into the country.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I wonder if the Honourable Member could say what is the opinion of the Customs with regard to spear parts and other accessories sold in some of the businesses on the Islands, and how is this controlled?

HON. GEORGE A. McCARTHY: The Collector of Customs is not aware of these spear parts being sold. The Unit would welcome any information as to what suppliers or importers are providing such parts to the public.

THE SPEAKER: It is now 11:00 perhaps you might ask for suspension to complete the supplementaries on this. The Honourable Member for Health and Human Services.

SUSPENSION OF STANDING ORDER 23(8)

HON. W. McKEEVA BUSH: In the absence of the Leader of Government Business, I move suspension of the relevant Standing Order.

THE SPEAKER: The question is that Standing Order 23(8) be suspended in order for Question Time to continue. I shall put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. STANDING ORDER 23(8) SUSPENDED.

QUESTIONS TO HONOURABLE MEMBERS (CONTINUING)

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I would like to ask the Honourable Member if the Customs Department did not receive notification on the 24th of March 1993 from one of the Marine Enforcement Officers detailing the extent of the sale of these spare parts including venues where the spare parts were being sold, and also details of persons who smuggled spear guns and accessories past Customs Officers at the airport?

HON. GEORGE A. McCARTHY: The Collector confirms having received this information but the provider of the information could not substantiate absolutely that this was so. The Customs Department has been checking since that time to seek confirmation based on this information but nothing conclusive has come forward at this time in order to substantiate or provide confirmation of the information originally provided.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to say whether the information given was not graphic enough including the names of these people, the time, and description of some of the items they were smuggling, and if there is a lack of trust between the Customs Department and the source from which this information came why the Customs Department took no action on it?

HON. GEORGE A. McCARTHY: The Task Force of the Customs Department had, subsequent to receiving the information, followed up with the provider of the information. The information was given with a certain amount of detail as was pointed out by the Honourable Member. But it is a question of actually finding these people who are alleged to be bringing these parts into the country, finding them on their persons or in their possession in order to effect a prosecution.

THE SPEAKER: That concludes question time for today. The next item is Government Business, Bills.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

THE CAYMAN ISLANDS COAT OF ARMS, FLAG AND NATIONAL SONG BILL, 1993

CLERK: The Cayman Islands Coat of Arms, Flag and National Song Bill, 1993.

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

THE HEALTH SERVICES AUTHORITY (DISSOLUTION) BILL, 1993

CLERK: The Health Services Authority (Dissolution) Bill, 1993.

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

THE HEALTH SERVICES (FEES) BILL, 1993

CLERK: The Health Services (Fees) Bill, 1993.

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

SECOND READING

THE CAYMAN ISLANDS COAT OF ARMS, FLAG AND NATIONAL SONG BILL, 1993

CLERK: The Cayman Islands Coat of Arms, Flag and National Song Bill, 1993

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

HON. W. McKEEVA BUSH: Madam Speaker, Members should by now have possession of this Bill and I commend the Cayman Islands Coat of Arms, Flag and National Song, Bill for favourable consideration of this Honourable House. I believe it is one which we can all rally around and give our support to.

The Memorandum of Objects and Reasons, I think, nicely summarizes what the Bill sets out to do - First to prohibit use of our Coat of Arms and Flag in connection with any trades, that is to say commercial use, without prior approval of the Governor in Council. Secondly, the Bill seeks to provide for the possibility that guidelines can be set with respect to the use of the Coat of Arms, the flying of the National Flag, and the singing of the National Song.

Members of this Honourable House will be aware that our Coat of Arms and Flag do require some protection if they are to remain national symbols which capture the pride and dignity of our people. Both the Coat of Arms and the Flag are already widely used and, Madam Speaker, they sell well, precisely because they are such touted symbols of these Cayman Islands.

Most institutions which have incorporated either the Flag or the Coat of Arms in their logo or letterhead have actually done so with some discretion, usually making use of some interpretation or extract rather than a direct representation of these in full colour and detail. Objects being offered for retail sale bearing inscriptions of either Flag or Coat of Arms are also usually quite tasteful and accurate. However, concerns have arisen in one or two instances in the past, in which it seemed a literal representation of the Coat of Arms was intended to be used. For instance, as a logo on a Seven Mile Beach Condominium Development. From the experience of other countries, future uses, perhaps an even less acceptable nature may be proposed. This is what we are guarding against. It should be possible to anticipate and make provision for this in the guidelines.

It has also been observed that our Flag at times receives somewhat shabby treatment as well. Some institutions and persons seem to not be aware of commonly accepted protocols such that their practices include flying a number of flags without the Cayman Islands Flag among them, using the red version of the Cayman Islands Flag on land though it is intended for marine use, and so on. These are just some of the problems which we recognise. This Bill would allow for guidelines to be set to inform the community as to the commonly accepted norms in these matters as well as establishing any peculiarities which are seen to be appropriate to the Cayman Islands.

Given that these symbols still enjoy a good deal of respect, it is anticipated that the country will welcome such a guideline and the degree of assurance that they should offer that Legislators are prepared to protect the Flag and Coat of Arms of the Cayman Islands. Guidelines concerning the singing of the National Song may require the least attention in the first instance, given that it is generally now sung in appropriate circumstances. The principal difficulty which now comes to mind is the occasional confusion over whether it is more appropriate, in a given situation, to sing the National Anthem or the National Song or both, and the guidelines will address this matter.

The public is assured that wherever they want to sing the National Song that would not change, as long as they are being respectful to the National Song. I have been present on occasions when people sing it as a mockery rather than with respect. Whether they do it in jest, or as I said mockery, it is sometimes distasteful. I assure this Honourable House that they would have an opportunity for input on the proposed guidelines which I will table in this Honourable House. As I suspect, there may be some small reservoir of concerns over this aspect.

In conclusion, I again commend this Bill for Members' favour recognising the facts as I have pointed out, recognising, too, that there are countries which have similar legislation for similar good reasons; the United States of America being a well-known example. It is timely that we should introduce such legislation and I believe the people would undoubtedly welcome it. This Bill, which incorporates these three national symbols, is something which I have been asking about for many years, ever since I have been a Member of this Honourable Legislative Assembly. I often talk about sensible nationalism, this is what it is all about. I trust that Members will accept this Bill in that sensible nationalistic attitude.

I thank the Honourable House.

THE SPEAKER: The question is that a Bill entitled the Cayman Islands Coat of Arms, Flag and National Song Bill, 1993 be given a Second Reading.

The motion is open for debate. The First Elected Member for Bodden Town... who has given way to the Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I am grateful for the courtesy just shown to me but I believe that all the Members from Bodden Town will rise to support this Bill. The other two Members, one of them, has been a teacher and probably taught children in the past about the respect due to the Flag and the other Member, who served in the military will also be aware of the significance of giving unto these symbols the respect due onto them. Today, unfortunately, we have a situation where some people really do not know what the Flag stands for, do not know the significance of our Coat of Arms, and very little about the Song, which is to become our National Song.

These are not idle words because the Union Jack has been flown in these Islands for as far back as I can remember and there are still many people who would not know how to hoist it correctly, they would not know if it is upside down or not, they do not know about the broad stripe being nearest to the mast. There are some people who do not know what it means to have the Flag at half mast. There are a few that believe it should be at half mast rather than just one flag width away from the top. We need to get

back to teaching the young these matters concerning our Flag. Since Cayman has its own flag, we must pay attention to it. Fortunately for us it is almost impossible to fly our Flag upside down.

I am alarmed when I see people showing so little respect, when the National Anthem is sung people do not stand up. We are not replacing the National Anthem, we will still be using that. I believe people should show similar respect for our National Song. I notice Americans are always eager to stand up and place their right hand on their breast when their Pledge of Allegiance is being said. The Member touched upon one part of the Bill, clause 4 section (c), which deals with the occasion on which the National Song should, or may, be played and sung. I can trust the present Government not to do anything foolish with that section, but I do not know what future Governments may be like. I will be happier if that section was tightened. I would not want a Government to come along and tell me that I could not sing the National Song when I was taking a shower if I felt like bursting into song at that particular time. We have seen the way Governments behave in stupid fashion. But the Government who has the care to bring such a Bill, we know will not impose such restrictions.

But by that clause, that section, in this Bill, being the way it is, we have made it easy for people to come along and make the use of a National Song ridiculous. I understand the concern of the Member when he says there are people who disparage our National Song. I have seen it myself. The Schools have begun to teach the children about the significance of the Coat of Arms and at a recent General Knowledge Quiz run by the Lions Club, at least one of the questions asked about what something in the Coat of Arms meant. You would be surprised that there are some people out there who do not know why our Coat of Arms has a pineapple, why it has the three stars, why it has the turtle.

I believe this Bill will bring an awareness which has never before been present and it will be all for the good. Everyday we see things, which our ancestors thought of as sacred, being belittled and ignored. The Government, as a whole, must be congratulated on the production of this Bill and their efforts in putting it forward.

I certainly support it.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. A country's Flag, National Song and its Coat of Arms are symbols of that country's soul as much as the people are symbolic of the country's soul and as such should be treated with the greatest reverence and respect. It is high time that we in this country, although we may be young in comparison to some other countries, cultivate the respect for these symbols of our country. During my tenure as a school principal, I made it a point on at least two occasions per week to have a ceremony with the whole school assembled, both staff and students, when we had a hoisting of the Flag. I tried to inculcate in the students what that Flag meant including the fact that under no circumstances was the Flag supposed to touch the ground.

In August of 1992, I had the occasion to travel with the National Under 16 Football Team to Cuba to play in the Central American and Caribbean tournament. One of the things that I wrote in my report as 'Chef de mission' was the fact that our players, in comparison to the players of other countries, displayed absolutely no emotion when our National Song was played and Flag hoisted. Madam Speaker, I remember my years living in Canada there was an event that used to happen every four years called the Canada Cup, when the Russians came to the Montreal Forum to play the Canadian National Hockey Team. If one was in the Forum when the Canadian National Anthem was sung, when the Maple Leaf was unfurled and one was not fired up then one would have to be a dead soul. On several occasions we remarked to our players on the trip, "Do you not understand what it means when your Flag is unfolded and when your National Song is being sung? You are supposed to feel fire burning within you." I could not believe that we had 16 year olds who were absolutely unmoved.

Happily, some schools are making an effort and I can speak from the experience which I have had because I was invited on two occasions at the George Hicks High School by the principal and some teachers involved where they are making a concerted effort. The two mornings that I spent there the level of receptivity and the understanding of the students have to be commendable. So I am confident that the next generation of Caymanians will have a knowledge of these symbols which are so close to the very soul of our country. I would just like to add, it is an observation that I have made, that also when flags are flown in the Cayman Islands, or on vessels registered in the Cayman Islands, there should be no other country's flag save for that of the United Kingdom which is greater in size than the Cayman Islands'. When flags are flown in tandem with our Flag, there should be no flag flown on any building or on any ship registered in the Cayman Islands which is larger than the Cayman Islands' Flag, save, perhaps, the Flag of the United Kingdom. I know from my experience in Canada that you could not fly a flag in tandem or in conjunction with the Canadian Flag, larger than the Canadian Flag because if a policeman was passing and he saw it, he would bring it to your attention and you would have to immediately take it down. Nor should a flag be flown above it.

So, Madam Speaker, while these things may seem trivial and insignificant they speak about the very heart and soul of the people and so it is important that we inculcate these things in our national culture from the time our young people are able to understand. Those of us who had the occasion of studying in Jamaica shortly after they achieved independence will know first hand of the attitude and the respect which they have for their flag and their National Anthem. I remember my days at Mico when we went to the cinema every show began with the singing of the Jamaican National Anthem. When that was played whether you were at the Regal, the Carib or even those cinemas on the Windward Road, the Realto and the rest of them which were less prestigious, you had better stand up. Because be you sure that if you did not, you had better be a quadriplegic because those people in that theater would not let you get away with a mark of disrespect. I would hope that these are the kinds of emotions that this Bill for this Law will bring out not only in our Caymanian people,

but in our visitors to our shores.

There can be no greater example of the kinds of reverence that Flags, Coats of Arms and National Anthems and Songs should get than, perhaps, the United States. About a year or so ago, there was a great battle with the civil libertarians in the United States because one of the most serious offences was the burning or the destruction in any form of the American Flag. In a country which prides itself in being the most free democratic and open country there were extensive suits regarding the freedom of people to destroy the flag of the United States. So I believe that this is timely. I also believe that we should encourage visitors to our country to respect these symbols of our very existence and to that extent we should ensure that these symbols are being exposed to our students from the Primary School level right on into High School. In the wider society this should still be the rule rather than the exception.

In the words of the great Scottish poet, "Breathes there a man with soul so dead, who never to himself has said, 'This is my own, my native land' ". If we have anyone in our country who is a Caymanian and does not respect these symbols or is not moved to great emotion when these symbols of our national existence are displayed, then I dare say that that person needs some help. So this Bill would seem to go some way in promoting what the Mover calls a sensible nationalism and I give it my full support.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:34 A.M

PROCEEDINGS RESUMED AT 11:55 A.M.

THE SPEAKER: Please be seated.

Debate continues on the Second Reading of the Cayman Islands Coat of Arms, Flag and National Song Bill. The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker.

I think it is timely that this Bill is being brought at this time because an awareness our Coat of Arms, our Flag and National Song is sadly lacking and I think it will only bring an awareness to our young ones as well as to the old people, that is lacking. On Monday last, at the reception at Government House, I was saddened to hear the National Song being played and some people singing and others walking around and completely ignoring it. We need to develop more pride and nationalism in our country and I think this Bill will achieve this at some time. I would just like to offer my support and I would like to commend the Member for presenting it at this time.

Thank you.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. I rise to support the Bill for a Law relating to the use of the Coat of Arms and the Flag of the Cayman Island and the designation of a National Song. I believe that this Bill is good, progressive and nationally meaningful and that the Government has taken cognisance of the Coat of Arms, our Flag, and what we have always looked upon as our National Song. Each country has its symbols and these symbols have meaning in a deep and emotional way to each country. Where the Cayman Islands may be lacking, I trust that this Bill will bring into focus three symbols which we should prize, which we should respect and which we should love.

Madam Speaker, the Coat of Arms of the Cayman Islands, I have seen used in various places, various times and in many instances I wondered whether permission had been granted for it to be used in those locations by those persons. Often times I think that there was no official approval for this to be done. The significance of our Coat of Arms is, that it is us; it symbolises something about ourselves. No one Coat of Arms can represent another country and so we have one and so we should be proud of having one, because of what it means to us. I think that perhaps there has not been, up until now, sufficient education about the significance of the Flag, our Coat of Arms or the National Song and so there may be many people who truly do not understand their significance. I trust that this will be the beginning of a condition which will bring into sharp focus these three symbols of our country.

There is considerable history behind each of these. For example our Coat of Arms, is something that was dealt with way back by Mr. Alan H. Donald, the then, Commissioner of the Cayman Islands, who, on the 3rd April, 1957, brought this into focus here in the Island. It was discussed with his then Executive Council which comprised of the late Mr. E.O. Panton, Mr. Desmond Watler, Mr. T. W. Farrington, Mr. O. L. Panton, Dr. Edlin Merren, Mr. W. A. McLaughlin and Mr. Spurgeon Ebanks. These were his Advisory Executive Council and other people played a role in it, including non-Caymanians. Mr. Jimmy Ford of the Cayman Yacht Club, now the Ports of Call, submitted a design which assisted in the formation of our present Coat of Arms.

Also, Madam Speaker, Mr. Lennox Boyd who is now the Minister of State was indeed then the Secretary of State, on the 14th May, 1957, received the approval of the College of Arms in London and this approval was signed by Mr. Belleau, Garter King of Arms. Madam Speaker, it is interesting to know that with the Coat of Arms there were two suggested designs, one was not accepted but parts of it were and there was a second one which was accepted as we know it now. The colours, the objects on the Coat of Arms all have significance, right down to "HE HATH FOUNDED IT UPON THE SEAS", which comes from Psalm 24: 2. So there is much that can be learned about the Coat of Arms and I trust that when this Bill is passed

that the Mover will recommend to his colleague in charge of Education that the schools give prominence to teaching the story or the history and the significance of the Coat of Arms, our Flag and the National Song.

Our Flag, Madam Speaker, has in it representation of the Union Jack. Another speaker, the First Elected Member for Bodden Town spoke about various significance of a flag flying along with the Cayman Flag; what it should be in terms of size, in terms of height and all the rest of it, so I will not go into that, but I think these are all matters of significance that our people on a whole should know. I have watched in recent times and before this, when in some countries people demonstrate by burning the flag of their country. Some people say that is what democracy is about and in a democratic state that people can even go to that extreme to protest. I am just one human being but I certainly have disagreement with that kind of demonstration or protest. For while people might be upset with a particular administration or with a particular Government, they are transient, but the Flag symbolises the country and, to me, those people desecrating the Flag are in effect saying, "I would chose to desecrate my country". So I certainly share the view as has been expressed by other speakers of the significance of our Flag and the pride we should have in it. I think it is good that legislation is being passed which brings into focus these three symbols of our country.

Lastly, Madam Speaker, the song written by Mrs. Lela Ross-Shier. I think that it is a song that shows the deepest emotion from her about how she felt about Cayman. It is a plaintive cry and certainly the words of that song, I believe, came from the heart of someone who wished to be back on that island or that country that she called home. In regard to this song being designated the National Song, I think it is right that I should bring to the attention of the House and the Member that I have at least heard one person having a disagreement with the concept of it being the National Song at a meeting about a week ago on the Brac. The argument of the person was, that it speaks of "Isle Cayman," whereas we are three Islands and his contention was that beloved "Isles Cayman" would have indeed encompass all three Islands, so this person had some disagreement from that conceptual point of view.

Madam Speaker, I think the Government and the Member responsible have taken a very positive step in, if you will, forcing the country to have a clearer look, a greater regard, a greater respect for some of the symbols that really make us who we are, that relate to us as a people and that from which we will grow in self esteem as a people, in which we will gather confidence in ourselves, in which we will live with lives of certainty. These are the things which help make a people a people because as a people we can relate to it. It is something unique to us.

Madam Speaker, this Bill has my support and I am very happy to see that this has come to the Legislature, something I think which has been a long outstanding need.

Thank you.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. The other Members of this Honourable House who have spoken on this Bill have all embraced, I would say, almost all of the relevant points which I think need to be aired for the public's ears and I, too, rise to give my support. So as not to be repetitious in saying the same things over and over, I would simply like to endorse the safe passage of this Bill through this Honourable House. But, just to make one short mention of the very last section of the Bill, section 4 (c), which reads; "The Government may issue guidelines setting out the occasion on which the National Song should or may be played and sung.".

I am simply asking the Mover and the rest of the Members of this Honourable House to have a think about this wording that when we go to Committee Stage, I do appreciate what the Member has explained that he is attempting to achieve, I simply want us to think strongly as to, maybe, rewording this section, so that it does not seem to be trying anybody's hands. But at the same time achieving what we all want to achieve.

Thank you.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. I rise to give my full support to a Bill for a Law relating to the use of the Coat of Arms and Flag of the Cayman Islands, and the designation of a National Song. I would like to congratulate the Mover on bringing this Bill to the floor of this Honourable House. I think it is a step in the right direction. I think it is something that we need to instill in our children and in our adults; the respect for our Flag, Coat of Arms and the National Song.

It is customary around the world, any of us who has been involved in the maritime industry will know that there is a severe fine for approaching a foreign country without displaying the Flag of the nationality of the ship which you are on, and also on your foremast a flag of the country whose territorial waters you are entering. I have noticed repeatedly ships entering the Cayman Islands without showing us that respect. It is nothing short of disrespect and in other territories it incurs a substantial fine.

Madam Speaker, our love for our country can be displayed in many ways and the more we teach it in our schools and display it in public places the more national attention we will receive. Our Coat of Arms, not only is it a beautiful one, but it has a wonderful history behind it. I think that it should be taught what every item on it signifies and the motto is very appropriate. I would also like to say that in designating the National Song, I think it is very essential that we make it very clear to the nation and to the world that we are not changing our National Anthem. Many of my constituents and other people have said to me, "Does this mean that we will not sing what we have sung from our childhood?", and I said, "absolutely not, that is not the intention, this is a National Song, our National Anthem will continue to be our National Anthem and it will deserve all the respect that it has ever received, and more".

Madam Speaker, in closing I would like to, again, congratulate the Government for moving this and encourage that an educational programme be implemented in the schools whereby our young Caymanians and foreigners alike, attending school here, will come up with a full knowledge of our Coat of Arms, our Flag, our National Song and also our deep respect for our National Anthem.

Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, as Caymanians we are certainly proud to be Caymanians and I can say for myself, I am very, very proud to be a Caymanian. I feel that a Bill such as this reinforces that already prevalent sentiment. I feel that the sentiment is alive and well but I know for sure that this Bill will enhance the national pride that already exists, and also the esteem. I feel that with national pride often comes civic pride and I do say that I do see instances where this unfortunately is lacking in the country and I believe that this will in fact help to enhance our civic pride.

I grew up as a neighbour to Mrs. Lela Ross-Shier and wish to God that she was here today to see this song being made our Nation Song. I certainly endorse the Bill.

Thank you.

THE SPEAKER: If there is no further debate, would the Honourable Member in charge of the Bill reply thereto?

HON. W. McKEEVA BUSH: Madam Speaker, I wish to thank all Members who supported this Second Reading debate. There were a few queries. I do not think Members have to worry about those queries. The wording of the Bill is such that it says that guidelines will be set for occasions on which the National Song should or may be played and sung. This is because we are cognisant that we cannot make people sing or not sing this National Song. We can only make guidelines which lay down decent public standards and to encourage an awareness in the community. We already have discussed ways of getting children in schools to learn more about these symbols where it is not now being done.

The Member for Cayman Brac said he had one complaint, it does not surprise me but, nevertheless, I think Mrs. Lela Ross-Shier did a good job in writing this wonderful piece of music and I do not know if the 's' on the word Isle was left off, certainly, whenever I sing it I sing it with all the Cayman Islands in my mind. I certainly have no way of communicating with her at this time whether the 's' was on or not. But I do believe that in this instance we have to apply the Interpretation Law where singular is plural.

When the Bill gets to Committee Stage, I am sure that Madam Speaker will entertain simple, straight-forward amendments if Members of this Honourable House feel that it is necessary. I certainly will entertain them. As I have said, this is only one move in the forward march in our social development programme. This is something that I have asked for and I quite rightly remember saying on several occasions to the Government Bench at that time, that when those on this side were somewhere else, and I on that side was on this side, those things will be done, and so they have been done.

I thank the Honourable Members, Madam Speaker.

THE SPEAKER: The question is that a Bill entitled the Cayman Islands Coat of Arms, Flag and National Song Bill, 1993 be given a Second Reading. I shall put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. THAT THE CAYMAN ISLANDS COAT OF ARMS, FLAG AND NATIONAL SONG BILL, 1993 BE GIVEN A SECOND READING.

THE HEALTH SERVICES AUTHORITY (DISSOLUTION) BILL, 1993

CLERK: The Health Services Authority (Dissolution) Bill, 1993.

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

HON. W. McKEEVA BUSH: Madam Speaker, this Bill is being presented as a result of Government's decision to reverse the Health Services Authority to departmental status within central Government. Madam Speaker and Honourable Members, over the first full year of operation the Health Services Authority has proven to be unwieldy and costly to operate.

In dealing with this Bill, I intend to outline the major problems experienced in the management of the Health Services since the inception of the monstrosity called the Health Services Authority Law. This Honourable House will recall that the past Government, and the then Member for Health from North Side was warned extensively by persons in this House and by persons on the outside involved in Health Care and in other areas of business in this country. He was warned of the dangers of hasty implementation of the Health Services Authority Law. You will also recall, Madam Speaker, that as Opposition Member then I, moved a resolution to postpone the date of coming into effect which, of course, failed.

Most of the problems arose because the Health Services was established too hastily without proper procedure or controls put in place. The result of this was that a third layer, if you may, was added to the administrative structure and decision-making process in Health Services with a Board

sitting in between the Portfolio and the Health Services Management. Experiences have shown that even the Board itself must have had insufficient control of the authority's operations. They were, in fact, often not aware of the activities of the Chief Executive Officer, Dr. Martin Smith, now deceased, and the former Member for Health and Social Services, Mr. Ezzard Miller. As a result, for most of 1992, the Authority actually spun out of control with, on the one side, an excess of burdensome Committees consuming staff's time with debatable results, and on the other side, a variety of commitments being made and services purchased that entailed either absolute waste or created a tangle of problems. These problems included low staff morale, multiple staff management issues and, one of the most severe ongoing legal squabbles which we are still left to untangle. Much of this only became apparent in late 1992 and during the first six months of this year.

Madam Speaker, and Honourable Members, a very nasty picture has emerged of a Chief Executive Officer who was directed by the Member, but had no administrative mechanism for ensuring his accountability to the Board, and the Board which similarly had no appropriate mechanism to exercise control over its Chief Executive Officer, and a Health Service in quite a state of disorder. The role of the Chief Executive Officer, guided by the then Member, in creating this distressing state of affairs, was significant. It was from their offices that many of the commitments beyond budget allocation, retention of services without authorisation and hiring of staff on extraordinary contract terms were entered into.

When these things came to light, they consumed much of the Board's time pursuing legal advice and attempting to respond to staff's concerns regarding comparability in terms of employment. The latter, of course, had its effect on morale and motivation levels and the quality of service was in turn affected at the George Town Hospital. Amongst the doctors, the Medical Staff Association provided for in the Health Services Law, began to come together and in so doing brought into being another actor for whom there was no operating guidelines.

In the meantime, with such little apparent control by the Board, and a weak management structure in the Health Services Authority, Heads of Department multiplied within the Authority who, however, had little influence over the direction of the organisation. According to the then Government, the Health Services Authority was created to provide the highest quality of care with the greatest efficiency within a cost-effective environment. That is what was stated in this House on many occasions. However, what evolved was a bureaucratic madhouse with some 17 - 20 different Committees alone, involved with administration and many, many Heads of Department. What was supposed to improve cost-effectiveness and efficiency actually turned out to be grossly counter productive with a serious increase in expenditure.

The commitment to dissolve the Health Services Authority and reestablish the Health Department was given at the time of the Throne Speech and also set out in our Objectives for 1993 as seen in our Budget document. Members will note that the Bill before the House merely provides for a date to be set for the dissolution to take place. Prior to this, more administrative details have to be worked out including an Advisory Board to govern operations of the Health Services. We are aiming for 1st of January 1994 as the effective date for the dissolution. This is in accordance with the time frame recommended by the Chairman and Management of the Authority and should allow sufficient time to avoid the kinds of hiccoughs that plagued the Health Services Authority from its inception.

My Portfolio knows that it would be less costly to run the Health Department as compared to the Health Services Authority. We are also convinced that the move back to a department of Government will streamline the decision-making process in the Health Services and will also simplify and more closely bind the Administration of the Health Services to the policy arm of Government and to existing systems of public accountability which were not adhered to in the Health Services Authority. We therefore feel strongly that the proper direction and efficient management of the Health Services will be enhanced by moving in this direction; that is, back to a Department of Government.

Above all, however, we are very much cognisant of the importance of health and the role of the Health Services in securing the health of the population and I wish to assure Members that this move has been carefully considered and is by no means inspired by political consideration. This is the best and most cost-effective way to provide or to proceed with the delivery of health care in these Islands. Members will have the chance to state their support or their opposition to this move of Government. But I will say to this Honourable House, that they had better take serious cognisance of the situation which they know we found when we entered Government. Madam Speaker, no matter how hard we try we could improve, and we have improved the Health Services, but this monstrosity has to be eliminated or the Government of the Cayman Islands will continuously be strapped for more and more funds, the same as the National Flight Carrier and a few others, but that is a good example of where this thing was headed.

Madam Speaker, I urge Members to support this Bill given the Government's commitment to good cost-effective Health Services to these Islands.

Thank you very much.

THE SPEAKER: The question is that a Bill entitled the Health Care Services Authority Dissolution Bill, 1993, be given a Second Reading. The motion is open for debate.

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. I rise to offer my support to this Bill and to commend the Mover for having the guts to bring it. I remember when the Health Authority Bill was being considered, the question in my mind was, "How is it going to support itself?" and the Member of that day was so convinced that within a matter of two or three years that no Government subsidy would have been necessary because the Health Authority would have been run in such an efficient manner that it would carry itself.

The reverse has been proven to be true, it is, and has proven

itself to be, a very costly exercise. I think that this is a very prudent move by Government to get hold of that situation, to reverse the trend in this area as far as cost and to also be in a position to where the Health Services are better controlled. I believe that once this has been done, Government needs to look at other ways of reducing the cost of the Health Services in this country. I believe, for one, that there is too much freeness available as far as health services are concerned and we must recognise that today we are living in an environment of limited resources and we must ensure that those resources are properly utilised.

I believe the day is going to come, as I said, when we need to look at who pays for what. On a number of occasions I have been at the Hospital and I have noticed the calibre of patients; patients who have the health insurance coverage in place, and probably could have gone to a private doctor for these services, but instead they come to the Hospital where those services are free of cost. I believe that by making this move of trying to arrest the situation in the Health Services Authority, Government has focused its attention on one of the other areas of concern that I have, the first being the survival of Cayman Airways, and I must say that the Member in charge of that particular Portfolio has done an excellent job in order...

THE SPEAKER: Honourable Member, may I bring you back to the discussion, which is the merits and principles of the dissolution of the Health Services Authority? Please confine your remarks to that Bill, thank you.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. But the reason why I mentioned what I did was that the Health Services Authority does utilise quite a bit of Government's revenue and the only reason that I mentioned Cayman Airways was because of the concern we had in that area as well.

I am fully supporting the present Government and its moves and I believe that the dissolution of the Cayman Islands Health Services Authority is a move in the right direction and I look forward to the Member in charge bringing other measures which will better improve our health services which we make available to the residents of this Island.

Thank you.

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

MR. GILBERT A. McLEAN: Madam Speaker, I rise to speak on the Bill for a Law to provide for the dissolution of the Cayman Islands Health Services Authority. This is the first, to my knowledge, of any Government creating an Authority that within approximately a year it was, or has been, dissolved.

It is also my understanding that when a Government, or a Government Administration sets up an Authority, one of the central ideas or understanding is that it wishes to take that particular element of Government Administration out of the normal Government red tape and bureaucracy and give it a certain freedom to operate more in keeping with the way things are done in the private sector. There are various authorities in this country; the Port Authority, which is a shining example that an authority can work, there is the Airport Authority, the Water Authority and so on. There is one thing that has beset this Health Authority, in my opinion, and that is that it was never given the opportunity to work.

I know, and I think that the country on a whole knows, that this Authority came into being under some of the heaviest legislative fire that has ever been generated in this Chamber. The basic argument put at that time against its introduction was that it was coming in too quickly and not given enough time to be properly put into place. I, for one, shared that view. I, for one, said that while I could see certain usefulness in the idea of the Health Services Authority, I believe that its coming into effect and the National Health Insurance coming into effect all at one time was too much to cope with. My point of argument was that we should allow the National Health Insurance to come into being, operate for a year or two, which would produce the money to, in effect, guarantee the success of its financial operation. However, the Government of the day, and this Legislative Assembly, approved the establishment and the formation of the Health Services Authority.

I do my best to bow to the majority view and, indeed, that was done so therefore I saw myself as being an advocate of doing all that I possibly could do to support the activities of that Authority to see that it was a success, for a failure meant that Government's and the people's funds were at stake. As I mentioned before, I do not think that the Health Services Authority was given the opportunity to work. When any change, such as came about with the establishment of the Health Services Authority, is taken there is always reaction to it. Suddenly there was much reaction to it, some ignited by political differences of view among the staff, I believe, in the Health Services; certainly fired on by the pressure from the opposition not to do so at the time. So, this Authority came into being under some of the harshest conditions that I have ever been aware of at the time of an Authority being established.

Madam Speaker, I think that this Health Authority, when it was first appointed, had as its members some of Cayman's finest young professionals in various areas; law, accounting, management. But they did not have the time to function as they may have. At the time of its coming into being, the position put forward by the then, Member was for the Government to transfer to the Authority a certain amount of funds and, for some reason $13 million sticks with me, I would not swear at this time that this was the amount, it may have been the amount that was spent the year prior, but there was a certain amount and the Health Authority undertook to work within that budget to see if indeed it could deliver the health services in a way that it was expected to.

Enhancing this position was the National Health Insurance which is also to go on the block within the next few days. That Health Insurance was the means by which the Health Authority could survive and I suggest, Madam Speaker, that that Health Insurance is the only means by which

health services can be paid for in this country whether you call it a department or you call it an Authority. If the Health Authority is done away with, it is being done away with at a time when the Health Authority is being sued for a very large sum of money, indirectly Government is being sued. There have been various forms of information about this in the press over the past weeks and months.

It has been noted, by the Member presenting the Bill, that on such day as the Governor in Council may appoint, by notice in the Gazette, all property rights and liabilities and so on of the Authority will come to an end. I personally believe that there is a moral obligation on the Government that before attempts are made to dissolve this Authority, the law and the courts or, should I say, they should have their day in court. Again, like everyone in this House, I hear things, people say things to me, and I am made to understand that financially the management of that Health Authority, that short-lived Health Authority, the money allocated to it was quite exceptional. I have heard many speculations that operating the Health Services under this Health Authority cost $25 million a year, $30 million a year and so on and so forth. Anyone can say anything they chose to say, but until this moment in time never have any statistics or figures been shown to prove these many and oft stated allegations. I wonder, in fact, what has happened to the accounts of the Health Services Authority. If I am not mistaken, it should be at this meeting of the House, in fact, that the accounts of the Health Authority should be tabled here in the House. I am further told that the former Auditor General commented on how remarkable it was for the management of the finances of the Health Authority, to be handled as well as he found it to be. I do not have documentary proof of that but, certainly, I have been told that by someone whose word I give considerable credit to. Of course, the way it can be proven or disproved is for the accounts of the Health Services to be tabled here in the House.

The Health Authority was supposed to achieve various things such as the management of what we always knew as the Government Hospital in George Town and the Faith Hospital in Cayman Brac. But in addition to the management of these hospitals as such, it was also bringing into place for the first time certain checks and balances, certain scrutiny of performance of medical staff that had hitherto not existed in similar manner. It was to monitor the medical staff for their quality of care, the medical audit, and there was also provision for peer review. If the Health Authority goes down the chute, what replaces that? There were certain staff by-laws and rules which were to be put in place for the accountability of staff, what happens to that?

Madam Speaker, these are indeed some of the things that need to be taken into account, as one looks as the dissolution of this Health Authority...

THE SPEAKER: Honourable Member, have you reached a convenient point were we might suspend?

MR. GILBERT A. McLEAN: Yes, Madam Speaker.

THE SPEAKER: The House will be suspended until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:57 P.M.

PROCEEDINGS RESUMED AT 2:13 P.M.

THE HEALTH SERVICES AUTHORITY (DISSOLUTION) BILL, 1993

(Continuation of the debate thereon)

THE SPEAKER: Please be seated.
The Second Elected Member for Cayman Brac and Little Cayman continuing the debate.

MR. GILBERT A. McLEAN: Madam Speaker, when we took the suspension, I was referring to matters related to staff committee and noting that, my understanding at least, of one of the things that the Health Authority was supposed to do was to bring in certain systems of changes whereby instituting these it would bring in professional discipline and accountability and the medical staff committees were to be appointed to manage the affairs of the George Town Hospital and also that of Cayman Brac. Personally, I still believe that this is a wise move and that it makes a lot of sense. I am not unfamiliar with being a Civil Servant or the environment in which the Civil Service operates and I am personally aware that there are certain constraints within the administration of Government that hinders certain speedy resolution to objectives which one might hope to achieve.

One area that I understood also that there would be improvement was in the recruitment of staff. In fact, I recall at a Finance Committee when the then Chief Medical Officer told us that it took something like six months, even after the selection had been made of a person overseas to be recruited as a doctor or a nurse, to get the contract in place and all the rest of it. My understanding is that one of the criticisms against the Health Authority was not that they were not getting the appointments done but, supposedly too many were being appointed too quickly and so on. However, to change this situation, which gives the present Authority the means by which they can do this, to revert back to the regular Government administration cannot, I submit, Madam Speaker, speed up the process or make it more efficient.

I think also, that it is a question of shifting from the Authority back to central Government various costs which will not necessarily appear under some of the account heads in any new medical department. I am made to understand that the Health Authority, during its life, or up until now I would assume, met all of the costs, for example, involved with the recruitment of staff which would normally have fallen under the Personnel Department of Government. It paid all of its costs in terms of Custom Duties and levies that were placed on it by the Port Authority and so forth. It paid for its medicines which it was obliged to buy and these all became part of the costs which it had to meet and which, of course, would have to be taken into account when assessing how well it performed financially.

There is also the question of the licensing of facilities in the country which, medical facilities that is, private health care facilities, which were and had become the charge of the Authority under this Law. In total I am of the opinion that this Law did not create a problem for Government, in fact, this law which set up the Health Authority took a major step forward in offering management of a different kind which could be performed in a quicker period of time. So, to simply remove or dissolve the Health Authority cannot resolve the problem of the delivery of health services in the Cayman Islands. In fact, I believe if anything, it could well be worse for we moved from the old to the new and before we were experiencing the results of the new we are moving back to the old. No one could convince me that the efficiencies which could be realised under the Health Authority through expeditious decision-making in a fashion similar to that which is done in the private sector would not be better than reverting to the going from this one to the next one even perhaps to another Portfolio for a decision where Health Services is involved.

When I say going from one person to the other or perhaps to another department, we have a situation where the Health Authority was charged with undertaking such buildings and so on as were necessary, it could negotiate just about all the contracts that it chose to within the bounds of the Government's Legal Department and so on, which now, once it becomes a Government Department again, it falls right back into that state of affairs commonly and familiarly called 'red tape' and 'bureaucracy'.

Madam Speaker, I think that if there are problems in the Health Services Authority in areas then it is the duty of the Government to correct those, but certainly, to dissolve it and simply throw away with it the good and the clearly positive parts is not a wise decision. Just like I had occasion to say when this was all coming about that I thought it was coming about too speedily, certainly, in reverse, I have to believe that before it was tried, for it to be dissolved is much too quickly.

Madam Speaker, I am one for progress and progression and I think that this is retrogressive therefore I am unable to support this Bill.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. One of the difficulties which lies in any new political directorate is to assess or to decide just what policies or programmes they are going to continue which were left over from their predecessor, especially if there were marked differences between the policies of the predecessor and the policies of the succeeding political directorate.

These problems face democratic governments, the world over and when it comes to the Bill for a dissolution of the Health Services, certainly this is no exception. There are some areas in these proposals which leave me with feelings greater than uncomfortableness. I would have loved, for example, to have seen brought here some substantiation regarding the costs of the Health Services Authority not being able to pay its way. I would have liked to have seen some audited figures of the accounts as to how well it was doing up to this point. In addition to that, I am always of the opinion that when you are going to replace something, you should have the alternative on hand because it is not good enough to say that you are going to do away with 'X' and you do not have 'Y' ready to put in place.

I recall from my tenure as Chairman of the Public Accounts Committee, we had occasions in some of the Reports which were tabled concerning that committee, to bring to the attention of the Government the fact that the system which existed at the Hospital during those years had certain weaknesses. So much so that the Member then, when he chose to raise the fees regarding some of the services offered, said that one of the rationales for this rise was the fact that it was recommended by the Public Accounts Committee that the fees charged were not enough. Be that as it may, there were other areas which the committee brought to the Government's attention that certain weaknesses existed in the system then which should be rectified. So these, Madam Speaker, give me feelings of uncomfortableness if not ambivalence with this Bill. I believe that while the Health Services Authority was in its gestation period there were a lot of emotions and a lot of rhetoric and while it is true that it could be argued that it came too hastily it is going out equally as hastily.

I listened to the Honourable Member presenting the Bill and he said that the actual demise is not to come into effect until January of 1994. Well, if that is the case, why not then have allowed the Authority to function up until that time so that we could have a longer assessment and could have been able to more realistically and more comprehensively asses its workings. I believe that the members of the Authority, people who were appointed to oversee its various functions, were people who were eminently qualified and certainly if we took their professional background as a yard-stick, they came from backgrounds and with experience that should have boded well for a good functioning of the Health Services Authority.

Now, however, I am left to wonder with the departure of many of those and their replacement by people who are no less qualified, but who are Civil Servants and by virtue of that fact would have had certain predispositions if the Health Services Authority was not seriously disadvantaged. I would have liked to have seen the Authority given the chance to function. Indeed, my argument is, this perhaps is the route we should have gone on before we embarked on the more elaborate step of developing a hospital. We should have started with the Authority, allowing that to mature and to gain some experience and taking the matter from there.

What we do not want in this country is to get into the position where succeeding political directorates dismantle, for the sake of dismantling, what was left behind. I view this

whole business of politics and political succession much as I would view a relay race; each leg has runners who are handed the baton, but you cannot win if when you are not handed the baton you fling it down or destroy it or take off without the baton, or when you get the baton, stand still and do not move off. So the challenge for us is to make sensible assessments of what we are left with and to allow the infrastructure or the Authority or whatever it may be called, time to perform so that we can be able to make the best assessment of that performance.

Certainly, to my knowledge, the other Authorities - the Water Authority, the Port Authority, the Civil Aviation Authority - are functioning well. They went through as I understand it, growing periods and it was expected that the Health Services Authority would have to endure its infancy and experience its teething problems so to speak. But what we have done is to have aborted the childhood if not the birth of this Authority and therefore, my arguments is, we are not in a good position to say whether it could work or whether it could not work.

We spent many hours, cumulatively speaking in this House talking about the merits and the demerits of it when it was introduced, that does not enable us once it was introduced. That does not free us of the responsibility of allowing it some reasonable time to develop so that we could be able to make an educated assessment as to its effectiveness. Then too, Madam Speaker, there is the human element involved, for, if we as politicians and as political directorates are going to ask members of the public to volunteer their time, many hours, and make sacrifices to serve on Boards for which there is no direct stipend or monetary compensation, only for them to be removed by someone who succeeds us, it is going to leave a bad taste in civic-minded citizens and professional people in the future. People are going to be left to wonder whether if I take this position as I would like to what is going to happen if personalities in the Government change? We have to be careful of the impression that we leave and the interpretations that our actions are open to when we come to situations like this.

Madam Speaker, there is no one that can convince me easily that there was so much wrong with this Authority that is was not in some way salvageable. I do not believing in going for the jugular every time, and a good boxer sometimes will not knock out his opponent but will allow him to lose the decision on a basis of points. We have to know when to go for the jugular, when to knock out the opponent, from when to let him lose on the basis of points. Because, if we set about demolishing the foundation the House is never going to progress, not even in generations.

My concerns, Madam Speaker (and I take cognisance of what the Member who is responsible for this said in his introduction), is that sometimes it may be necessary to build on the foundations of which we are left and I am convinced that this is one occasion where we should have done that. This is one occasion when we should have taken the baton and run the race, adjusting the pace as was necessary. Thank you.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker. I would like to go into the history of the Health Services Authority to begin with. Most of us remember that it commenced functioning on the 1st January, 1992, and for the first six months of its functioning it was chaired by the past Member for Health and the Chief Executive Officer (CEO) of the Authority was the late Dr. Bernard Martin-Smith.

During that period, at the very inception, as with all new authorities or new things, there were certain problems getting it off the ground and none the least, were the problems with the very employees in the Health Services Department. If I have to make any judgment, Dr. Bernard Martin-Smith was not the man for the job as the Chief Executive Officer and there were numerous complaints from the personnel of the Health Services Department. We found some complaints mainly said that he was extremely unreliable; if today he told you something or conveyed a certain impression to you, tomorrow he would forget that he had told you that. Maybe he thought he had told it to someone else and he related something else to you.

Unfortunately, he was in the habit of giving many different stories to the same person about the same thing. This led to a growing mistrust among the hospital personnel. It grew to such an extent that they had absolutely no faith in their leader, the Chief Executive Officer. I am told by so many personnel that they found this particular period of working at the hospital one of the most difficult. Some of those people had been with the service for as long as 20, 22 years and they said that their lives had become living hell. In a situation like this, it was very, very difficult for the Health Services Authority to become established, to gain acceptance and to again function. I accept that. From its very inception it appeared like it was born to fail and perhaps one of the main reasons for this was because of the key players involved in trying to introduce the Health Services Authority. I must say that many doctors, when asked about the Health Services Authority, thought in principle that the Health Services Authority could perhaps be a good thing from the point of view that new management skills could be introduced and applied and perhaps it could bring to the fore even some of the methods that are used in the private sector and perhaps the Health Services would gain from increased efficiency.

Unfortunately, the record does not bear out those assumptions. I had a reason to try to find out how the Health Services Authority has been functioning, and I have spoken to the Finance Department and various members who worked there. I have been given accurate figures according to them of the Health Services Authority's performance. In a nutshell there was never a period before where there was such a leap in health care expenditure from one year to the other.

In 1991 the expenditure on health services in the Islands was in the region of $11.5 million and (by the way I must clarify that is the Public Health Services we are referring to) in 1992, that was the first year of operation for the Cayman Islands Health Services Authority, this jumped almost $15 million. It is important to say here too that of that amount of expenditure, almost $12 million came from Government's coffers and the remaining sums were collected from the paying patients. From those figures you can

see that the Cayman Islands Health Services Authority did not actually save Government any money at all between 1991 and 1992. The total amounts of money spent increased as they had been doing from year to year but to a much larger extent. I asked if it could be explained, why there had been such an increase in health care expenditure. I was given many reasons. I was told, for instance, that the Health Services Authority had to pay duty, and I accepted that. Previous to its inception I was told that no duty was paid on drugs etcetera.

I was also told that many personnel had to be employed particularly in the area of administration to assist with the operation of the Cayman Islands Health Services Authority. It appeared to me that there was an element of empire building and this could be responsible for some of the expenditure that occurred. Now we had to sit down and decide was this necessary, was the best use of every health care dollar being made? After due consultation it does appear that the Cayman Islands Health Services Authority for certain did not improve the overall efficiency of the health care services. In particular, more monies were being spent on administration and proportionately less being spent on actual patient care and after all, what one receives at the end of the day when you are sick, when you are at the receiving end, the quality care that you get is what is extremely important in any hospital.

We know that those who work in administration need to do their job efficiently also to make sure that the hospital functions. But unfortunately, there were many loopholes. I was told, for instance, when I asked if the Health Services Authority made any difference with the collection of bills, I was told that that was just as poor as it ever was before in spite of more personnel being employed to do the job.

Significant amounts of money had been spent on computerisation and unfortunately that was taking a long time to be implemented and for the benefits to be gained. I do accept that everything takes time, but in the cases which I am referring to it does appear that it was taking an undue length of time. In the meantime, Government and the paying population had to be paying for these relevant inefficiencies.

I noticed that a Member, I think it was The Second Elected Member for Cayman Brac and Little Cayman, was concerned about certain Committees that had been put in place under the Cayman Islands Health Services Authority, and what would happen. I would like to allay his anxiety. Those committees that have to do with quality assurance and peer audit and review, there is no reason why these have to be dismantled. They can function as well in the system that is being proposed.

One of the problems that was experienced in the early days of 1992, because of so many things trying to be accomplished in such a short period, there was, unfortunately, a fair amount of confusion. Many, for instance the CEO himself, could not find time to become involved in the clinical aspects of running a hospital, he tried to delegate as much of that as possible. But doctors too, were taken up and being involved in committee meetings to such an extent that patient care further suffered. There were initially something like over 20 committees. There was an attempt to get them started but, unfortunately, or fortunately I should say, the majority of those did not materialise. Some of those committees are necessary in the proper running of the hospital. But it is absolutely impossible to do everything at once. This was one of the main problems at the implementation stage. We had, for instance, a Library Committee, a Cancer Tumor Registry Committee, Utilisation Committee, Peer Audit Review Committee, and on and on we went. All of these Committees were expected to meet sometimes as often as once per month. Sitting on these Committees were medical personnel and this detracted from the amount of time that they could spend with actual patient care, again making the whole system inefficient.

I would like to say that I believe some very fine persons were selected to be on the Health Services Authority Board. But in talking to some of those persons, whether they are right or wrong I cannot say, but I have been told that one of the problems was that it was very difficult for them to make any form of substantial input. Many times the CEO's and, perhaps, the Member's view points were forced upon them and it was just a matter of rubber stamping things. Of course we know that if this was what was going on then this would severely hamper the efficiency of the Cayman Islands Health Services Authority also.

I believe that the problems we now face are certainly far greater than the Cayman Health Services Authority. I believe that it is very important to take a very general look at the entire picture and I am aware that this is exactly what the Member is now doing. If something is not working, and it is obvious that it is not working in terms of the efficient use of making the best use of the Health Care dollar; it is not working in terms of improving the staff morale there, which is very important in patient care; then, how long do you leave it? Eventually we all know it takes sometimes a small leak to sink a ship, and if you can have enough foresight to foresee that something is going to fail then sometimes it does make sense to nip it in the bud.

I think that this new Government is faced with the decision of deciding what form of health care model we want to implement here in the Cayman Islands. Is it a public integrative model of public contract, a public reimbursement model? It is very important. Like we heard earlier in this discussion, we also have to decide who really gets free health care in the Cayman Islands.

I know that the Cayman Islands Health Services Authority has only been in existence for 18 months, and it is a relatively short period. But I also know that economically they did not make much difference, or any positive difference, in the operation of the Health Service and I think it is time to bury the Cayman Islands Health Services Authority.

Thank you very much.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, this Bill seeks to provide for the dissolution of the Cayman Islands Health Services Authority. We find, today, that many of the strong objections made at the time the Authority had been set up have plagued the Authority throughout its life and have finally caused the action to be

taken, which action is being taken today.

For example, there was strong objection to the almost absolute power given to the Member under the Law. Executive Council knew about this yet, after passing the Law, they went right ahead and appointed that same Member as the Chairman of the Authority which was not a requirement of the Law, instead of going out and finding an independent person. Naturally, he went right ahead and appointed himself as Chairman of all the important committees. So it is no wonder that the problems which had all been highlighted in the debate on this Bill from June and July of 1991, are here.

The many sections of the Law, which established the Authority remained and there were sections which were bound to give trouble. I do not want to go into them, but I will mention just a few because one could spend the entire evening. Section 16(2) of that Bill made it possible for the Authority to borrow and the only check and balance on their borrowing was for Executive Council's approval. It was not necessary to have Finance Committee's approval or the approval of the Legislative Assembly. But that same little group that had created what I called the monstrosity at the beginning of my debate, back in July 1991, were in a position to take all the money they needed to spend.

A pretense was made that the Authority would control the Member. But in section 7(2)(d) of the Bill, the Authority could only make recommendations to the Member while in the very next section, 7(2)(e), the Authority had to give effect to directions to the Member. I could go on and on, but I will only mention one more; the wide-sweeping powers given to the Authority under Section 10(4) to get rid of the Hospital staff at any time they wanted.

As to the cost, we know that the health fees, particularly the daily rate at the Hospital, had been increased four fold during that period. The income to the Hospital did not even double and, in fact, might have been even less than if the fees had been left where they were. So there is no doubt that the Authority turned out to be an inefficient body. This is no reflection on the individual Members because they were in a trap devised, specially prepared, by that Bill which this House passed in 1991.

The Second Elected Member for Cayman Brac and Little Cayman mentioned the big blunder of not putting the insurance in force and allowing it time to work so that there would be income to pay for the health care. But there was also another big mistake where the insurance package itself had not been formulated to provide patient care. It had been designed to provide income for the Health Authority and the Health Authority alone although there had been some slight amendment to that. So when something is conceived in the manner in which this Authority had been conceived it is only a matter of time before the whole world will know that it is not functioning. I would like to close by referring to a statement I made in the debate on the Bill in 1991, and that statement in essence was that the next Government, God have mercy on them, will have to get rid of this Authority for the benefit of this country. Perhaps they were prophetic words which have come true today.

So, Madam Speaker, in closing, I can only say that I support the Member in his struggle to bring back sanity to the Health Care System.

THE SPEAKER: The Honourable Member for Tourism, Leader of Government Business.

HON. THOMAS C. JEFFERSON: Thank you, Madam Speaker. I rise, and I wish I had the opportunity of rising earlier than this meeting, to support a Bill of this type to repeal the Health Services Authority Law, because I am certain that the repealing of this Law is the correct thing to do for the people of this country.

In my humble opinion, this Bill was created to give the former Member of Health the unchecked authority to do as he thought in delivering health care in this country. I believe it was connected to Motion 3/90. I believe it provided the legal authority to avoid operating under Financial and Stores Regulations. I think the Third Elected Member for Bodden Town alluded to it when he said, "he appointed himself Chairman of every important committee". Contracts that were issued did not go to the Central Tenders Committee. I believe, next week, next year, or any time in the future, the people of this country will mark this move today as being the correct one.

What puzzles me sometimes, Madam Speaker, is that the National Team meets on a weekly basis, it discusses Bills like this one, it takes input from every Member of the Team and we act accordingly. Sometimes some of the comments I hear in this House make me wonder who is on what side. I hear comments about building on foundations which were left by the former Government. All we need to do, Madam Speaker, is visit the new hospital site and we will see what kind of foundation is left up there. If that is not the Caribbean sea, you tell me. And about the need to have a reasonable time for this Health Authority to operate. My God, Madam Speaker, anybody who has any little bit of knowledge about finances knows that you do not keep the funnel open if it is draining all the money in your Treasury. You have to close it, you have to get control of it. I do not believe that the people who are presently involved with the Health Services Authority are less qualified than those who were there before, maybe one or two are, maybe there are no medical personnel on the Board at the moment, but, certainly, I would say that I have every confidence in the present Chairman of the Board of the Health Authority.

I want to just further explain myself when I say I am puzzled. When this Bill, that is, the Health Services Authority Bill, came to the House, presented by the Honourable D. Ezzard Miller, and recorded in the Hansard, the comments of Mr. Roy Bodden were these;

> "I would just like to state some brief general remarks. My first concern is that if this Bill is allowed this Authority will result in the establishment of a powerful and insidious medical cartel which is under the complete control and domination of the Member and I cannot, in any good conscience, lend my support to that, and I think that the arguments against this were clearly articulated by my colleagues on this side of the bench. Those put forward by the Third Elected Member for George Town indicated the concerns which I share, and I second these comments and the way in which they were expressed.
>
> I am not sure that the power vested in the Member, if this Bill is allowed to pass, would not let the Civil Servants in this Portfolio and Department feel uncomfortable. More importantly, I cannot be sure that they, along with other people who may have reason to disagree with the Member, will not incur the wrath of his disposition.
>
> Without being more elaborate, I would like to say that human nature being what it is, I cannot in all good faith subject people to this kind of blind authority and power. In the second instance it seems obvious to me that this kind of infrastructure is bound to be more bureaucratically binding and by inference, more expensive.
>
> I, too, join with my colleagues in calling on the Elected Members of Executive Council to exercise their authority in removing the power and the authority given singularly to the Member and spreading it out to the Executive Council for this Bill defies precedent in that regard.".

Madam Speaker, I agree totally with these remarks because it is evident that if one pays a visit to the Hospital during or shortly after this period, we find staff that appear to be running into each other. For example, the cashier area, there were so many people involved in it that it was hard for them to do their duty by moving from one place to the next because of the inadequacies of the space given the number of people and given the number of committees that were established under the Health Services Authority. It must be bureaucratic. We have always said let us do away with this bureaucracy. That is exactly what we are doing, this is one of the biggest ones, in my view, together with ones we started on Wednesday.

When figures are available, and just to make a point - the 1992 Budget, if my memory serves me correctly, started off with a contribution to the Health Services Authority of $8.5 million and for them to collect all of the revenue which they said was something around $3.5 million. So we are already at $12 million. Then the Government agreed to give them another $1 million which was the balance of a loan from the Royal Bank of Canada. So we are now at $13 million. Before September 1992 could come, somebody said, "there is an error in the calculations, and we need a supplementary request of $3.1 million", went on to try and blame the Treasurer for it when, in fact, it was grossly erroneous. It was the Member's excuse of the day to wriggle another $3.5 million. So if you take the total Budget then we are at $16 million. We know, with what we see up there today called the new hospital, there is no way in the world he could have finished it for $11 million. No way in the world that he could equip that hospital for the kind of money they were talking about. Just one decent piece of equipment alone would probably cost something in the range of $1 million. If my memory is not failing me, he said he was going to equip the whole place for $2.5 million. Then he failed to talk about the operating costs of the hospital.

I hope that the Government would lay on the Table of this Honourable House, when it legally can, every bit of financial estimates on this subject that we have.

Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker.

I rise to speak on the dissolution of the Health Services Authority. I was not a Member of this House when it was brought here, but I do remember the great controversy, the continuous haggling and ragging amongst the Members and as we go back and check the Hansards we see that this was also like Motion 3/90 which passed by the slimmest of margins of eight to seven.

I have no criticism of the people that served on the Health Services Authority but from its inception I had the personal conviction that for this Authority to be fairly successful there should have been more members on there who were medically oriented. It is difficult to send farmers, or should I say inexperienced people to serve on a project of such a magnitude as, say, even to send them out in outer space, and I think that if more qualified people related to medical terms were on this Health Services Authority originally we may have seen a difference.

Most of the feedback that I hear from the hospital is as has been mentioned by the previous Members, the bureaucracy, the little empires that have been set up. Many of the doctors felt, and I am sure still feel, that time and money and efforts would have been better spent in improving the doctor/patient relationship. But the Health Services Authority was too busy setting up in every little nook and cranny, and most of the efforts were spent administratively. I think this is where some of the major breakdowns have come about.

As has been evidenced recently, the Health Services Authority has caused some very difficult and hard times to some of its members; especially some of the doctors who tried to express their objections to some of the things taking place at the hospital. Some of them were even prosecuted in Courts of Law. This, Madam Speaker, is intolerable. We now have to go back and make good to these people because they were denied the freedom of expression. I think these are things that are sticking in the minds of Caymanians. These are the things we have to look at. If this facility has over the last year evidenced by being unable to handle itself financially. I say if it cannot pay its way there is no use of getting into further problems and

Government in the long run has to eventually bail it out.

I give my support to this Bill.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. I rise to speak on a Bill for a Law to provide for the dissolution of the Cayman Islands Health Services Authority. Today we are seeing what I call an unusual Bill before this Honourable House - a Bill for a dissolution but not a substitute bill.

I was a Member of this Honourable House when the Health Services Authority was passed. We heard the deliberations, we spent many hours in the Committee room listening to the Chief Medical Officer of the day and others telling us the benefit that could be derived from the formation of a Health Services Authority. I have never had any direct connection with the executive branch of Government but I certainly have the ability to listen and to try to understand what is being put across. Neither do I have any access or knowledge as to what is the intention of the present Government with its reverting this to a department of Government.

I fully realise that the Authority rests with the executive branch and what is best for this country is what I want to see put in place. But today I still have as a concern that, after such a short period of time, so much seems to have gone wrong; our insurance is not in place, which, it was my understanding, would fund the Health Services Authority and certainly will have to help fund the Treasury of this country if we are to continue. You seldom turn on your television set today that you do not hear the concern for high medical cost and its problems in the highly industralised nations of the world.

The President of the United States is grappling with one of the greatest tasks any newly elected President of that country has ever faced; trying to put in place a medical plan that will cover uninsurables. So today as we here look towards a dismantling of a Health Services Authority which we were told would move us towards a better organised system, I would have hoped that this Bill would have come in the form of a bill outlining exactly what was going to be done with our medical services as a department of Government and the final clause would be the Health Services Authority Law, 1991 is repealed. But today, as has been ably stated by the Leader of Government Business, his National Team is fully informed. I am not a member of that National Team and I am not informed. So today, I am left to guess, my constituents are left to guess and others in this country.

I have my confidence in the Member responsible for Health and Human Services and I am sure that he will do his very best but I want to say that there is nothing as important to a human being as his health and we cannot do it unless we have the proper facilities, the proper organisations and above all, the proper desire. This unfortunately, from its very inception has been very much a political issue and today I think it is time that we put the politics behind us and realise that we need to be healthy to be politicians and to be members of a live society. So let us move forward, and I would like to say the many reasons that were given to us why the Health Services Authority was a necessity, I hope will be fully covered when it returns as a department of Government.

As I see it now Madam Speaker, I cannot support this unless I know exactly what is coming in its place when we dissolve this Bill. Thank you, Madam Speaker.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. Not being here as a Member of this Honourable House when this furor started regarding the Health Services Authority, I do not feel myself fully equipped to deal with a lot of details. I would just make a very few observations on the proposed Bill. A few Members have pointed out their concerns regarding what is proposed in front of us today and not knowing exactly what the alternative will be, especially in regard to Section 2 (b) which says "the Health Services Authority Law, 1991, is repealed."

I am quite sure that by now the Government Bench has realised that it will be necessary to have something forthcoming if the Health Services Authority Law, 1991 is repealed and I simply make that observation to allow them the opportunity to deal with that during the passage of this Bill with regard to what we will have to live with afterwards. It is not for me at this point in time to say yea or nay simply because, as I have said earlier, I do not feel equipped to go through the details, some of which I have not been privy to. I would just like to say that whatever happens at the end of the day it would bode us well to deal with this important issue in a manner that brings about the best end results for the people of this country.

After all of us have made our points, after the dissenting voices have been heard, after the proponents have their last say, I trust that at committee stage and whatever other stage we go through with this Bill that credence is paid to reasoned arguments regarding what is proposed here today and that we do not allow the political skepticism that seems to be able to prevail at times, to prevent us from coming to the right decision for the people of this country.

I sense a mood this afternoon of turmoil. I do not think it is anything new, I think it is just a pot of boiling water being put back on the stove and let me just say that I trust as the water boils again, we will all be able to drink tea.

Thank you.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:29 P.M.

PROCEEDINGS RESUMED AT 3:46 P.M.

THE SPEAKER: Please be seated.

The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I rise to offer support for the Bill for a Law to provide for the dissolution of the Cayman Islands Health Services Authority. I am not very well versed in medicine and dealing with Health Services but I believe that with all the information that has been provided regarding $3.1 million more going to supplement the Health Services Authority that the time has come that the Health Services Authority be repealed. Three point one million dollars is no small sum and I have heard arguments that more time should have been given to the Authority. However, perhaps if less time had been given to Cayman Airways and some of the other things that we are faced with large sums of money then perhaps we would not have to find all the millions of dollars that we have to find today. I believe in public accountability and if it goes back to the Member responsible for Health, then I believe that more accountability will take place.

I have heard of 30 Committees that were formed and I wonder how the health care could be delivered if all their time was spent in committees. There have been rumours of medical search companies and so forth and a large number of people being employed, especially in the reception area and in the administration and so forth, that it sounds more like perhaps it must have been an employment agency or a place for employing people, perhaps. Therefore, I think the red tape has to be cut out from all these Committees and the Chief Executive Officer and the confusion that he created and the mistrust, perhaps, you would say. Therefore I think it is timely that this law is repealed and I will support this Bill.

Thank you.

THE SPEAKER: The Member for North Side.

MRS. EDNA M. MOYLE: Thank you, Madam Speaker.

I stand to support this Bill, a Bill for a Law to provide for the dissolution of the Cayman Islands Health Services Authority. I would like to commend the present Member for bringing this Bill to this Honourable House. From the time the Health Services Authority was not able or capable enough to research and find out the exact amount of monies due it and was prepared to blame that on the Treasury, I, from then, believed that this was a department that was headed for trouble and should be returned to the umbrella of central Government.

The Law gives the Member too much authority. I would be prepared to keep the past Health Services Authority Law in force provided the present Government would be returned to this House as the Government for the rest of the Cayman Islands Government's life. But should we have a Government returned to office like the Government that brought this into force, God help the people of the Cayman Islands.

I support this Bill 100 per cent.

THE SPEAKER: The Honourable Member for Education.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. I opposed the Health Services Authority Law, 1991, when it was brought to this House and I am a very consistent person, I oppose it now and that is why I support this Bill to suspend it. Because consistency in one's work and one's action is very important and is very important especially to Legislators.

It cannot be that a Law which one opposed two years ago suddenly becomes a good law two years later and you support it. Therefore, I think it is important to perhaps look now (because we are in the stage of dealing with dissolving this law), and some of the things in it which caused Members of this House then, including the Second Elected Member for Cayman Brac and the First Elected Member for Bodden Town to oppose the Health Services Authority Law, 1991.

Several Members have pointed out that it was one that was controversial in the beginning but it was also, as it continues to be, a very bad law. Because in my view, and as set out in the arguments at the time, it sought to put the Member for Health at that time, Mr. Ezzard Miller, basically, to where he had power that was well in excess of what the Constitution ever intended him to have and to where he had sole and absolute power in many areas of the Law. He had power to give directives to the Authority, yet he sat as Chairman of that Authority so, basically, it was like going from Caesar onto Caesar. There were even areas in which the Member had power to give directions in relation to the accounting of the Authority, so that he was in a position that in relation to the accounts and its financial affairs, he could specify and direct its business.

He had the power to require returns and he had the power to basically give directions to this Authority in relation to literally everything and, as I mentioned earlier, it included to give directives in relation to the accounts and that aspect of it. What was normally vested in the Executive Council of this country year after year on the other Authorities and Boards, he put in him solely and we know what the results of that were. We had instances where contracts were given out and they never went to the Public Tenders Committee. We know that there was specific resistance to the Finance and Stores Regulations and, as you know, this Honourable House has already reversed that out. Because, it must be right that there is public accountability by Members of this House, and by anyone, be they Civil Servants or not for public funds, how they are spent and to ensure that the best value is received for each dollar.

This Law came about, as was mentioned by one of the Members, in the aftermath of Motion 3/90 when the House had already, in a very unprecedented and high-handed

way, changed what had been in existence for some 20 years on the Finance Committee and this was an extension of that to put more and more power in the hands of single Elected Members of Executive Council.

Speaking generally and without any specific reference we know that absolute power corrupts absolutely. There is safety in numbers when matters are vested in a body which has seven people, as does Executive Council or this Honourable House with its 18 Members. Mention was made by the First Elected Member for Bodden Town about a request to have had substantiation of accounts or on how the Authority was doing. Madam Speaker, if that Honourable Member does not at this stage (having voted an extra $3.1 million in this Honourable House to prop up the Health Services Authority in its first year of operation), understand that it is a body that is losing very substantial amounts of money and accounts or no accounts. At that stage obviously the $3 million arose out of the accounts, then I would suggest that something is wrong with his viewing of this situation.

Another Member referred to it draining this country as did Cayman Airways. This Authority, the way it was set up, with its duplication of administration and excessive staff; its differing salaries between professionals of equal ranks was not going to be a patch on the problems that arose in other areas such as Cayman Airways and the drain on the recurrent side, in my view, was going to be multiplied now just to the extent of $3 million or $3.2 million in one year, it was going to be multiplied every year by possibly a factor of 50 per cent or more.

The view that was held when the Law was passed in 1991, was summed up in a very short paragraph by the Second Elected Member for Cayman Brac, on page 20 of the Hansards for the 3rd July, 1991 when he said this in opposing the Bill which he now thinks is such a fantastic piece of legislation. He said, and I quote:

> "Too, I think it was a proper thing to do to get the input of this House and the public, but this particular Bill I do not support because there is nothing in this that shows that there is going to be any greater efficiency in the management of the Health Services of this country. There is nothing which shows that there is going to be less cost because of this, there is nothing which shows that by setting it up it is going to pay its own way.
>
> Indeed, it seems quite clear to me that Government is going to be expected to continue to put so many million into it each year and I fear that the loose way that this is set up without correct definition places the Member in a position where he might exert too much personal direction or control over it.".

How true! That Member was very smart at that stage in making the statement. This is exactly what happened, but since it did happen, Madam Speaker, and we have the reality with us now, I am amazed to think that Honourable Member has changed his mind on the law. Reference was made by one of the Members about politics and succession and about batons and throwing it down.

The National Team is very much a team and when one of the Members drops the baton, as we saw today by the Honourable First Elected Member from Bodden Town who referred to it, then it naturally disappoints and shows up on the Team. We are a team and as such in meetings once a week, these matters are fully discussed and nothing, to my knowledge, has ever been raised of any worry about this or asking the Member for accounts or anything of that sort. I think that the importance of that is teamwork and the importance of being consistent is perhaps one of the most important virtues that one should have as a legislator who accounts to the public.

Mention was made by a few Members as to after the repeal of this Authority Law what would be in its place. Madam Speaker, when this Authority is dissolved then the Medical Service will become a part of this Government and this Legislature and it falls back into the orthodox stance that every department of Government is in. They would be subject to the Finance and Stores Regulations in relation to dealing with bids and contracts. They would be subjected to the General Orders as provided under our Constitution. Basically they will be back to where they should have been all along, constitutionally under the Constitution of this country.

What had been achieved with the 1991 Law was an indirect way to get around accountability for public funds. While there had been a law in 1974 (Law 19 of 1974) it was very short. This was a law that was repealed by the Health Services Authority Law, 1991. All it did, and nothing more than that it appears to me in three and a half pages, that is the total law, was to say that there would be a Chief Medical Officer, there would be a member and that they would operate within the department. But the main thing in it was it gave the power to set up the fees, in the regulations, this is substantially what the law seems to have been geared to have done. So it was like a Health Services (Fees) Law setting out certain definitions of Members in it but in any event this would naturally have been also under the Civil Service Regulations.

So, there seems to be very little more that I that law did other than to provide for regulations, which another law that is coming to this Honourable House will deal with. But, I guess the important thing is that there has to be acceptance that this Authority created chaos in the medical and health field, it brought in a lot of uncertainties. The 1991 Law put excessive and near absolute power in the hands of one Member and the proof of the pudding, as far as accounts and the operations of it goes, is that in the first year they had to come back to this Honourable House for $3.1 or $3.2 million just to keep it going until then.

I submit, Madam Speaker, that the recurrent losses that would have occurred in the following year would have been substantially more because the Authority was just beginning to get momentum on spending money and to delay this would have been to further waste the public's funds - funds that this country does not have and that the public should not be asked to pay millions of dollars so that Members

can sit around and figure out why the Health Services Authority is losing those millions of dollars. If there are losses such as this, the only solution to do is to cut it and cut it quickly. As the Member for George Town mentioned, the quicker it is cut the better. Madam Speaker, that is why this Bill is coming within the six months of the new Legislative Assembly starting and the start up of the period for the 15 Members in this House.

So I support this Bill for the dissolution of the Health Services Authority. I think it is good, it brings Health Services back under the ambit of the Government and this has got to be cheaper, it has to be better and it has to be in the interest of the good staff which are at the Hospital and within the health services of this country to have some stability, and I should say sanity, back in their lives. Thank you.

THE SPEAKER: If there is no further debate, I would ask the Member in charge of the Bill if he would now reply.

HON. W. McKEEVA BUSH: Madam Speaker, I have listened to the contributions of Members and I want to thank all those Members who rose in support of this Bill before the House. I believe from what is found by the Portfolio that the Government has taken the right decision and although we took a decision early it was quite obvious that the Health Services Authority was not proving to be as cost effective and efficient as it was purported to be.

I knew that I would hear about politics, but I am a politician so I expected it. The contribution from the Second Elected Member for Cayman Brac and Little Cayman by no means surprised me because criticism of the National Team's Government has been his lounge suit soup since we refused to accept him when he left. However, to those Members who criticised, criticism is one thing, alternatives is another and he has not yet suggested any alternatives - not one single alternative to the efforts we have made in dealing with the mess left behind by his friends.

I am totally surprised by the contribution of my friend, the First Elected Member for Bodden Town because he was in on the making up of the Bill and the way forward. But one lives and learns, Madam Speaker, and I hope that the people listening will quite understand that nobody in the National Team came after them. They came after me and they sat on the Backbench long enough to know that when they come after me I can defend myself.

All sorts of things have been said about this matter. The Second Member for Cayman Brac spoke about never giving the Health Services a chance to work. I wonder if he really knows what he is talking about or is it that he is playing politics and just because he can talk, to try to defend the position of the former Member, that he gets up in this House and makes those kind of statements?

The Health Services Authority, as set up by the previous Government, had sufficient time. But I am saying that no matter how long you give that Health Services Authority it will not succeed in this country because this country is made up differently from all the rest that they were trying to copy. It just could not work. It could not work and will not work because of the type of people we have to deal with.

Anything that I have found in the Portfolio, now the Portfolio of Health and Human Services, that is workable I am trying to utilise it. But let me say Madam Speaker, that is not very much, that is not very much. They left one Parker pen and that had a Schaeffer refill in it. I had the foresight to see the problems at the inception and that is why I debated and voted that way back in 1991 when the law was introduced into this House. There were no 'ifs' 'ands' or 'buts' about where I stood, nobody has to question where I stand, Madam Speaker. Even today in the Portfolio nobody has to question where my Portfolio stands as I believe the First Elected Member for Bodden Town said he did not know. Even the very press has been called in to my very staff meetings. I am very open, they know where I stand. We recognise the inherent problems in the Health Services Authority from the inception and today we have to deal with the problems and as a Government we recognise the costly bureaucracy that is there. This is the only step that I can see to eliminate more cost, more worry and more deficiency in the operation of the Health Services.

If the First Elected Member for Bodden Town and the Second Member for Cayman Brac and Little Cayman can give me an alternative, I will sit down with them and look at it but up until now they have not come with one and if they do not have any, shut up! I am tired of every time the Government tries to do something and you sit down with a group of people they run to the television or their newspaper friends, get on the front page trying to undercut the Government, talking about we do not have a honeymoon. As far as I am concerned, Madam Speaker, there was never any honeymoon. Either you are going to be with me or going to be against me, but you are not going to blow hot and cold with McKeeva Bush, no way! I have been in this House too long now and I know the cut of your jib.

The Second Elected Member for Cayman Brac and Little Cayman spoke about the management of the money in his beautiful tune, he said it was quite exceptional. Yes, it was quite exceptional alright, it nearly broke this Government. Madam Speaker, they spoke about speculation, I will deal with how we come about this $25 to $30 million. I do not have the time this afternoon but I will deal with it Monday, God's willing. I will show them that it is not based on my findings, but it is based on the Report which the last administration paid for, their Report bears out that it would have cost the Health Services Authority, including the new hospital, $30 million to run. Anybody with any sense in the medical field, except Ezzard Miller, would well know that a hundred bed hospital was not going to cost any $16 million or $12 million to run in recurrent expenditure. I am only a layman but I go out and get information and I do not have to pay for it. People willingly offer it.

Madam Speaker, the Second Elected Member for Cayman Brac asked why the accounts are not tabled. Those are the inherent problems that I spoke about that I do not have any control over. I can only ask, Madam Speaker. Instead of that person bringing news to him they should pay the Health Services Authority what they owe them. One hundred and forty something thousand dollars, Madam

Speaker in loans to staff to pay off the very school bills, where else is that happening, Madam Speaker? I have no control over it, I cannot stop it no matter how much I talk. The time that they take to bring out news about the Health Services Authority they should do their job and then people's health might be in a better position. But their speech in this House will not give people better health.

Madam Speaker, this question of the Health Services Authority being sued, they are questioning what are we going to do when we return as a department in central Government. Did they not know, Madam Speaker, that the Government is ultimately responsible, ultimately accountable and stands behind the Authority, and must ensure that any obligation of the Authority is met? Did they not know that? They know that, Madam Speaker, they said so in the debate in 1991. I do not know why they are changing their song today.

If there is anyone playing politics, it is those who spoke against the Bill with the exception of the First Member from Cayman Brac because his vote was the vote that brought it into being. So I did not expect him to support me, but I knew where he stood. Let me say that they spoke about Committees and, Madam Speaker, when we set it up as a Government Department the appropriate levels of committees will still be utilised for the professional discipline such as medical audits and the peer review and so on. These things will still be necessary but they are going to work. Right now they have not worked, that is the difference. They have nearly 18 Committees with people falling over one another and all that has come about in the Health Services Authority is problems, staff problems and problems in the running of each area. They had sufficient time, Madam Speaker, if the Member had paid attention maybe he could have got it off and running a little bit better than what it was. Not that I am convinced, as I have said, that it will ever work, but they have paid too much attention to other things, like the nepotism that went on. That is another problem.

We have a highfalutin staff resource manager, the cousin of the previous member. They talk about politics and nepotism, that is where the problems are, and will continue to be because they have got the power to hire and fire, it seems like, who they want. Get them on a work permit, they have the power to go to the Immigration Board and get their work permits. I am sitting there, have got to come here and listen to the haranguing from the two Members and have virtually no say - give them directions Madam Speaker - they will laugh at you, laugh at you and then turn around and talk about you behind your back, take the news out of the department - carry it up to his cousin, the former Member, and probably to the Second Elected Member for Bodden Town and for Cayman Brac as well....

POINT OF ORDER

MR. GILBERT A. McLEAN: Madam Speaker, on a Point of Order. Under Standing Order 35 (4) I think the Member is imputing improper motives to me. I know of no one in the Health Authority who is taking news out of the Health Authority and certainly no member of the Health Authority is taking any news to me. I know nothing about the Health Authority giving anyone $140,000. I have no knowledge whatsoever, Madam Speaker.

THE SPEAKER: Honourable Member, mover of the Bill, I have been listening very carefully and I think perhaps it would be to the advantage of this House if you were to continue in another vein rather than imputations or aspersions, please....because this did not come up in the debate on the Bill...

HON. W. McKEEVA BUSH: Madam Speaker, I appreciate your defence of the Member, but I did not say - I asked the question and he has answered. He said he has not, but the information that he was speaking about, he has got from somebody and somebody currently there, Madam Speaker. They do not know who has got the $140,000 - I am saying it was not one person. But I am asking whether anybody gave him any information. He has answered the question.

THE SPEAKER: Could you continue and not refer to that matter again, please Honourable Member?

HON. W. McKEEVA BUSH: Madam Speaker, if I care Monday morning, I will bring the papers to this House.

THE SPEAKER: It is now 4:30 p.m., I am sure you will not be finished. I will ask for a motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10 o'clock, Monday morning.

THE SPEAKER: The question is that the House do now adjourn until Monday morning at 10 o'clock.

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

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 21ST JUNE, 1993.

MONDAY
21ST JUNE, 1993
10:00 A. M.

THE SPEAKER: I will ask the Honourable Elected Member for Health and Human Services to say Prayers.

PRAYERS

HON. W. McKEEVA BUSH: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated. Proceedings are resumed in the Legislative Assembly. Questions to Honourable Members. Question No. 78, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 78

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

NO. 78: What steps are being taken by Government to counter the rising rate of crime in the Cayman Islands?

HON. J. LEMUEL HURLSTON: Crime figures for 1992 show a reduction, compared with 1991, but within this overall reduction there was a significant increase in the number of burglaries. It is this increase which is causing understandable public concern and which the Royal Cayman Islands Police have been addressing in a number of ways.

The initiatives that have been taken to try and prevent burglaries or apprehend burglars have included various extra overt and covert patrols. To publicise full details would be counter-productive as the targets of these operations would be altered. Crime prevention efforts have been increased in two major ways. Advice is freely available to householders and businessmen on how better to secure their premises with the object of making it more difficult for burglars to gain entry.

Police have actively encouraged the formation of neighbourhood watch schemes and have cooperated with the Chamber of Commerce to implement a Crime-Stoppers Programme. Additionally, the Commissioner and his senior officers have recently held a series of District meetings at which public input was sought and appeals made for increased cooperation by members of the public in both helping to prevent crime and in providing police with any useful information relating to persons suspected of having committed crime.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, I wonder if the Member could say why, for example, in the area of crime related to drugs, possession, distribution and so on, some of the harsher penalties

are not meted out as provided for in the Misuse of Drugs Law, such as the 20 year, 30 year, or 15 year imprisonments?

HON. J. LEMUEL HURLSTON: The imposition of penalties under the Misuse of Drugs Law, or any other law for that matter, is a function of the Judiciary and I believe that on past occasions the Second Official Member has explained the methods adopted by the Judiciary in determining the weight and gravity of offences and therefore the means by which penalties are imposed. That really is a function of the Judiciary.

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

MR. GILBERT A. McLEAN: I concur fully with what the Honourable Member has said, however, the point I was attempting to make and the information I was attempting to elicit was in view of the fact that the Tables which are set down in the Misuse of Drugs Law, sets down that if a person is found with so many ounces of hard drugs and so on - 15 years, or for a second offence 20 years or 30 years, how is it that persons that have been found with hundreds of pounds of these hard drugs that there is not some guideline or some trigger that causes these penalties to be activated?

HON. J. LEMUEL HURLSTON: I am not trying to be evasive or difficult with the Honourable Member's concerns. I believe that they are genuine. However, this is a matter for the Judiciary to apply the force of the law on the basis of the merits of each of those offences. It is my recollection that the legislation is written in such a way that maximum penalties are imposed by law and the Judiciary has the responsibility of meting out those penalties in proportion to those maximums. I am unable to explain the formula that is typically used by them in so doing but I can assure the Honourable House that it is done with some degree of judicious experience and that it is done with a considerable degree of consistency.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the answer indicates that the police are trying to help householders to avoid burglaries. I would like to ask the Member if the Government will review its policy regarding the matter of guns, where householders have licensed guns but the present system is that these guns are kept in a locked safe and when a burglar comes in the house the householder has to ask the burglar to wait until he can unlock the safe and get at his gun. (Members' laughter). Will the Government review its policies with regard to the proper storage of these guns?

HON. J. LEMUEL HURLSTON: The Government keeps its policies in relation to the licensing of firearms under fairly regular review. One has to go back to the original purpose for which the application was made in the first instance. I suspect that if an application is made for a firearm licence with the stated purpose of apprehending burglars, that the application is not likely to succeed.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to provide details of improved and increased policing which has resulted from requests made by representatives in those constituencies where the crime rate is rising, for example, Bodden Town, North Side and East End?

HON. J. LEMUEL HURLSTON: The Police Department attempts to allocate its resources in those areas that are most vulnerable and where the highest incidence of crime is known to be occurring. Typically, the George Town/West Bay areas have been the most popular areas for the committing of crimes. But the police have recognised a further distribution heading out toward the eastern districts and the Government has recently announced stepped-up efforts to increase policing in those areas.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if that proposed increased policing effort would mean that our long request for the Bodden Town Precinct to be open on a 24-hour basis is one of the measures being considered? I would like to find out what is the Government's position regarding what seems to be an increasing phenomena in the drug culture now where the large drug finds are being stashed in the eastern and central sections of the Island?

HON. J. LEMUEL HURLSTON: The Royal Cayman Islands Police are using various means of assessing the data that is available to them on crime statistics as well as reviewing the modus operandi of various repeat offenders with a view of ensuring that their policing efforts are put to the greatest effect. The hours of police patrols will be varied to target those times when criminal activity seems to be the greatest. If that means policing on a 24 hour-a-day basis to achieve those objectives, then that will be the case.

In those cases where, statistically, the incidence of crime during certain hours will not justify the 24 hour coverage then I believe we have to trust the management of the Force to appreciate that they are doing the best that they can with the available resources.

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

MR. GILBERT A. McLEAN: Could the Member say if, in looking at the situation of rising crime in the Cayman Islands, and bearing in mind that we have to depend upon the Police Force, the long requested and approved review of the Police Force would shed some light, perhaps, on deployment and utilisation of available manpower?

HON. J. LEMUEL HURLSTON: I believe that it was in the March Meeting that I answered a Parliamentary Question that explained the Government's past practices with regard to inspections and reviews of policing policies. I said at that time that the last review was conducted by the Overseas Police Advisor from London in September of last year. Copies of that Report were made available and laid on the Table of this Honourable House. There were no criticisms regarding the deployment of man power at that time and I suspect the situation has not changed since.

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

MR. GILBERT A. McLEAN: I think the Member knows that the type of review I am asking him about was not the routine one that was done by the Police Inspector in the usual fashion. As I recall, from that meeting as well, the Member said that the Government would, in the near future, be making a statement with regards to a review of a greater intensity and that which would cover more details and a wider spectrum.

HON. J. LEMUEL HURLSTON: The Honourable Member is absolutely correct and the Government still intends to make that statement.

THE SPEAKER: The next question is No. 79, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 79

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

NO. 79: What is the total cost of office furniture and fittings placed in certain offices of the Elected Members of Executive Council at the Government Administration Building in Grand Cayman, and who was the supplier?

HON. J. LEMUEL HURLSTON: The total cost of furniture and fittings placed in offices of Executive Council Members was $8,077. 95. Suppliers were Columbus Limited, Edie's Decor and Phillips Electrical.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Member tell the House if it is the case that no furniture was in these offices or if simply the furniture that was there was considered not appropriate for the new Members? If there was furniture, what has happened to that furniture that was previously there?

HON. J. LEMUEL HURLSTON: No new furniture was purchased for Members' Offices. The furniture that was purchased was to replace furniture in the main offices for the support staff of Members and that was mainly in the Portfolio of Tourism, Environment and Planning which took on expanded subjects and subsequently had an increase in staff complement to go with that expansion as well.

THE SPEAKER: The next question is No. 80, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: I would point out that this question was a carry-over from the last Meeting, prior to the Budget being approved.

QUESTION NO. 80

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

NO. 80: If the Islands of Cayman Brac and Little Cayman can expect any provision of money for Capital Works in 1993 and what are the projects, if any?

HON. J. LEMUEL HURLSTON: Yes, the various provisions for spending on capital projects in Cayman Brac and Little Cayman during 1993, are shown in the Draft Estimates of Revenue and Expenditure which, as the Honourable Member observes, were approved by this Honourable House in March this year.

THE SPEAKER: The next question is No. 81, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 81

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

NO. 81: What is Government's position regarding the rapid escalation in property insurance in this country?

HON. GEORGE A. McCARTHY: Madam Speaker, the Government is most concerned over property insurance rates in this country which have tripled in the last two years. Not only is this causing financial hardship to many homeowners, but it also reflected in the Government's own insurance premiums, thereby increasing the pressure on the national budget.

The Cayman Islands have been grouped with the entire Caribbean region which has been assessed as a high risk hurricane zone by reinsurers. The current position in the local market is that property insurance rates are averaging between 1 per cent to 1. 6 per cent of the sum insured. It should be noted that the current rates in other parts of the Caribbean are averaging 2 per cent or more of the sum insured.

The Government has held discussions with representatives within the local insurance market and will continue to explore initiatives in an attempt to alleviate this financial burden that has unexpectedly been brought about by the massive increase in insurance rates which has resulted in increased financial hardship to many persons within our Islands.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member is in a position to outline any alternative or remedial strategies which the Government may be considering to alleviate this burden from the rate payers of this country?

HON. GEORGE A. McCARTHY: The Office of the Superintendent of Insurance has recently completed a report. The report was prepared by Miss Laura Smith, who is here with us this morning. There was a recent meeting of the Caribbean Insurance group that was held in Miami to make an assessment of this very difficult situation that is affecting the whole Caribbean region. It makes an assessment of developments that have occurred for 1993 within the insurance market. It looks to 1994 and it also gives some indication of measures that could be pursued in order to address this issue. I could go into these, but this report has not been presented to Executive Council as yet. I read through it last night and I would rather not risk the details on the floor of this House because it has certain implications for the real estate market and I do not think at this stage, before it has been considered by the Government and it has been decided upon, which would be the most appropriate alternative or select group of alternatives to be pursued, that I should go into details on this.

THE SPEAKER: The next question is No. 82, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 82

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 82: What progress has been made in the investigation of the missing funds at Northward Prison.

HON. J. LEMUEL HURLSTON: The Royal Cayman Islands Police are conducting an investigation into this matter which is therefore sub judice.

THE SPEAKER: The next question is No. 83, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 83

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 83: If there was any outside investigation into the Royal Cayman Islands Police Force to determine the extent of corruption as a result of the charges of "official corruption" laid on two officers recently.

HON. J. LEMUEL HURLSTON: Immediately upon receipt of information that two police officers were suspected of official corruption in connection with illegal gambling cases, otherwise known locally as the "numbers' game", a senior CID officer was appointed to investigate the matters.

The completed file in respect of one officer was submitted to the Legal Department on 19th April, 1993, which advised that a charge of official corruption be brought against the officer. The officer was, accordingly, suspended from duty on 22nd April, 1993, and charged with the offence. He appeared in Court on 27th April, 1993. He has been bailed to re-appear in Court on 23rd June, 1993, for a preliminary enquiry to be held. A case against another police constable is still under investigation by the CID. No outside investigation was carried out in these enquiries as there was no reason to do so.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member if the Royal Cayman Islands Police Force has a Bureau of Internal Affairs, and if not, how are the police kept under tabs, who is responsible for policing the police?

HON. J. LEMUEL HURLSTON: Not unlike organisations elsewhere of a similar nature, the Royal Cayman Islands Police are structured with the mechanisms of policing itself. Whenever an offence is alleged to have occurred an officer, senior in rank to the officer suspected of committing the offence, is immediately appointed to investigate. The results of the investigations are coordinated by the Deputy Commissioner of Police and forwarded immediately upon completion to the Attorney General's Chambers for decision as to prosecutions or otherwise.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: If that is the procedure, I would like for the Honourable Member to explain how, in a small force, can we be sure that such a system is not influenced by conflicts of interest, blood or marital relations, and also impartiality from the mere fact that the Force is small and, therefore, all of the members are likely, at one time or another, to come in close social contact with each other?

HON. J. LEMUEL HURLSTON: That is a very real and difficult dilemma and it is common to police forces which serve small communities. It therefore means that officers have to be appropriately counseled and trained in order to deal effectively with that incestuous tendency.

THE SPEAKER: That concludes Question Time for this morning.

GOVERNMENT BUSINESS

BILLS

THE HEALTH SERVICES AUTHORITY (DISSOLUTION) BILL, 1993

(Continuation of debate thereon)

THE SPEAKER: Government Business, Bills. The Health Services Authority (Dissolution) Bill, 1993, the Honourable Member for Health and Human Services continuing.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. Last Friday I was replying to some of the statements and accusations made, in particular by the Second Elected Member for Cayman Brac and the First Elected Member for Bodden Town in raising objections to the establishment of the Health Department. Madam Speaker, I had to listen to the broadcast on Friday to make certain that they were inconsistent. Listening to them one would get the impression that the Health Services Authority had been created and was doing a fantastic job. That is not so! The Health Services Authority was set up to be a modern vehicle for cost effectiveness and efficiency. The Second Elected Member for Cayman Brac talked about the efficiencies which could be derived from the Law by Government keeping in place the Health Services Authority Law. He named the negotiation of contracts as one of those efficiencies as against the procedure of central Government. We all know that the procedure in central Government is a Central Tenders Committee which follows guidelines from the Financial and Stores Regulations.

In that regard, one of the purposes, it seems, for the creation of the Authority was so that the previous Member could give contracts personally by way of the Chief Executive Officer. This was not efficiency. I said it Friday afternoon, and I say it again this morning: this was nepotism and the Authority was meant to be a conduit for funds to be channeled to contractors and other cronies of the then

Chief Executive Officer and the Member. Millions were wasted!

The Second Elected Member for Cayman Brac spoke about law suits and how those people must have their day in Court. He has gone to protecting them now. Well, they might run but they cannot hide from the long arm of the law. I would say to the Second Elected Member for Cayman Brac that the Government, too, will have their day in Court. Madam Speaker, very serious decisions were taken by the Chief Executive Officer, Dr. Martin-Smith, and the former Member, that are still impacting on the proper running of the hospital. These decisions include the offering of inconsistent and abnormal employment contracts to some doctors. Weekly the Authority is being exposed to further calls on its revenue by consultants who keep crawling out of the woodwork requesting payment from the Authority; bringing letters that show promises, letters signed by the Chief Executive Officer under instructions.

Madam Speaker, consultancy contracts had been offered in some of the following areas:

- Materials Management;
- Computer Services;
- Personnel - who took the Government's material already developed and reworded it and charged large prices;
- Hospital Administration and Planning Consultant; who was to get a two year contract at $41,000 per year with 15 per cent gratuity;
- A Financial Statement Consultant, among others, all running to us with their hands out wanting money.

So far, Madam Speaker it has been determined that over $300,000 were paid out by the Health Services Authority in 1992 for consultancy (as I said, bills and law suits are still coming), this was in addition to thousands of dollars in consultancy fees which were paid out by the Portfolio vote and other votes in the Budget connected to Health. The Member for Bodden Town who complained about what we are doing, and his colleague the Second Elected Member for Cayman Brac, well know what those consultancy fees were between 1991 and 1992 in the regular Portfolio Budgets because we dealt with them here in the House.

The First Elected Member for Bodden Town more or less said that the previous Board was set up with trained Caymanian professionals and that the Authority was now disadvantaged by the present Board members, some of whom are civil servants. He went on with some wishy-washy story about private persons not being paid and what they might think. What he said made no sense in that instance and let us now examine who the Board members are today.

Just let me read some of the Board members who were members in 1992:

- Mr. Powell, Chairman
- Dr. Edlin Merren, Dentist
- Pastor Al Ebanks
- Mrs. Edna Carter, Banker
- Mrs. Karen Thompson, Lawyer
- Mr. Ed Ebanks, Businessman

I guess there was a Principal Secretary and the Member himself at that time. The present members are:

- Mr. Joel Walton, Deputy Financial Secretary
- Mr. Donnie Ebanks, Civil Engineer
- Dr. Clarence Bankay, Cardiologist
- Pastor Al Ebanks
- Mrs. Karen Thompson, Lawyer
- Mr. Charlie Ebanks, Banker
- Mr. Mitchell Ebanks, Businessman
- Nurse Iva Collins

So, Madam Speaker, I do not know what more the Member wants. I think one is as good as the other when it comes to the Board. I think that we have good professionals. I thought we had them before too. The Government is satisfied that we have competent professional Caymanians there who are capable in advising the Government on Health Care. I do not think that they disadvantage the Board or the Authority in any way. I do not know where this Member gets off talking about the Authority being disadvantaged by the present Board. Such grammatically structured sentences might sound good, but they are wishy-washy and bear no substance.

Another matter they raised in their defense was that we have a Port Authority, a Water Authority and a Civil Aviation Authority. It is strange that those two Members would use these as examples because this is what was said in 1991 by Mr. Gilbert McLean when the Law was being introduced. I will quote the Second Elected Member for Cayman Brac and Little Cayman who was dealing with, at that time, the make-up of the Authority and dealing with Civil Servants. (pause) I am having some difficulty because there are so many, they made such long speeches in opposition to the introduction of the Bill for the Authority. (pause) Madam Speaker, I am having some difficulty and I do not want to take up too much time of the House but

the Member said;

> "One cannot deal with doctors and nurses and the various technical people in a manner that you would deal with regular Civil Servants, administrative staff and so on. They are of a different sensitivity, different mental physique in their profession. They abide by different rules and ethics and all the rest of it. ". (*Hansard* - 10th October, 1991)

But today, Madam Speaker, to satisfy their political ambitions they change their logic; it is a good thing today, we must keep it. Such inconsistency! How big men can say on one hand that civil servants must be treated right and complain about amalgamations and everything else that was done in the country, or that is trying to be done since the elections, and argue on the other hand that the Health Services was an instrument to deal with civil servants properly, is nothing but political rhetoric and, certainly in my opinion, their logic is skewed for the sake of politics.

The staff of the Health Services is the single biggest staff in the whole public sector, and after one year of operation the Health Services Authority still had not sorted out basic staff issues such as the pension rights, bearing in mind that at the 31st of December they would no longer be counted as Civil Servants; some 367 of them. We are talking about Civil Servants with 10, 15, and up to 25 years' tenure. I am saying to this House that if we take the suggestion of the First Elected Member for Bodden Town and let the Authority continue until December there would be no way we could handle that situation of pension rights. Where would the money come from? There is no mechanism that satisfies the concerns of staff members in the health sector. This marvellous Authority certainly will not be able to deal with it now, and they will not be able to deal with it in December, as much as they were not able to deal with it in the very first year of operation.

I resent it when people who work with me for four years, who objected to this monstrosity as well, come here and talk about change for the sake of change and about sensible assessment, as did the First Elected Member for Bodden Town. I resent it because when I took on the Executive Council position, I also took on the massive job of looking into the history of my Departments, determined to get those working for the benefit of the public as cost-effective, and efficient, as the situation allows.

I realise that those two Members will struggle to find sacred cows and I know, because of certain situations connected to the election of the Executive Council, that I would have no assistance in this House from that section even though such sacred cows (such as the Authority) were looked at with disdain before the election. Nevertheless, we are determined to change what is not working even though it cannot and will not be done overnight. Some things we can change immediately, others are still being watched and assessed. But the monstrosity called the Health Services Authority is one that experience, for over a year, has shown the cost of this enormous apparatus was fundamentally contrary to the judicious policies of a Government left with financial burdens such as Cayman Airways, a large deficit, a weakened economy and shaky investment prospects.

Whatever else might be said, the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac have to realise that it takes money, hard cash, to run the Health Services Authority. The Health Services Authority was to be a modern instrument set up to provide cost-effective, efficient service and I keep coming back to that phrase because as far as the Government that set it up was concerned, that was the backbone of its Mission Statement, to provide cost-effective, and efficient service. Far be that from the reality.

In one year of its operation, after setting up the modern super structure, a bureaucracy called the Human Resource Management Division, the Health Services Authority staff complement grew by an addition of 27 staff members. This is not a small amount for a little country. Not included in this figure are nine ongoing consultancies with 12 people involved. I should mention, to make a point on dishonesty, that one of these consultancies is a consultancy on laundry. I asked a question about that one in this Parliament back in 1992. The former Member lied to this House and said there was none. Madam Speaker, you will recall the censure motion which I was going to raise against him because it involved a considerable amount of money, but that censure motion did not get to the floor of the House. An honest attempt to do good is no excuse for dishonesty. It seems to me that by any proper standards this magnitude of an increase in staff cannot be called cost-efficient.

I want to move at this time to deal with the Opposition's wishy-washy statement about sensible assessment and dismantling for the sake of dismantling. Expenditure was out of control in the one year period of operation. Having set up his Authority, the financial pump was primed for tremendous arms of expenditure in various ways; expenditure of funds that would not be so readily available to the Member, or to the Chief Executive Officer, had there still been a Health Services Department instead of the Health Services Authority.

As a Department under Central Government they would have had to have operated under the guidelines of the Audit and Finance Law which sets up the Stores, the Financial Stores Regulation. They would have had to go the route of the Public Tender or to Departmental Tender, which the Member or his cronies would not have been able to control. Sorry to say, during that time expenditures increased dramatically and, again, another lie was told to this Parliament when they blamed the Treasury Department for some mistake when actually they had overspent by the $3 million we had to vote. Dishonesty never pays, Madam Speaker.

From the information given to my Portfolio by the Finance Department about the Health Services Authority, it cost just under $3 million more in 1992 to operate the Health Services Authority than it did in 1991. But this is not the full picture. Bills are still continuing to emerge, arising out of the comental Tender, which the Member or his cronies would not have been able to control. Sorry to say, during

that time expenditures increased dramatically and, again, another lie was told to this Parliament when they blamed the Treasury Department for some mistake when actually they had overspent by the $3 million we had to vote. Dishonesty never pays, Madam Speaker.

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Please note, as I have already said, there are law suits to deal with under written promises of Mr. harged us with speculation. Let us see who is doing the speculating. All of us will recall that the then Member had estimates on costs prepared by Ernst & Young for the Health Services Authority. The Public Sector Investment Committee also did an examination of the projects, including the cost estimates by Ernst & Young.

What is evident from these reports is that in 1995, which was to be the first full year of operation of the new hospital, the cost as shown by the accounts was to be $20. 6 million for operations for 1995. However, this $20. 6 did not include additional staffing costs associated with the new hospital. Bearing in mind that International Health Care Corporation, the group that the then Government employed to review the project, stated in their study that operating costs in the future would need to be tied to efficient staffing requirements, and going by the staffing requirements proposed by that group, the total annual incremental staffing cost was $2,400,000.

Total annual incremental building and equipment maintenance costs, and total annual incremental other operating costs at the new hospital and the George Town site, the old hospital site, as we all remember it was a split site, a further $2. 6 million annually. These additional costs are relevant because 1995 was projected to be the first full year of operation of the new hospital. According, then, to their estimates these sums total up to $5 million, and it does not stop there. A further $5. 4 million is shown in the Ernst & Young's projections as a Government Grant for the new hospital, a split site system. I want to lay those projections on the Table. Better than that, Madam Speaker, I am going to ask the Serjeant if he would please take this to the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and then lay it on the Table of this House.

So, when we take the projections of all the studies as prepared by the previous Member, it amounts to $31 million a year in recurrent expenditure for the Health Services. As I said, these are studies of Ernst & Young and the Public Sector Investment Committee.

I was challenged to produce or substantiate my statement that recurrent expenditure was too high. This is proof positive evidenced by their own figures, their own projections. The picture is much worse than these projections because their projected total expenditures was projected, as evidenced by these statements for last year, that is, total expenditures for last year, to be $12 million including, I believe, the Government grant. We know today it was more in the region of $15 million. This proves that their projections were unrealistic with a short fall of some $3 million.

I will tell the First Elected Member for Bodden Town, this Bill calling for the Dissolution of the Health Services Authority was not conceived by erratic judgments or, to use his words, "dismantling for the sake of dismantling", this Bill is predicated upon sound judgment on our part. Taking all things into consideration, the Health Services Authority cannot fund $31 million in 1995, as much as it could not fund $15 million in 1992. If we take the call of the First Elected Member from Bodden Town to keep the Health Services in operation until the end of this year and then we move, we will be in serious trouble.

It is sad that those two Members took that position. I want to read what the Second Elected Member for Cayman Brac had to say on the introduction of the Bill when these same mistakes were being pointed out to the Member then, at that time. He said:

> "One of the things that gives me the gravest concern in this whole affair is what the Member referred to about the planning of the new hospital. I believe that the haste with which this whole exercise is going is mainly, if not totally, because the Member is determined that he will put this country into a position where there is some kind of legal or financial commitment to a new hospital facility.
>
> I am personally convinced that that is the chief motivating factor and the concern that I have, where the staff of the George Town Hospital is concerned, is that rather than pay attention to the setting up or the implementation of a Health Authority system in the George Town Hospital that it is being transposed into what is going to be a new hospital. ". (*Hansard* - 10th October, 1991)

He went on to say,

> "But this particular Bill I do not support because there is nothing in this that shows there is going to be any greater efficiency in the management of the health services of this country. ". (*Hansard* - 3rd July, 1991)

Let me repeat that, Madam Speaker, "This particular Bill I do not support because there is nothing in this that shows there is going to be any greater efficiency in the management of the health services of this country". That is the same Member, the Second Elected Member for Cayman Brac, who stood in this House on Friday and talked about the efficiencies to be derived and that we should not dismantle it because we are dismantling for the sake of dismantling. He went on to say:

> "There is nothing which shows that there is going to be less cost because of this; there is nothing which shows that by setting it up it is going to pay its own way. Indeed, it seems quite clear to me that Government is going to be expected to continue to put so many millions into it each year and I fear that the loose way in which this is set up, without correct definition places the Member in a position where he might exert too much personal direction or control over it.
>
> It also seeks or provides, I believe, a means by which International Health Care Corporation can continue with their advice which takes no cognizance of our particular social and economic conditions and would turn our health care system into the health care system of the United States. ". (*Hansard* - 3rd July, 1991)

That is the same Member who rifled on Friday and has been rifling ever since this Government was elected about the attempts of this Government to bring things in line with what we can spend. Those two Members should run out of this Assembly and hide their faces; they should be ashamed of themselves.

To quote the First Elected Member for Bodden Town who said, "I would like to caution that the attempt has fallen short because what has resulted in this Bill can best be described as a misguided effort to do good. ". (*Hansard* - 2nd July, 1991) That was the First Member for Bodden Town who said we must keep it running. Now it is a good thing, but then, it was a misguided effort. To follow on that, because he did give us a long haranguing, I would like to continue reading from the *Hansard* what that Member had to say:

> "The Honourable Member has had ample warning that this headlong plunge, his intention to radically transform - and I use the term "radically" advisedly - the health system in this country is not only dangerous but is unworkable. It is unworkable because he has not taken the time to examine some fundamental quirks in our society.
>
> For example, I am convinced beyond reasonable doubt that the kind of health care system we should seek to implement in this country is an excellent primary health care system with excellent diagnostic services because the geographical proximity of this country to the United States coupled with the fact that we have to this point been fairly affluent and many, if not most, Caymanian people can afford to fly up to Miami when they have reason to believe that their health is in sufficient danger that they need expertise. That has become entrenched in our society now, we could say it is a habit for those that do not have the ready cash have the means by which they can acquire that, lien the land or some other resource that they can use as collateral to put up to acquire the necessary money. That is why his plans are not going to work because he has refused to acknowledge that fundamental habit of the Caymanian people.
>
> I have to say, as a representative of the people, some of whom will be affected by this change of his, that I take umbrage and I object to his radically transforming the whole health system, a system which involves about 300 people, changing the status of these people, some of whom have been Civil Servants for 10 or 15 years with the tenure and all of the rights and privileges of Civil Servants, and putting them under a Board of which he will be Chairman and he will be relegating them to a position which will be tenuous, as best.
>
> There is no way any decent responsible representative of the people would sit in an august House such as this and let that happen without objection. I do not know where he is going to get the help from and the support from, but I am voting for this Bill. ". (*Hansard* - 10th October, 1991)

That is the motion, Madam Speaker, I should point out, that I brought to set back the date of the coming into effect of the Health Services Authority, which the Second Elected Member for Cayman Brac seconded. So, the First Elected Member for Bodden Town is saying:

> "I do not know where he is going to get the help from, and the support from, but I am voting for this Bill because as a representative of the people, I think that is my duty and any less would be an abnegation.
>
> The proof of the pudding has been read out. The system is not going to work again, because the very people who are supposed to be implementing the system are objecting to it. They are not convinced that it is workable. ". (*Hansard* - 10th October, 1991)

Madam Speaker, that was the First Elected Member for Bodden Town, one of the two Members who rifled so much against the dissolution today.

Madam Speaker, if we take all of their words and by what I have in my hand, we can see that it was days that they spoke. If we take all of their objections how can they object today? That is the question I want them to answer. How can they object today if it is not being opposition for the sake of opposition? Proper delivery of good health care programmes cannot be based on haphazard and unrealistic projections. In all good conscience, for the people of these Islands, I cannot allow the Authority as a health care mechanism to continue because it has proven to be too costly and counter-productive for this country.

It is sorrowfully true, what the Second Elected Member for Cayman Brac said in 1991.

Madam Speaker, I do not think that I need to go back to read what they had to say again. I think I have substantiated my case that those two Members, at this time, are playing politics. There were questions raised about what is going to happen to the Committees. We have already said that there were between 15 and 20 committees. I believe I have already said that the Committees that are necessary will be kept for professional assessment of key areas such as medical audits. Let me hasten to say that 18 or 20 committees, whatever the number was, which involve practically the same people have shown not to be a healthy thing. Personnel, who should spend valuable time on patient care are up to their necks in committee work, leaving the job which they should be doing, and sometimes that one is the only person in that particular field who can do it, this is not good enough. This is bureaucracy and some of those committees will be dismantled.

There were questions on what was going to happen to the licensing of private health care institutions which was raised by the Second Elected Member for Cayman Brac and Little Cayman. I am surprised that he would ask that, or try to use that as credible opposition material. If he remembers correctly, he raised that objection in the debate on the Bill back in 1991, and I read that earlier. This is very important, Madam Speaker, so I better get the *Hansard* and make certain that I am quoting him correctly. Here is the question, and I quote the Second Elected Member for Cayman Brac and Little Cayman;

> "I also question why the Member should be the licensing authority. If it is to sign a licence that it takes his signature, well fine. But why the Member to license private hospitals? If this Bill proposes to set up an Authority that will be the be all and end all, and if one is to assume that it will have the persons who have knowledge in the various fields of medicine and all the rest of it, would it not seem to follow that persons who wish to have a private hospital licenced would apply to the Authority for a licence. I can see no cause again, why the Member should be the one to issue the licence. ". (*Hansard* - 3rd July, 1991)

As I said, I am surprised that the Member would raise that objection on this Bill because at that instance, the previous Member was taking it upon himself to license private health care operations. The Backbench, at that time, successfully argued against going that route and we got an amendment where that responsibility was placed on the Governor in Council. That is where it is today, the authority for the licensing of private health care institutions. That is where it is today and after the dissolution the power to license private health care facilities will remain as it was before, the responsibility of the Governor in Executive Council.

In their squabble to find an excuse to oppose, they questioned where the mechanism was to set up a Department of Health as an alternative to the Health Services Authority. There is no need, from what Government's lawyers tell me, for a new law to set up a Department of Government. Departments are set up administratively as the Governor is the Head of the Administration, he has constitutional power to set up departments, just as he has power to amalgamate departments. I am surprised that those two Members who claim to have so much knowledge of Governmental Administrative Procedures do not know this.

The Health Practitioners Board is still in operation, that deals with health practitioners. I do not understand what all this hullabaloo is about how we are going to get a Department of Government. I stated very clearly that we intend to set up an Advisory Board consisting of Public Servants and private citizens. This Board will assist the Portfolio in the appropriate management of the Health Services Department and it will also provide a forum to represent the views of the public.

In these questions dealing with the way forward, as they put it, where are we going to get a Health Services Department from? The Authority is being dissolved and the Bill before the House deals with that. It dissolves the Health Services Authority. There is not going to be any Authority, there is going to be a Department. If Members take the Health Services Authority Law, 1991, and examine it, they will see what this Law does. It sets up an Authority and it gives it cause to have general management of health care facilities. That management of health care facilities will be the responsibility of the Health Services Department.

This Law calls for a Chief Executive Officer, and we will have a Chief Administrative Officer, whether he be called a CEO or a Hospital Administrator. But we have one. I appointed one. I appointed a Caymanian. Mr. Miller - that was another consultancy they had coming in and I stopped it when we got in - bringing somebody from somewhere around Minnesota, I believe, with all kinds of qualifications and a big salary with a big house, car, all sorts of things. Such sweetheart contracts were never made.

This Law talks about medical doctors and medical staff and this will be reconstructed under the Department for more efficient use of staff's time. Then if we take sections 11 - 21 of the 1991 Law, it deals with procedures;

- Appeal from termination of appointment (That will be handled under the Civil Service Regulations, through the Public Service Commission)
- Clinical Department and Services
- Offices and Staff of the Authority
- Medical Staff Committee
- Fees (You do know that we have a separate Law before the House for Fees)
- Power of the Authority
- Application of Funds by the Authority
- Accounts of the Authority
- Audit of Accounts
- Reports of the Authority.

Madam Speaker, there are established regulations within the Civil Service which are applied to Departments for the management of staff, money and property. The Health Services Department will take care of all of this.

THE SPEAKER: Honourable Member, will you take a break at this time?

HON. W. McKEEVA BUSH: Yes, Madam Speaker.

PROCEEDINGS SUSPENDED 11:28 A. M.

PROCEEDINGS RESUMED 11:53 A. M.

THE SPEAKER: Please be seated.
The Honourable Member for Health and Human Services, continuing.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker.

Before I wind up this debate, I would like to point to some relevant statements from Reports done by the former Government, the Reports done by the Economic Unit in which it talks about technical weaknesses. It said that, "The project appears to have based projections of the future numerical size of the primary beneficiaries on unrealistic growth assumptions and, as a result, the project appears to have exaggerated the size of the future demand and growth in the future demand for health care services by the intended primary beneficiaries.". It went on further, to report: "The project's potential private and social benefits in terms of the savings in medical expenditures appear to be based upon unduly optimistic assumptions.".

When we take the Reports that I tabled in the House, which I gave to the two Members, we will see that expenditure forecasted, and I will take the years, and this is leaving out the staffing requirements and the maintenance requirements, and we know that each year they would move forward. In 1995, just to save time, Madam Speaker, up until the year 2011, projected expenditure without staff, without maintenance, for $46. 1 Million. Now I know that they are going to come back to tell me that insurance was supposed to pay for this thing and you have dismantled insurance. I want them to find in our population base enough insurance to pay that kind of expenditure.

In the new reorganization our concept of management must be understood as a way to optimise our resources in order to reach the objectives of the Health Services Department through a continuous process of planning, programming, organisation and coordination of resources for the development of action with appropriate execution and regular supervision, follow-up and evaluation. In this new effort a lot of emphasis is being placed on having competent personnel to perform the tasks and responsibilities generated by the reorganization. There was some question on insurance, as I said before, I have a Bill before the House in which I intend to deal with that mess too.

We have started a variety of measures to improve the Health Services for the public and to make it more cost effective. We have established scheduled eye clinics for indigents, veterans, and other Government referrals who will utilise the Lions' Eye Clinic. There are two opthamologists to be used to provide the services at the Eye Clinic, Dr. Mani and Dr. Freeman. Also, as soon as this Meeting of the House is over, I have set aside time to have discussions with the Lions on Government's Sight Programme. As we all know the Lions have a good programme which we need to utilise. As part of a joint programme between Government and Lions I hope to have all school children screened. We had a preliminarily discussion on this as Government, the Department and the Lions recognise the need for the Government to have a proper programme for sight to compliment the work done by the Lions Club.

The dental services have been reorganized with a functional Acting Manager to establish also a Saturday morning clinic, from 8:30 a. m. to 12 noon with scheduled appointments and we have reduced waiting time for dental appointments. We have established a monthly maintenance and preventative programme for the grounds and facilities of district clinics and plans are presently in progress for updating district clinic services. Plans are in progress also to improve home visits from the district clinics. One of our more serious problems is in the Mental Health Services and I wish to announce to this Honourable House that plans are in progress to establish a day-care programme for the mentallyrove home visits from the district clinics.

One of our more serious problems is in the Mental Health Services and I wish to announce to this Honourable House that plans are in progress to establish a day-care programme for the mentally handicapped and the mentally ill. This will reduce the need to keep the mentally ill at the George Town Hospital as well as reduce the need to keep them at the lock-up at the Police Headquarters. We have located building property and this is somethital health patients are sometimes up and down, they are not violent, but they go in and disturb other patients. All sorts of things have been happening with them and I hope that the Government will have the support of the general public when we go to establish our day care centre and residential facility which will only be temporary because in the restructuring, the reorganization, and the building phase programme of the George Town Hospital, we intend to have permanent residential and day care facilities for the mentally handicapped and mentally ill. Later on in this meeting I will be making a more detailed public statement on this matter. We have also established improved psychiatric services for Cayman Brac with scheduled visits by the Psychiatrist, Dr. LeHey and a Psychiatrist/Social Worker is now placed, or will be placed, on the Brac.

Tertiary level of overseas referrals are currently being tendered. It is anticipated that improved benefits packages and quality of care will be obtained. Also, we have streamlined the

local dental referral system which has resulted in fixed fees being charged for Government referrals. It is hoped that a similar arrangement will be made with other medical practitioners in the private sector.

One of the greatest benefits to the Health Care Services is that the strained relationship between the Board and the Management Team at the Hospital has been eliminated. The Management Team at the Hospital has been made fully responsible and accountable to the Board for the operation of the Health Services. This did not exist in 1992. There have been meetings and visits by myself with the Principal Secretary and the Chairman of the Health Services Authority and these have resulted in improved relations with the management and staff. A Caymanian has been appointed as CEO, I believe this is worthy of mention as this is the first time that a Caymanian is head of the Health Services.

We have taken on the down-sizing exercise as directed by the Inspection Team and this has already resulted in the reduction of 15 staff members. These consisted of voluntary retirements, temporary appointments, non-renewal of contracts and re-deployment. In addition, at least four officers have been removed due to inefficiency. We are currently revising and updating policies, procedures and standards with the aim of formulating a Standards Policy and Procedure Manual for the Health Service. We are also in the process of developing and preparing an Organisational Chart and updating and revising job descriptions for all employees.

Provisions are in place to continue to upgrade the fire detection system and the electrical system at the hospital and discussions have already taken place regarding the drawing up of a Master Facility Plan for the George Town Hospital site with the hope of starting construction of various phases. Here I would like to acknowledge the assistance of the Second Elected Member for George Town in the Committee stage of this work. We will continue to provide management training, in-service training and continuing medical education. We are going along as best as we can, given the circumstances, the mess that Mr. Miller left the Health Services in. We can do no more, and if those Members who are complaining think that they can do any better, then they should put it upon the Table of this Honourable House or else, as I said, shut up.

Madam Speaker, it is quite evident to all of us that the Health Services Authority has not and will not be able to fulfill its mandate to provide cost effective and efficient health care. The evidence before this House says to us that the Authority, in fact, has had disadvantaged health care in the past 18 months. This action taken today by Government is but a belated correction of a gross miscalculation or, rather, a series of gross miscalculations over the past four years, in particular the last two years, in the Portfolio of Health and Human Services.

In closing I believe that all Members of this House are cognisant of the state of affairs that is existing in Government, financially. They are well aware of what the position is in the Health Care Services and I believe that those who are opposing this resolution have only found the chance to oppose it for the sake of opposition. I have no more to say to the Second Elected Member for Cayman Brac and Little Cayman but I do believe that I have one last message for my friend the First Elected Member for Bodden Town. He gave us a little dissertation on the workings of democracy, and I guess he was talking about its strengths and weaknesses. After being in this House and working with the kind of Government that I had to work with for the past eight years, I am well aware of democratic weaknesses and I also know what the strength of democracy is all about.

In my opinion, for a democracy to work and work properly, there must be loyalty. An absence of loyalty has caused many democracies to fail. Being the academic the First Elected Member for Bodden Town is, he knows quite well what I am talking about. I will say to him that the Government is taking the judicious decision and time will prove us right as time has proven us right on the actions taken by Ezzard Miller and that group on Cayman Airways. I urge all Members to vote with us on this Bill and I say to the First Elected Member for Bodden Town, come back to the fold where he belongs.

The Bill is there for the Members to vote their conscience on.

THE SPEAKER: The question is that a Bill entitled the Health Services Authority (Dissolution) Bill, 1993 be given a Second Reading. Those in favour please say Aye... Those against No.

AYES AND NOES.

THE SPEAKER: The Ayes have it.

HON. W. McKEEVA BUSH: Madam Speaker, can I have a Division please?

THE SPEAKER: Madam Clerk, please take the Division.

CLERK:

DIVISION 2/93

AYES (14)

Hon. Thomas Jefferson
Hon. Lemuel Hurlston
Hon. Richard Coles
Hon. George McCarthy
Hon. McKeeva Bush
Hon. John McLean
Hon. Truman Bodden
Mr. John Jefferson
Dr. Stephenson Tomlinson
Mrs. Berna Murphy
Mr. Kurt Tibbetts
Mr. Anthony Eden
Mr. Haig Bodden
Mrs. Edna Moyle

NOES (3)

Capt. Mabry Kirkconnell
Mr. Gilbert McLean
Mr. Roy Bodden

THE SPEAKER: The result of the Division is 14 Ayes and three Noes, the Bill has accordingly been given a Second Reading.

AGREED. HEALTH SERVICES AUTHORITY (DISSOLUTION) BILL, 1993 GIVEN A SECOND READING.

SECOND READINGS

THE HEALTH SERVICES (FEES) BILL, 1993.

THE SPEAKER: We continue with the Second Reading of the Health Services (Fees) Bill, 1993.

Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, the purpose of this Bill is to address certain abuses of the present system of providing free health care in this community and at the same time to seek to reduce the financial load of providing these services.

Among the abuses which have been experienced for a period of years are the following:

1. Persons not resident in the Islands at times receive medical care free of charge.
2. People given membership of one organisation, in particular, without any real right to do so, taking advantage of apparently loose rules of membership in order to gain access to free care.
3. People who had medical insurance often did not assign the benefits to the Health Services.

While not strictly abuse of the existing laws there were other problems, including the receipt of free care by persons legally entitled to receive it but who had ample means to pay.

We seek in this Bill to remove the right of all but a few non-Caymanians to free care and to require that for Caymanians to receive free care they will have to be resident in the Islands. Even Caymanians, however, will receive free care only if they are in certain specific categories and similarly certain types of services previously given free to all residents will only, in the future, be provided free to resident Caymanians.

The categories of Caymanians who would be entitled to free care under this Bill are; school children, indigents and veterans. The veterans in this community actually will continue to receive this benefit, once they have been screened by the local association, whether they are Caymanians or not. Having risked life and limb in service, this seems a fair way of recognising this body of people, acknowledging too that Cayman was, in this regard, playing a small part in a much wider effort. Of course, existing entitlements of public officers and their dependents, whether Caymanian or not, Government pensioners, including some previous Members of this Honourable House and their spouses, and patients being investigated or treated for AIDS, Tuberculosis or Malaria, are all preserved in this Bill for good reasons.

The Bill also preserves the right for Caymanians resident in Cayman Brac and Little Cayman to receive care at the rate of 50 per cent of the charges specified in the schedule. Non-Caymanian residents will lose that benefit, however, Caymanians resident in Cayman Brac and Little Cayman who have insurance coverage will be requested to assign the benefits at the full rate of charges payable under the Schedule. There is, in addition, a general provision in the Bill which allows for anyone who is unable to pay their medical bills to be assessed and, if found to truly not have the means to pay the full rate, to be afforded care free of charge or at a reduced rate.

Members will note that the Bill has a provision requiring anyone who has health insurance and who receives medical treatment at a public facility to assign the relative benefits. In addition, there is a general provision making it an offence for anyone to supply false information when applying for an exemption or a rebate of fees. It is expected that this may assist in collections and thus offset a portion of the cost to the public purse. This offset of cost is one of the major benefits expected to accrue from the tightening up of entitlement to free care as well.

Clearly there will be an initial settling in period when the process for identification of persons, the acquisition of ID cards where they will be needed and do not now exist, and so on, will have to be sorted out. After this, however, the situation should be more satisfactory. The qualification for free care will be a bit more tightly defined. The major areas of abuse will have been addressed and in a wider sense, those who can afford to pay will be required to do just that, pay.

I commend this Bill for the favourable consideration of this House.

THE SPEAKER: The question is that a Bill entitled The Health Services (Fees) Bill, 1993, be given a Second Reading. The motion is open for debate.
The Elected Member for North Side.

MRS. EDNA M. MOYLE: Madam Speaker, I rise to support a Bill for a Law Prescribing Fees for the Services provided at Government Health Care Facilities. There are three sections that I would like to bring to the attention of the Member and, hopefully, when we go into Committee stage we can discuss this and arrive at some decision favourable to all.

I would like to commend him for removing; "No fees are payable by a patient of a health care facility if the patient presents a card issued by the Authority identifying the patient to be a serving Member of the Legislative Assembly or the spouse of such a Member.". I think that each and every one of us sitting in this Chamber today has health insurance. We arrive at the hospital with it, we offer it to pay for our bills and we are told, "No, you are a Member of the LA. " I commend you, Mr. Bush, on removing Members of the Legislative Assembly as persons receiving free medical care.

Section 5 of the Bill concerns me where it says a resident of Cayman Brac and Little Cayman will pay a half of the rate specified in this bill if he is a patient at the Faith Hospital. I know this has been a practice but when I look at my people in North Side who work there, particularly the people employed at the Cayman Kai Resort, making some $3. 50 per hour, getting probably, only two or three days' work per week, I think that there is no difference between those people and the people of Cayman Brac and when we reach the Committee stage I would hope that some consideration could be given to the people of the outer districts who are employed within their own districts. There is not much difference between their wages and those paid in Cayman Brac and the only thing that makes them different is that there is water between Grand Cayman and Cayman Brac and not between George Town and the other districts.

The other section that concerns me is Section 10, subsection (a);"A Public Officer, or the spouse or the dependant of a public officer (but only to the extent provided in the terms of employment of the public officer);". I know that refers to none other than the female officers of the Civil Service. I find it hard to believe that the women in the Civil Service of this country are not extended free medical for their spouses or their dependants while they are active members of the Civil Service. But then we go on to subsection (d) and she is given this when she retires as a member of the Civil Service. "A person receiving a pension from the Government or the spouse of such a person;".

I would ask this Honourable House and the Member, in Committee stage, if we could delete "but only to the extent provided in the terms of employment of the public officer", where that relates to female officers, their spouses and dependents.
Thank you, Madam Speaker.

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

MR. GILBERT A. McLEAN: Madam Speaker, unlike what the Member for Health said just a few moments ago, that I should shut up, I will not, and he certainly cannot make me. I rise to speak on this Bill as a full Member of this Legislative Assembly and to offer my opinion on any Bill that is brought to this House by any Member of the Executive Council. [A

Right off the bat, I am surprised to see that this Bill is not one which dismantles any charges at the Hospital whatsoever. Firstly, because these fees were prescribed by the former Member for Health, Mr. Ezzard Miller, and it appears that anything he did was wrong and that we should get rid of it. Secondly, I have been in this House long enough to hear, particularly when these fees were being brought into being, how the people of this country would suffer and I imagine that they have suffered, and they will continue to suffer. So I do not understand why there is not some relief to this suffering by the dismantling or offering of free services in total.

These fees were prescribed to meet the services offered by the Health Authority and due to the fact that the Health Authority has been dismantled, destroyed or revoked, these fees would then seem to have gone with it. In effect, the fees prescribed here are the very same ones that were in the fee structure designed for the Health Authority. What I marvel at, and will continue to marvel at, when that comes to be destroyed in the next few days, is how will the people pay these fees when the idea for a National Health Insurance was the vehicle by which this could be done?

Madam Speaker, this Bill purports to innocently bring about certain changes in the Hospital fees. But inserted in this are certain changes which will affect Caymanians as has not been done prior to this. For example, this Bill defines "Caymanian", and it means a person possessing Caymanian Status for the purposes of the Immigration Law. One might ask, how would this affect Caymanians? I suggest that by the insertion of that word it will affect pregnant women who would normally get contraceptive services which will affect many families, children and spouses. There are many Caymanian men, for example, who are married to women who do not have Caymanian status, they are of other nationalities and so these women will not be eligible for this particular service which was, before this time, given. One might say that there could possibly be insurance in place. What about the numerous cases, and the largest majority of cases in this country where this is not the case? So families are going to be affected by that.

On the other hand, the fact that the Bill says that persons who

are being treated for AIDS, Tuberculosis, and so on will, indeed, be given this service free. Among these persons could be persons who are also married to Caymanian men. It seems as if this law purports to make services free in some areas of disease but limit it in attempting to controlling the population growth with birth control, and in attendance to pregnant women who, in most intelligent societies, would want to have their baby delivered in good health.

It also affects school children. For no longer are school children recognised as an essential national asset for which medical care was provided free. Children henceforth will only get medical care free up to certain ages if their parents do not have any health insurance. I am not saying that is something bad but I would point out that section 12 says:

> "A person must not supply false or misleading information when applying for exemption or rebate of fees otherwise payable under this law.
>
> Penalty: Fine not exceeding $5,000 or imprisonment for a term not exceeding 6 months. ".

This goes overboard and puts in place a clause that could provide a serious problem for Caymanian people.

I could use here an illustration of let us say, there is a Caymanian mother who is a Civil Servant, and these persons are supposed to be getting free medical care, and that mother has a child. Now there are two ways that this child would normally be eligible for free care; by the mother being a Civil Servant, and by the child being a student under age 16. Let us say that mother does not have health insurance, but let us say the father, let us say its an estranged father who has the health insurance that his child might be covered under, but let us say the mother has no knowledge of this. If she goes with her child to the hospital, takes him there and in good faith says she does not have any health insurance and she wants her child attended to. After that it is discovered that, indeed, the father had this child covered, will the mother and the child then fall victim to this particular clause?

There is another attempt to hinder persons presently getting free medical care from doing so. In section 10 (c) of this Bill where before members of the Seamen's and Veterans Associations of Cayman Brac and the spouse of such a member would get free care, that has been changed seriously and drastically. How has it changed? It is changed by the insertion of one word, "veteran". It reads, and I quote; "A veteran member of the Seamen's and Veterans' Association of Cayman Brac or the spouse of such a member;" would receive free care. Who is a veteran member of the Seamen's and Veterans' Association of Cayman Brac? There is no definition of that and I wonder who will decide who is a veteran member of that association. Again, I refer to Section 5, which deals with the people of Cayman Brac and Little Cayman. I say that if a person from Grand Cayman, or a "Caymanian" as is defined, ordinarily resident in Cayman Brac and Little Cayman who is a patient at the Faith Hospital should get on a continuing basis the 50 per cent reduction in fees as has been going on, if a Caymanian, if we go to take that division as someone being from Grand Cayman, is visiting there who is going to check their ordinary residence to decide if they should pay by insurance or by 100 per cent of the fee?

I am not quite sure when the consideration came into being about Cayman Brac residents paying 50 per cent of the fees being prescribed in Grand Cayman for medical services. However, I have been made to understand that the concept of this came about many years ago, as is the case in other laws of this country, because of the economic considerations of where Cayman Brac and Little Cayman is concerned, because of the relatively low level of employment, the size of population and, certainly, where the health fees are concerned, the people of Cayman Brac built their own hospital. The Government, at a later point in time, came in to assist and it was through a recognition of the determination of the people of that community that such an arrangement was worked out. I believe that it should continue to remain and, indeed, if the fees in the Cayman Brac Hospital are such that it attracts a certain fee, that fee should be payable at that particular institution by Caymanians, whoever those Caymanians might be, if they are, indeed, served at that particular hospital.

The fees that are in this Bill, as I said, are those prescribed by the former Member for Health, Mr. Ezzard Miller and the shocking thing about it is that these would be brought back and found to be appropriate at this particular point in time. I think that the fees reflect costs to some degree. I am not sure that they fully represent the costs for providing the service, because that has never truly been determined. Surely these amounts are not unrealistic now for delivering health care services and in terms of the ever increasing costs in this island and overseas, the fees here are realistic to that particular situation. Perhaps that is why there is no move here to do away with these fees. My concern, when the fees were being prescribed, about a year and a half or two years ago, was that they were high and they would impact heavily on persons having to get medical services at the George Town Hospital and the Faith Hospital. While it was necessary for Government to realistically charge fees that would pay for the services delivered since they had moved from so low a level to so high a level there should have been a means of assisting the people to meet these fees.

On the one hand the present Member for Health is obviously concerned about the high cost of delivering health services under the Health Authority. I suppose he will be relatively similarly concerned about the cost of delivering it under a Department of Government. The question still begs itself, what is Government doing to assist the population in finding themselves to be in a position to meet these costs? One night in the hospital can be $200. Many artisans and people in the trades and skills earn $200 in a week. It can be major trauma for persons finding themselves ill and having to go to the hospital. The answer, apparently, from the present Member for a solution is to do away with the National Health Insurance Law which provided a means of meeting health care fees.

Madam Speaker, I am duty bound to speak on matters which affect this country and its people, including all the people of the Cayman Islands, not just those of Cayman Brac

and Little Cayman who elected me and to point out where I believe foolishness is gaining the upper hand. Indeed, in recent times I have seen much of that. It is one thing for any Member of this House blowing their own horn about what they can do, will do and are doing, however, this as a reality is quite another question.

I have no problems about these fees continuing to be in place to be charged by the Government Hospital or the Hospital in Cayman Brac. I do have a problem with some of the amendments which affect children, the Seamen's and Veterans' Association of Cayman Brac and Little Cayman, which affects spouses of Caymanians who do not have Caymanian status, and I am concerned about women not having the availability of antenatal care, and so on, as before can affect the health of the population which is to be born. So, with those exceptions, I do not have any problem with this Bill. I will just end by saying that I hardly think it is a wise man who, to fix a part of the eaves of his house, knocks down the house to do it.

Thank you, Madam Speaker.

THE SPEAKER: The House will be suspended until 2:15.

PROCEEDINGS SUSPENDED 12:53 P. M.

PROCEEDINGS RESUMED 2:16 P. M.

THE SPEAKER: Please be seated.

Continuation of debate on the Health Services (Fees) Bill, 1993. (pause) If there is no further debate I would ask the Member in charge of the Bill. . . the First Elected Member for Cayman Brac.

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. A Bill for a Law providing fees for services provided at Government Health Care Facilities, I have no problem with the Schedule of this Bill as it is a duplicate of what was approved by this House in the Health Services Authority Law. But I would like to address some problems which I see in other sections.

The Member for North Side has brought attention to Section 5, the reduction of fees for Cayman Bracers permanently residing in Cayman Brac by 50 per cent. I would like to bring to the attention of this Honourable House that this was not put into play because of the economic position of Cayman Brac, as was the Trade and Business Licence Fees, this was because when Cayman Bracers felt the need for improved health care facilities in Cayman Brac the then Chief Medical Officer in Cayman Brac said it was not necessary. He said we needed a hospital in Cayman Brac like he needed an additional hole in his head. All we needed were two bright lights on the wings of the DC3 and they could respond to an accident.

The people of Cayman Brac did not accept that and they decided to solicit funds and start a hospital for themselves. And with the aid of many, many people and, I hasten to say, a generous contribution from Government, the original building was completed and taken over by Government at a lease of 10 cents per year.

We were not satisfied that was adequate and when Cayman Energy Limited started a ship-to-ship transfer off Cayman Brac, we solicited a quarter of a million dollars from them and built an additional medical and surgical section with a new operating room, dining room and kitchen facilities on to it. That was built at no cost to Government. So, the fees were actually rated at 50 per cent because of the contribution that had been made. I hasten to recognise that Government has made substantial expenditures on the facility since that time, and are presently spending a substantial amount for which I and the people of Cayman Brac and Little Cayman are extremely grateful. We also, at this time, are building a Rest Home for the people of Cayman Brac with a loan from Government and contributions which we have sought from one end of the world to the other. We believe in self help and I hope that this spirit will never die in the two Sister Islands.

I would not want to discourage the efforts of our people. Neither would I want to stand in this Honourable Chamber and say that the poor people of any other district or any Caymanian in need should not be given attention. But this Law clearly states that if you have a just reason the fees can be reduced or waived. There are provisions to take care of anyone who has a need and can prove that it is just.

Another thing I would like to speak to is what is really going to be the position with free medical care to veterans of the Seamen's and Veterans' Association? Are we taking veterans to mean only members who served in the Armed Forces around the world, excluding Merchant Marines? As most of our Caymanian people did not serve in what I would call the Armed Forces, but they certainly served in the naval part of the Merchant Marine and many of them risked their lives. Also, I would like to call to the attention of Honourable Members that it was the seafaring men of the Cayman Islands that were the basis of our economy for many years. We must really respect those who made a living out of turtling, those who went on small boats, they earned a living and what they earned was spent in the economy of the Cayman Islands which contributed much when our economy was very, very small. So these people deserve recognition and it was my thought that the reason behind this privilege being granted to the senior people was the fact that they had contributed to the development of this country and were being honoured as people who had contributed.

I, for one, agree that those who have hospitalisation (and I have said that on the floor of this House many times), when they go to the hospital here and do not claim against their insurance they are actually subsidising the insurance company and not helping anyone but the insurance company to whom they are paying their premium to. What we must realise is that medical or health insurance does not cover every expense that will be incurred. Many people who have basic health insurance are not covered for all medication. Mostly what has been covered under the Veterans' and Seamen's has been blood pressure tablets,

diabetic tablets and tablets of that nature, and most health insurances will not cover that. So a considerable burden will be placed, after paying the high premium for health insurance and then having this added expense. But I do subscribe that major expense which we are paying a premium for should be borne by the underwriter who is accepting the premium. Again, I look forward to hearing from the Honourable Member what his definition, or his interpretation, of "Veteran" as it refers in 10(c).

I again would like to question why this Bill is coming prescribing fees and not as the Regulations of a law to replace Law 19 of 1974, which was a Health Services Law? I would have thought that would have been in keeping with what has been done. The Health Services Law 19 of 1974, prescribed how the Health Services were to be operated. The Health Services (Fees) Regulations of 1975 was a part of that and I would have thought that would have been the procedure that would have been taken here.

We looked very seriously when these fees were being increased with three incremental increases, six months apart. I, for one as a Legislator, fully realised that it was going to be difficult for the average man on the street to pay the medical expenses, but I was made to understand that the exercise was to try to bring the costs of medical services, or what we were paying for medical services, more in line with its actual cost, and that the intention was, with the National Health Insurance, that was where the money would come from for the man on the street to pay. He would not be subjected to any cost, that is medical expenses, but it would be quantified as a monthly premium which he, or his employer would be paying to the insurance. That void which has now been created gives much concern to me for the members who do not have health insurance and the less fortunate people who do not have substantial savings. In the world today, with catastrophic health care expenses, even the very wealthy can be reduced to paupers, let alone the average man.

It is my hope that in the not-too-distant future we will see a National Health Insurance brought to this House which will give the Caymanian people a guarantee that for a certain premium they will be free of that risk of being wiped out by just one major medical expense. It is not an impossibility, it is a reality which we all face. So with these words, I support the fee structure because I know why the amounts are such, they are trying to get close to cost. But I certainly feel that we must do something to help the people pay these fees.

Thank you, Madam Speaker.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the Bill before the House is necessary because we have repealed the Health Services Authority Law, 1991 and the fees for medical services at the Government facilities were collected under Section 15(1) of that 1991 Law.

One Member of Executive Council explained last week that the other Bill, the 1974 Bill, which had fallen away with the Health Authority Bill, really had nothing to do with the fees and was only a sort of enabling law which we can do without. It is not necessary to reinstate that law, but it is necessary here to reinstate the fees. Maybe the time has come to have a new look at fees. The position is that those who can afford to pay should pay, and those who cannot afford to pay should be given whatever relief can be given to them. No one should be denied health care. It is my understanding that under the old fees which have been abolished, there were some millionaires in this country who were receiving free medical attention because they belonged to certain organisations. This has to be an abuse of the system.

These amendments are good in that in certain cases provisions will be made for those who are able to afford it to pay, for those who carry insurance to pay through their insurance, and for those who can do neither of the two, to receive a certain amount of free care. A few Members have mentioned the situation where people in Cayman Brac pay lesser fees than the people in Grand Cayman. Whatever the reason for this, and whatever percentage they pay, the fact is that a big anomaly exists. Why should a well-to-do person in Cayman Brac pay only half of the fee, when a poor person in my constituency, or in North Side, or in East End, has to pay the full fee? Regardless of the reasons why Cayman Brac receives the benefits which they receive, the anomaly does exist that it has resulted that people who are able to pay are not paying the full fee, that is some of them, while many people here are squeezed to pay.

The Assembly Members have been excluded from this Health Care Bill and I trust that if any of them are unable to pay their fees, that they too will be covered under the general provision for those who need relief. The fees have been reinstated, I understand, in this Bill the same as they were in the old Law, which has been repealed, with no increases. One Member mentioned that it looks like it is the intention of the Member to do away with the National Health Insurance Law. To my mind this is not so. In fact, the Member has stated the opposite. He is not doing away with the National Health Insurance Law, but hopes to bring into force a National Health Insurance Law which is sensible.

Everybody knows that the Member who put through the old National Health Insurance Law did not believe in it himself because he would not bring it into effect during his time in office but fixed the date after the November Elections for the coming into effect of that Law. If it had been so good he would have brought it in then and hopefully taken the laurels for it. I admire the courage of the present Member who has been talking to the insurers and to the people in the medical field trying to find a solution to this big problem. Medical care is one of the most expensive items in anybody's budget.

President Clinton and his new administration are devoting many hours trying to solve the cost of the health care crisis which exists in the United States. I think our Executive Council, particularly the Member for Health, have to be applauded for acting in a similar fashion where they will sit down, discuss and listen to reason, and if he is not able to produce a perfect Bill, at least he will produce something which has a chance of working and which they will not be ashamed of and which they will put into effect while they are still in office.

I intend to support the Bill and I recommend the Bill to other Members.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I rise to offer my contribution on a Bill for a Law Prescribing Fees for Services Provided by Government Health Care facilities. I would like to say that I am eminently qualified to offer a contribution on this Bill because I believe that the Bill had its genesis in the Public Accounts Committee at the Tabling of its Report on the Auditor General's Report sometime in 1988. At that time, there was concern that the fees being charged for services provided at the hospital were not in keeping with the costs of those services.

With your permission, Madam Speaker, I would like to read something from that Report on the section, page 7, which deals with Health Services, paragraph (iii);

> "The Committee also notes with some concern the large amounts owed to the Government Hospital. Some $1. 5 million was owed at the end of 1988 for overseas medical expenses alone. It was concerned to find that this excludes approximately $0. 9 million written off earlier in 1988 for similar expenses. Of significance also is the fact that nearly $1. 5 million was owed in Hospital Fees. The Committee welcomes the expressed determination by the Hospital Administrator to make every effort to see significant improvement in future collection of hospital fees. The weakness in the control over collection of these fees aroused the Committee's concern and we suggest that a collection officer be on duty at the hospital during the early to late evening hours. ".

I shall skip paragraph (iv) and read paragraph (v).

> "The Committee is disturbed to find that the rates, fees and prescription charges for the hospital services which are laid down by law in the Personal Health Services Fee Structure of May 1984 are not regularly reviewed and updated. The Committee regards this as an aberration and suggests an annual review which reflects the full costs of the services provided. ".

Reading on to paragraph (vi);

> "In the evidence received from the Chief Medical Officer the Committee noted that a large percentage of the population is under the age of fourteen (14) years of age. The Committee is aware that this group makes a high demand on the Health Services and hopes that its suggested improved fee collections will assist in the funding of this service. ".

Paragraph (viii);

> "The Committee deliberated at length on the issue of outstanding hospital fees and has concluded that under the present system, there is no easy remedy for this situation. ".

Paragraph (ix) is the most significant and it suggests;

> "It is the Committee's recommendations that Government investigate the feasibility of some form of Health Insurance scheme. ".

Now, Madam Speaker, the Government's reply in the Government's Minutes tabled the 19th day of February 1990, page 11, paragraph 7 (IV);

> "The Government is concerned that the present arrangement at the hospital may seen to be subsidizing private practitioners that use the facilities there. As hospital charges are paid directly by patients and not through a third party. It is fair to say that private patients are being subsidized because under the present system private patients are not charged on a per item basis. The flat fee presently being charged is in need of revision so that patients are charged at cost. As part of the charges in billing review, it is expected that this will be addressed in the very near future. ".

Reading from page 12, paragraph (VIII)

> "The Government is most pleased to acknowledge that following the deliberation of the Committee, which was at length, the Committee concluded that under the present system there is no easy remedy to the issue of outstanding fees at the hospital. "
>
> (IX) Government accepts the P. A. C. 's recommendation that the feasibility of a national health insurance scheme be investigated, such investigation is ongoing. ".

Madam Speaker, the signatories to the Public Accounts Committee Report were yours truly, as the Chairman, Mr. McKeeva Bush, Mr. John Jefferson and the Member who

later resigned, my colleague from Bodden Town, Mr. Franklin Smith.

I well remember the furor, the rhetoric and the vehemence that was brought in this House when the then Member introduced his fee paying structure, Government Motion 12/91, Health Services Authority (Fees) Regulations of 1991. And you talk about consistency. When I am finished reading I want to see where the elfin grin and puckish smile that I saw on some peoples' faces across the floor have disappeared to.

I want to read what the Honourable Truman Bodden had to say about these fees. Madam Speaker, we objected to these fees and I am stating here and now that I am supporting the Bill. But what I cannot understand is, I have not changed my position, I was on the Public Accounts Committee that said we needed to do something realistic.

> "The hospital fees were last increased in 1983 and for the first time in those seven years, and only after the Government got strapped for cash and was scuffling around in 1990 to find money for the grandiose projects did we find coming forward the 1990 Regulations from the Executive Council. ".

Madam Speaker, the Member complained about the maternity room fees being put up and all of the other fees until he went on:

> "On the other hand, the real aim behind all of this comes back to what I think is probably one of the worse things that this country has seen regarding statutory authorities and that is the Member for Health and Social Services is the Chairman of the Health Services Authority, he is responsible for health care, he is responsible for inflicting the fees so that the whole question of any separation of independence of authorities, which is the reason why they are set up. . . " (*Hansard* 16th December, 1991)

These same fees are the fees that were being objected to. Madam Speaker, I believe that we need to charge these fees, I believe that they are realistic, and I stand behind the points made in the Public Accounts Committee's Report. While the Member in 1991, when he was introducing these, used the Public Accounts Committee Report as a pretext for raising the fees and those of us who were Members then tried to make the distinction between our suggestions and the raises that he gave, I was satisfied after the fees were raised that at least someone was trying to make provision for the people to pay.

In supporting the Bill, I have a couple of concerns which I would like to raise because I believe that they are worthy of being raised. Some of them have been raised by other Members and I am going to avoid the repetition and duplication of those, but the fundamental problem lies in the fact that the fees, being raised to this height, puts us right back to square one where the Public Accounts Committee reported that every year we had to write-off millions in unpaid and uncollectible hospital fees.

I would like to know what provisions we are going to put in place to ensure that this does not happen. When the Member is winding up it would be most welcomed if he could explain to me the provision he is going to put in place to take care of this. I need not remind that Member that those were some of his concerns also.

Madam Speaker, the privileges of the Members of the Legislative Assembly, as far as free hospitalisation and hospital services have been removed, I can, to a certain extent, understand. The salary of Members of the Legislative Assembly is not a bad one, but the principle of the matter lies in the fact that I do not know if all the Members of the Legislative Assembly at this present time have health insurance, and I am not sure that all Members of the Legislative Assembly in the future will have health insurance which covers them and their families. So, I would have to be convinced that the savings realised by depriving the Members of the Legislative Assembly of this potential benefit is going to be significant. I also would like the Honourable Member to say something about the rationale for removing this benefit from Members of the Legislative Assembly and if he could also explain to the Honourable House what savings will be realised by the removal of this benefit and what provision or provisions, are going to be in place when we have a Member of the Legislative Assembly who does not have health insurance but who may run into a problem where he may need expensive medical care for himself or his family.

I believe that one of the essentials of a democratic system is that people should be encouraged to express their opinion and particularly, in those cases where that opinion might not necessarily be in tandem with other opinions. Even if it is a minority view. Therefore, I am left at a loss as to the explanation of why such an attack was made because I dare take a different approach from some other people.

For the sake of the record, I see myself as a representative of the people and while it is true I was not around when these Bills were discussed, Madam Speaker, if they were discussed in the usual meetings I, for some reason or another, was not there. So I never told anyone what my position on them would be. As a consequence of that, the attack that came, I think, was unwarranted but I am not deterred. As long as I am here, believe you me I am going to speak my conscience, and say my piece, and I am not bowing down to any man. God and the Bodden Town people, those are who I answer to and, Madam Speaker, I need not say that my loyalty when I give it, is beyond question. My record speaks for itself and so I take cognisance of all the points made about consistency and loyalty. But Roy Bodden has always been known as one with an independent mind. My mother inculcated that in me from the time I could understand and I was brought up to ask the reasons why things were so, and before I was punished I was told for what reason I was being punished. So that was inculcated in me from the beginning and I will endeavour to keep my independent mind.

Now, Madam Speaker, I say again that I am lending my support

to the Bill, I have outlined my concerns and I am sitting back to await my further castigation. But I hope in doing so, the point to explain my concerns and to allay the fears I have is not missed. Thank you kindly.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I rise to lend my support to a Bill for a Law Prescribing Fees for Services Provided at Government Health Care Facilities. I do so because I believe that this Bill for a Law will take care of the freeness and the abuse of freeness that has been taking place over the past several years.

This will provide free care only in specific categories and I think that this is good. I am pleased to see that Members of the Legislative Assembly will not be provided with free health care and that under Section 9 it deals with free care for anyone that is unable to pay, once they satisfy the Government that they are unable to pay. If this applies to Members of the Legislative Assembly then it will be provided if they do not have the health insurance that is necessary.

Under Part 5 of the Schedule, I wonder if perhaps this may not be too cheap. Looking at this it says that District Clinic nursing service is only $5. 00, with Home Nursing visits at $10. 00, Home Physician visit $30. 00 and district clinic physician visit $15. 00. I realise that if someone is at home and needs nursing care they might not have the means to pay but perhaps when we go into the Committee stage we might like to take a look at this. I believe that there is no such thing as something being free. Someone has to pay and we as human beings should be self sustaining and as for the days of Government providing for each person, we have to look closely at this and make sure that it is not being abused.

I like the idea of the ID cards and hope that this will be put in place very quickly. I think that this Bill for a Law will help with the Health Insurance Law that is proposed and I commend the Member for presenting these fees as I feel that with the losses that have been taking place at the health care facilities should come to an end and only in special cases should Government have to provide free care for its people.

So, I, again, will support this Bill for the Law. Thank you, Madam Speaker.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

I rise to support the Schedule of Fees for a Bill for a Law Prescribing Fees for services provided at Government Health Care Facilities. Rather than being repetitious on some of Sister Islands of Little Cayman and Cayman Brac have a population, I think, of a maximum of 1,500 people, and here in Grand Cayman I have no doubt we are looking at probably 30,000 people, which means that the population of the Sister Islands is about five per cent of the population here in Grand Cayman. So I really do not understand the great anomaly that has been created.

I also understand some problems that another Member may have with constituents in her district not being able to find the prescribed fees for the health care. But I think if we look at Section 9 which says... and I have some problems in understanding the large picture that is envisaged at present with regard to health care in the Cayman Islands. In section 5, two Members made comparisons to the fact that a Caymanian ordinarily resident in Cayman Brac or Little Cayman, who is a patient at the Faith Hospital in Cayman Brac is liable to pay fees at half the rate.

Whether it be thought or said that I am biased, I have no fear of that, but I would just like to remind Members that the ich means that the population of the Sister Islands is about five per cent of the population here in Grand Cayman. So I really do not understand the great anomaly that has been created. I also understand some problems that another Member may have with constituents in her district not being able to find the prescribed fees for the health care. But I think if we look at Section 9 which says,

> "Fees payable by a patient at a health care facility may be waived, in whole or in part, if the patient satisfies the Government that he is unable to pay all or any part of the fees. "

So, I would think that section takes care of those concerns. Let us not ride the boat about the Cayman Bracers with regards to them paying a half of what we pay here in Grand Cayman.

I also have a problem, Madam Speaker, when we look at how the Law is worded, "Interpretation" under Section 3 where it says, "In this Law- 'Caymanian' means a person possessing Caymanian status for the purpose of the Immigration Law;". I am going to try and be careful here so that I am not misunderstood. I understand that if we are looking at the tremendous cost of health care throughout the world today, and we certainly are no exception here in the Cayman Islands, it is difficult for us to take on the task of providing health care for people, whether they be passing through or whether they be resident on this Island, who are not Caymanian. But while I do understand that, if we check (and I do not have the exact statistics, but I am going to wager a guess which I do not think will be too far off) our entire population I would dare say that Caymanians, as defined under Section 3 of this Bill, would not entail more than a half of the population. It is a guess but I think it is a figure we can work with. The majority of those other people who are resident here are working or are dependants of people working here on the Islands.

Now, it is not for me to decide why they are here, that is beside the point. The point is health care at this point in time. I do not doubt that some of those individuals will have

health insurance which will take care of them but I also have no doubt that there is a large percentage of workers in the Cayman Islands who probably are not in any professional field or employed by any large firms who would naturally have health insurance for their employees, and who would find it difficult dealing on a day-to-day basis with health care. I am not saying we should be paying for them, but I am simply making the point that, with this in mind, we now have a gap whereby there are going to be the types of people that I just described and there is also going to be a fair amount of people who (to use the term loosely) have "Caymanian connections" but are not Caymanian as described under Section 3 of this Bill.

For example, the foreign husband of a Caymanian wife and those children who may have come along (and let us not kid ourselves, Madam Speaker, there are several people out there who fall in that category), I do not know what we are saying we are going to do about these people. I am simply saying, when I bring to mind this major portion of the population that really has not been addressed in this Bill, that with the advent of health insurance provided at a national level, this would be covered. I am simply saying that while we are moving on and while the Government has its own mind in regard to doing what they think is best with regards to health care, that we need to see a full picture so that we can understand exactly where we are going.

Madam Speaker, I am not suggesting that the Member and the Government are not cognisant of this. But if it is coming, and maybe I really do not have a true understanding at this point in time of what this whole process is all about here, but I am speaking my mind, my mind is asking these questions and I simply would like to know. If there is a big plan, then I really would like to hear it.

So, with those few observations and just one last point, which is the same Section 9 regarding fees payable by a patient being waived, I would also like to know what mechanism is going to be in place to have a determination of what a patient will have to provide to satisfy the Government that he/she is unable to pay the fees. I make this point because, as a representative of the district of George Town, I am sure the other Members here, when they think about it, once this becomes Law they will realise that on a daily basis we will be confronted by constituents asking for help to prove that they cannot pay this bill. I would simply like for the Member, in his winding-up, whether it be a policy that is going to be adopted or whatever, if he could address that to satisfy my concerns.

With that I again support the fees and would just like, either in the Member's winding-up or at Committee stage, to deal with the other areas that have been brought up so that when this Bill becomes a Law we do not have to be amending it very often as other matters are raised.

Thank you.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. I rise to offer my support to the Bill before the House, and I understand the reason for it being brought on by the repeal of the Health Services Authority Law, 1991. I also commend the Member for his efforts to reduce the number of persons who are entitled to continue to experience, or enjoy, free medical services from the Government facilities in these Islands.

I am one of those Members who believe that those persons who can afford to, should pay for those services that they receive from Government medical facilities. That is, other than our Civil Servants and pensioners who have made a contribution in these Islands. But, unless an effort is made to reduce the number of persons who enjoy free medical services at these Government facilities then the fees for the hospital or for Government Medical Services will have to be much higher than they are even prescribed in this Law because there are just too many people who are entitled to those free services.

I believe that if a genuine effort is made to reduce the number of persons who are entitled to free medical, and that also mechanisms are put in place where if somebody has a private health insurance that when they go to the hospital for services that the hospital is in a position to accept a card and bill that private insurance company for those services. I believe that this would also help in order to put the Government health facilities in a position where they better can carry their costs.

Madam Speaker, I also believe that greater efforts must be made by the health facilities to collect those outstanding fees which are owed to the facilities by persons who can afford to pay. It is amazing the mentality of certain people, Madam Speaker. If they went to a private doctor there would be no question that they would be prepared to pay for that service. But, because Government is providing the services, there is a mentality that it must be free of cost. We have seen over the years that Government costs, that is its budget, continue to rise, while on the other hand revenues which are provided by limited sources are exactly that, limited. I believe that every effort must be made, in light of the present economic position that Government finds itself in, to reduce costs and put, be it the Health Services or any other service to where they are better able to carry themselves.

Madam Speaker, health services are very expensive worldwide. Unless Government takes a mental decision that only those persons who cannot afford those services get them free, then each year a larger and larger percentage of Government's revenue will be allocated to subsidise the medical facilities of this country. I also agree with the approach as set out in Section 6 and Section 7 of the Law dealing with school children and antenatal services, contraceptive services. I believe that the days are long past when we can be all things to all persons. I have heard stories where persons from the outside come in and take advantage of our free antenatal services in the Cayman Islands. That is wrong! I believe that we have an obligation to provide those services for our Caymanian women to ensure that they produce healthy children. But that particular service has to be limited as to who is able to take advantage of that and I believe it should be restricted to Caymanians or spouses of Caymanians.

Under Section 10, I would also like to have seen where current

Members of the Legislative Assembly, and I am not looking at the present Members in particular, but I think as a principle that Members of the Legislative Assembly should continue to enjoy the services as far as free medical care for themselves and their families. Why should former Members be entitled, just because they are former Members, while current Members are not, because I would dare say that all Members, even of the present House, are probably not in the position where they have a private health insurance for themselves and their families. I feel it is one of the small perks that should continue to go with the position of being a Member of this Assembly.

I believe that we are headed in the right direction as far as Medical Services are concerned. I believe that the present Member has the genuine interest in seeing to it that we offer the best in health services to the people of this country and I support his initiative in this area.

So, I do support the Bill and I trust that, maybe, at Committee stage, some of the issues that were raised during the debate can be dealt with.

Thank you, Madam Speaker.

THE SPEAKER: If there is no further debate, would the Honourable Member in charge of the Bill wish to reply?

HON. W. McKEEVA BUSH: Madam Speaker, I have listened to what Members have had to say. I think, even though some of them criticised, the questions they posed, the answers they gave themselves. But for a few areas, I do not have much to say.

Let me begin by dealing with the first opposition Member who spoke to it, the Second Elected Member for Cayman Brac and Little Cayman. I just want to remind the House that I have no prerogative to tell Members when they can or when they should not speak. All I am saying to him is that if he does not have a constructive alternative to our proposal, or even an alternative at all, he should keep his mouth shut. But, talk is cheap and I would begin where he left off. It is only a fool-fool person who would start to fix the eaves of the house when the foundation is crumbling.

There was this big hullabaloo from him, Madam Speaker, and why I am going to deal with him is because I know he has been well coached by the former Member. That has not only been today, but it has been from when he was supposed to be with us, so let me deal with that and just get it out of the way. This concern about pregnant women. I still do not know where the Member was coming from, because he started out talking about pregnant women not being able to get contraceptives and I could not understand why in the world a pregnant women would need a contraceptive. Maybe he can take some time out to answer that. I thought contraceptives were used before you got to that stage.

There is this big question about the Insurance Well, he went on to talk about how the Government is not doing anything to assist the people. He has stated very clearly what we are doing with the insurance programme. That Bill cannot work and there is a Bill before the House which I will deal with, but I am not going to take up the time this afternoon to deal with it. We have said that we are going to introduce a good insurance programme, one that is workable. Thereupon we will have a good foundation but as far as that Insurance Bill is concerned, let me tell the Member it is not only the eaves that are rotten, but the whole roof is off. I will deal with it when we come to the Bill. I do not know what more we can do to help anybody but to say that those who are unable to pay will be allowed free care under Section 9.

There was another big question about the spouses of Caymanians without Caymanian status. Again, Section 9, which says if you are unable to pay, fees will be waived. Simple, very simple! This thing about school children not getting free medical service. I do not know where he gets that from, that is not what the Bill says. The Member knows that is not what we are trying to do and I am not going to waste time. It is simple. If that Member's school children have insurance, they should pay. If I have insurance for my family, I should pay. It is simple, very straight forward. I do not know why a rich person who has large business operations should send his child up to the George Town Hospital and get free medicine. We have to provide for those poor people, those indigent people whom we know cannot pay, and we have made provision for that under Section 9; very, very simple for one and all to see. In other words, if you can afford to pay, you pay. If you are poor you get your service free.

This includes Assembly Members as well. I have insurance, Madam Speaker, why should I go to the Hospital and get free medical? I believe everybody in this House has insurance, why should we go there and get free medical? If they can tell me that is good Government, then I really do not understand their logic.

The Assembly Members fall under Section 9 as well. For the benefit of the listening public, Section 9 says;

> "Fees payable by a patient of a health care facility may be waived in whole or in part if the patient satisfies the Government that he is unable to pay all or any part of the fee. ".

The Fourth Member for George Town made a query as to what was the way of proving that a person could not pay. If a person goes to the hospital there is a Medical Social Worker there who will discuss with them whether they can pay or whether they cannot. That is how it will be dealt with. The whole pretext of this Bill is that there are people who, under these associations as I said in the introduction of the Bill, who can pay. I do not think that the Cayman Islands Government, strapped as we are for money to do all sorts of things, the Member for Cayman Brac himself has a question in this House, I do not know whether it has been answered as yet, what and how much work will Cayman Brac get, what monies are available for them. There are many calls on the little finances we have so where the Government can be judicious in its operation we have to be. Those of us in this country who can pay must pay because some people have the bad

impression that they can pay $25 for a ticket for some give away car or something else, but they cannot pay $25 at the George Town hospital. Those same people can pay; poor people cannot. We have to make provision for the poor people of this country.

I made a copy of a list, as of December 15th, of some, not all, of the people receiving free medical. I am going to call some names, but I want the Serjeant to pass this around so that they can see for themselves some of the names on this list of people who are getting free medical.

- Weiner Hausen - a big businessman in this country, free medical.
- Alfred Sydney Hydes - an employee of Holiday Inn, and I know that Holiday Inn has insurance.
- Capt. Shelby Hydes
- Rev. Lee King
- William Kirkconnell
- Mabry Kirkconnell
- Robert Hurlston

Madam Speaker, I could go down this list, but I have passed the list around. I do not think that those people themselves, I would hope not, would say that they should get free medical. Under what pretext should these people get free medical, Madam Speaker? I believe that the seamen have done a wonderful job in making their contribution when times were hard in this country but let us all be realistic. Seamen did not go away for love of country you know, seamen went away to make a living for their families. Nobody can beat them up for that; they took care of their families. In so doing, when they came back to these Islands, it was spread around in some shape or form. But we could stretch this to carpenters who went away and worked, did not go to sea, but there are many Caymanian carpenters who were living in New York and all over the world. Builders did not go to sea, but sent home their money and helped build the country. Yes, seamen did make a contribution. That could be my stepfather who went to sea too, and my mother could get free medical, I say no, I am not allowing it. The country cannot afford it. When my mother needed to have an operation I had to go and borrow and sign a bond to Government.

There are many people, some I have named, who can pay. Rich people, persons with large businesses. Therefore, I cannot accept Member's objections that we should include all and sundry and leave it wide open. In five years, a five year breakdown shows that 379 persons per year got free prenatal clinic services. In other words, some of them came to this country overnight, delivered their babies and went back. The proof is in the records. I want to name some of the places where they came from:

- Mexico
- India
- Cuba
- Singapore
- Guyana
- Ethiopia
- Trinidad
- Switzerland
- Barbados
- Philippines
- Israel
- Santa Domingo
- Malaysia
- Netherlands
- Belgium
- Ireland
- South Africa
- Australia
- New Zealand
- Bahamas
- St. Lucia
- El Salvador
- Columbia
- Cypress
- Nicaragua
- China
- Costa Rica
- Argentina
- Panama
- Honduras

Over the five year period:

- 124 British
- 69 Americans
- 54 Canadians
- 13 Jamaicans

TOTAL 426

Why must Members in this Honourable House get up and talk rot about how we should allow all and sundry to get free medical care? Not this Member. If they want someone to do it, call a new election, or vote me out of Council. I have a responsibility and I campaigned on a pledge of judicious spending. I realised that the country cannot sustain this kind of operation any longer. We can only take care of our own and it is time for those people who can pay, to pay. Very simple.

I have no more to say. I think that all queries that I could answer, I have. In closing, the Member for Bodden Town seems to be lost for an understanding of what he claims was an attack on him. Madam Speaker, there was no attack on him. I only replied to those things that he had to say. There was no castigation of him as a Member, he has his right to change his mind when he wants to change his mind. But he was there when the Bills were discussed, he cannot get away from that fact. He was there for the Budget Meeting when we discussed the Budget. Members discussed these Bills to come to this Honourable House in February. Further, when the Bills were finalised and before going public, he was there in the meeting. True, he did not attend many meetings, but that meeting I made sure and discussed it while he was there. We discussed the pros and cons of these Bills and we had his agreement on the Bills.

Now it seems he wants something to balm his conscience. If he wants to know why I had to reply to him, he should refer to his statements on the Bill just passed when he declared that we were going for the jugular, that we were dismantling for the sake of dismantling and also his declaration that there needed to be sensible assessment. I do not think that I did him or anybody else did him any worse than he did us. So I can only say to the Member that there are no personal personalities in this thing, there are issues. If he cares to be with the Government he must stand with the Government. But I say again today, I am not going with someone who blows hot and cold, either you are with me or you are against me, there is no middle of the road. You can question, but you are not going to get up and make these kinds of statement and then say, "You know I was with you. " Oh yeah? You put a knife in the back and twist it around and then you are with me? Funny way of being with me.

Madam Speaker, I say to the Member again, get back in the fold where you belong. But if he continues to follow the Second Member for Cayman Brac, as he has been doing, he is going to weaken like the foundation of the policies of the previous Government. It is not the eaves that is rotten it is the foundation that is crumbling.

THE SPEAKER: The question is that a Bill entitled Health Care Services (Fees) 1993, be given a Second Reading. Those in favour please say Aye... Those against No. The ayes have it.

AGREED. BILL GIVEN A SECOND READING.

THE SPEAKER: The House will be suspended for 15 minutes, returning back at 4:00 P. M.

PROCEEDINGS SUSPENDED 3:45 P. M.

PROCEEDINGS RESUMED 4:02 P. M.

THE SPEAKER: Please be seated.
The House will now go into Committee to consider five Bills.

HOUSE IN COMMITTEE

THE CHAIRMAN: The House is in Committee, please be seated.

THE MARINE CONSERVATION (AMENDMENT) BILL, 1993

THE CHAIRMAN: The First Bill is the Marine Conservation (Amendment) Bill, 1993. As has always been customary that the House would authorise the Honourable The Second Official Member to make any corrections of omissions that may be found in Bills.
The Clerk will now read the clauses of the Bill.

CLERK: Clause 1. Short Title.
Clause 2. Section 25 Amended.

THE CHAIRMAN: The question is that Clauses 1 and 2 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The ayes have it.

AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to Amend the Marine Conservation Law, 1978.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE TITLE PASSED.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1993

THE CHAIRMAN: The next Bill is The Development and Planning (Amendment) Bill, 1993

CLERK: Clause 1. Short Title.
Clause 2. Section 5 Amended.

THE CHAIRMAN: The question is that Clauses 1 and 2 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to Amend the Development and Planning Law (Revised).

THE CHAIRMAN: The question is that the Title do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE TITLE PASSED.

THE CAYMAN ISLANDS COAT OF ARMS, FLAG AND NATIONAL SONG BILL, 1993

THE CHAIRMAN: The next Bill is the Cayman Islands Coat of Arms, Flag and National Song Bill, 1993.

CLERK: Clause 1. Short Title.
Clause 2. Use of Coat of Arms or Flag restricted.
Clause 3. National Song.
Clause 4. Guidelines.

THE CHAIRMAN: The question is that Clauses 1 through 4 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 1 THROUGH 4 PASSED.

CLERK: A Bill for a Law relating to the use of the Coat of Arms and the Flag of the Cayman Islands and to the designation of a National Song.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE TITLE PASSED.

THE HEALTH SERVICES AUTHORITY (DISSOLUTION) BILL, 1993

THE CHAIRMAN: The next Bill is The Health Services Authority (Dissolution) Bill, 1993.

CLERK: Clause 1. Short Title.
Clause 2. Transfer of Property and dissolution of Health Services Authority.

THE CHAIRMAN: The question is that Clauses 1 and 2 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to Provide for the Dissolution of the Cayman Islands Health Services Authority.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE TITLE PASSED.

THE HEALTH SERVICES (FEES) BILL, 1993

THE CHAIRMAN: The next Bill is the Health Services (Fees) Bill, 1993

CLERK: Clause 1. Short title.
Clause 2. Commencement.
Clause 3. Interpretation.
Clause 4. Fees payable by patients of the health care facilities.
Clause 5. Residents of Cayman Brac and Little Cayman.
Clause 6. School children.

Clause 7. Antenatal services.
Clause 8. Contraceptive services.
Clause 9. Poor people.
Clause 10. Free treatment.
Clause 11. Exemption not to apply in certain circumstances.

MR. JOHN D. JEFFERSON, JR: Madam Chairman, I had a question. . .

THE CHAIRMAN: Would you just allow the Clerk to finish down to Clause 12 and then we can come back to any questions or amendments? Thank you.

CLERK: Clause 12. Offence.

THE CHAIRMAN: The question is that Clauses 1 through 12 do stand part of the Bill. Any comments, any debate?

Mr. Jefferson?

MR. JOHN D. JEFFERSON, JR: Madam Speaker, in the contribution by the Member for North Side, she raised a very valid point in respect to Section 10(a) where, at the present time, the policy or the practice is that female Officers in the Service, their dependants, be it their husband or their children, I think, are not entitled to free medical and some of the other privileges that male Officers are entitled to.

I recall in the Select Committee on the Immigration Law, this was one of the points that we had to deal with and I think in that Law that we took the decision that be it male or female there were certain benefits that both would enjoy and I think that is a very valid point and I think that it is something the Committee should consider.

THE CHAIRMAN: The Honourable Member in charge of the Bill.

HON. W. McKEEVA BUSH: Thank you, Madam Chairman.

This was something that I meant to deal with in the winding up of the debate. I am informed now that the Governor is considering this recommendation to remove that discrimination and, of course, he will have our support. But that is before the Governor right now. If Members will accept that. . .

THE CHAIRMAN: Mr. Tibbetts.

MR. D. KURT TIBBETTS: Thank you, Madam Chairman.

In Section 9, during the debate I pointed out that I had a query with regard to how it would be determined whether a patient pays some of, or none of, the fees. The Member replied in his winding up that a Medical Social Worker would be placed at the hospital to determine each case. I am not sure whether it is because I do not fully understand how the mechanism works, but in trying to envisage it, I see problems on both sides of the coin. I see problems with physically being able to do this when a patient enters the facility to get treatment. I do not know whether the person has to go to the Medical Social Worker before treatment is extended or if it is afterwards when it comes time to pay.

I also am not quite sure about how, in the various outlets that Government has, where Government provides Health Service, how the operation will take place. For instance, in the districts where there are clinics. It might simply be that I do not fully understand it, but I would like it clarified so that I can be sure in my mind exactly how it would operate.

THE CHAIRMAN: The Member in charge of the Bill.

HON. W. McKEEVA BUSH: Thank you, Madam Chairman. The provision at present is that if someone can walk in they will have time to deal with the Medical Social Worker to deal with any question of payment. But if there is an emergency, they get their treatment and then sort that out afterwards. The districts, as I understand it, have the same situation.

THE CHAIRMAN: Mr. Tibbetts.

MR. D. KURT TIBBETTS: Does that mean that there are regular visits by a Medical Social Worker while clinics are open or is an individual referred, or how is that physically handled?

HON. W. McKEEVA BUSH: Maybe you need to state that question again.

MR. D. KURT TIBBETTS: If I go to the Bodden Town clinic, and I purport that I cannot pay but I need treatment, what does the nurse do? Does she treat me and then say I have to find out. . . . ?

HON. W. McKEEVA BUSH: I believe that is the situation as it is now. There are cards for indigents, for instance, and if you show up at that clinic you should have one of those cards.

MR. D. KURT TIBBETTS: Let me just try to say why I am belabouring the point. I think there can be abuse of the system especially in the districts. If the mechanism is not such that it is dealt with immediately it can add to the amount of unpaid bills in the Health Services. I am only saying that, while I read this and I understand the intention I do not know, I still cannot see exactly, what is properly put in place to, if I may have to use the term, "to police it".

HON. W. McKEEVA BUSH: No doubt there needs to be tightening up that is why we have taken a cut off position as of the end of the year so that all these little things can be worked out.

MR. D. KURT TIBBETTS: So what you are really saying to me then, is that I must leave that part of it to you?

HON. W. McKEEVA BUSH: I said that in the debate too.

MR. D. KURT TIBBETTS: I have no choice, then, Madam Chairman. Thank you.

THE CHAIRMAN: Is there any further comment?

If there is no debate I shall put the question that clauses 1 through 12 do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. **CLAUSES 1 THROUGH 12 PASSED.**

CLERK: The Schedule.

THE CHAIRMAN: The question is that the Schedule do stand a part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. **THE SCHEDULE PASSED.**

CLERK: A Bill for a Law Prescribing Fees for Services Provided at Government Health Care Facilities.

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

AGREED. **THE TITLE PASSED.**

THE CHAIRMAN: That concludes consideration in Committee of five Bills. The House will now resume for the Reports thereon.

HOUSE RESUMED

THE SPEAKER: Please be seated.
The House has resumed. The next item is Report on Bills.

REPORT ON BILLS

THE MARINE CONSERVATION (AMENDMENT) BILL, 1993

THE SPEAKER: The Honourable Member for Tourism Environment and Trade.

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to report that a Bill shortly entitled The Marine Conservation (Amendment) Bill, 1993, was considered by a Committee of the whole House and passed without amendment.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1993

THE SPEAKER: The Honourable Member for Tourism.

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to report that a Bill shortly entitled The Development and Planning (Amendment) Bill, 1993, was considered by a Committee of the whole House and passed without amendment.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THE CAYMAN ISLANDS COAT OF ARMS, FLAG AND NATIONAL SONG BILL, 1993

THE SPEAKER: The Honourable Member for Health.

HON. W. McKEEVA BUSH: Madam Speaker, I have to report that a Bill for a Law Relating to the use of the Coat of Arms and Flag of the Cayman Islands and to the designation of a National Song was considered by a Committee of the whole House and passed.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THE HEALTH SERVICES AUTHORITY (DISSOLUTION) BILL, 1993

THE SPEAKER: The Honourable Member for Health.

HON. W. McKEEVA BUSH: Madam Speaker, I have to report that a Bill shortly entitled A Bill for a Law to Provide for the Dissolution of the Cayman Islands Health Services Authority, was considered by a Committee of the whole House and passed.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THE HEALTH SERVICES (FEES) BILL, 1993

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

HON. W. McKEEVA BUSH: Madam Speaker, I have to report that a Bill shortly entitled A Bill for a Law Prescribing Fees for Service Provided at Government Health Care Facilities, was considered by a Committee of the whole House and passed.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THIRD READINGS

THE MARINE CONSERVATION (AMENDMENT) BILL, 1993.

CLERK: The Marine Conservation (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Member for Tourism.

HON. THOMAS C. JEFFERSON: I move the Third Reading of a Bill shortly entitled The Marine Conservation (Amendment) Bill, 1993.

THE SPEAKER: The question is that the Bill entitled The Marine Conservation (Amendment) Bill, 1993 be given a Third Reading and Passed. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1993.

CLERK: The Development and Planning (Amendment) Bill, 1993.

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

HON. THOMAS C. JEFFERSON: I move the Third Reading a Bill shortly entitled The Development and Planning (Amendment) Bill, 1993.

THE SPEAKER: The question is that the Bill entitled The Development and Planning (Amendment) Bill, 1993, be given a Third Reading and Passed. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE CAYMAN ISLANDS COAT OF ARMS, FLAG AND NATIONAL SONG BILL, 1993.

CLERK: The Cayman Islands Coat of Arms, Flag and National Song Bill, 1993.

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

HON. W. McKEEVA BUSH: I move the Third Reading a Bill for a Law Relating to the Use of the Coat of Arms and Flag of the Cayman Islands and to the designation of a National Song.

THE SPEAKER: The question is that the Bill entitled The Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, be given a Third Reading and Passed. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. BILL BEEN GIVEN A THIRD READING AND PASSED.

THE HEALTH SERVICES AUTHORITY (DISSOLUTION) BILL, 1993

CLERK: The Health Services Authority (Dissolution) Bill, 1993.

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

HON. W. McKEEVA BUSH: I move the Third Reading a Bill entitled The Health Services Authority (Dissolution) Bill, 1993.

THE SPEAKER: The question is that the Bill entitled The Health Services Authority (Dissolution) Bill, 1993 be given a Third Reading and passed. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE HEALTH SERVICES (FEES) BILL, 1993.

CLERK: The Health Services (Fees) Bill, 1993.

THE SPEAKER: The Honourable Member for Health.

HON. W. McKEEVA BUSH: I move the Third Reading a Bill Prescribing Fees for Services Provided at the Government Health Care Facilities.

THE SPEAKER: The question is that a Bill Prescribing Fees for Services Provided at the Government Health Care Facilities be given a Third Reading and passed. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. BILL GIVEN A THIRD READING AND PASSED.

ADJOURNMENT

THE SPEAKER: That concludes matters for today. I shall now ask for the adjournment of the House. The Honourable Member for Tourism, Environment and Planning, Leader of Government Business.

HON. THOMAS C. JEFFERSON: I am pleased to move the adjournment of this Honourable House until 10:00 Wednesday morning, 23rd June, 1993.

THE SPEAKER: The question is that this Honourable House do now adjourn until 10:00 A. M., Wednesday, the 23rd of June, 1993. If there is no debate I shall put the question. Those in favour please say Aye, those against No. The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A. M. WEDNESDAY, 23RD JUNE, 1993.

WEDNESDAY
23RD JUNE, 1993
10:01 A.M.

THE SPEAKER: Prayers by the Second Elected Member for Bodden Town.

PRAYERS

MR. ANTHONY S. EDEN: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed in the Legislative Assembly. Questions to the Honourable Members. The Second Elected Member for Cayman Brac and Little Cayman. Question No. 84.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 84

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

No. 84: What action has been taken by the Immigration Board regarding the various complaints made by staff at the Tiara Beach Hotel concerning their treatment by management and terms and conditions of services?

HON. J. LEMUEL HURLSTON: The Board has held discussions with representatives of staff, management and the Labour Office. As a result some internal practices have been addressed by the Labour Office and some work permits have been declined or not renewed.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. It is heartening to know that some work permits have been declined because anyone looking at the situation would realise that some of the permits there were superfluous and also, to know that there have been meetings with representatives of both management and staff. Could the Member say what practical changes have been made in terms of the conditions of service of staff, have any clear guidelines been set down as to treatment or relationships between management and the staff of the hotel under the Law?

HON. J. LEMUEL HURLSTON: Madam Speaker, it is my understanding that several efforts have now been made and several commitments have been agreed upon between the management and staff in an effort to work closer together, in an effort to ameliorate those grievances and complaints that have given rise to concerns and that, insofar as is humanly possible, management will do everything that it can to keep the staff working under contented conditions.

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

Cayman.

MR. GILBERT A. McLEAN: Is the Honourable Member and the Board aware that the situation of employment in Cayman Brac is indeed very sparse and because of this situation, it is possible (and I charge that it does happen) that advantage is taken of staff in certain instances in the particular hotel because if they do not go along with the show of management and they are terminated there is virtually no other jobs available for them?

HON. J. LEMUEL HURLSTON: Madam Speaker, the Honourable Member made a valid observation and management is sensitised to the difficulties as perceived by some members of staff and it is on that basis that some arrangements have been put in place with a view to ensuring that there is no abuse on either side, either on the side of staff or management.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, can the Member say if any written instructions are given out to the workers, as I believe it is a requirement of the Labour Law, setting out what is expected with regards to work and the hours, are they given this?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker. There have never, ever been any complaints, to my knowledge, regarding non-compliance with that particular requirement under the Labour Law. The workers are hired in specific categories and are given the contract of employment that is required under the Labour Law.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. Could the Honourable Member state if a policy has been established by the Director of Labour as to the distribution of gratuities and the earning of vacation pay?

HON. J. LEMUEL HURLSTON: Madam Speaker, I regret that I am not qualified to answer that particular supplementary. It is a matter that the Labour Office could be asked to provide that information. I just do not know.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member say if he is aware that even though there are many instances and perhaps, most in respect of the Tiara Beach Hotel, there are job letters issued, but that these have in the past been manipulated and changed under threats of 'either you accept it or you do not'? Has anything been done to make clear to the goodly gentleman in Miami who apparently owns the hotel, that in the Cayman Islands, under Law management simply cannot order anything they want and the staff has to go along with it otherwise they loose their jobs? There was such a statement, perhaps from this man.

HON. J. LEMUEL HURLSTON: Madam Speaker, various allegations and counter allegations have arisen in respect to the points that the Honourable Member raises. Efforts have been made to listen to both sides, the side of management and the side of staff, and it is those discussions to which I referred earlier. We have to simply hope that both sides will live up to the obligations that each have to each other because it is only working in that spirit of cooperation that harmony, efficiency and productivity can be expected.

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

MR. GILBERT A. McLEAN: Could the Member say whether the Government is prepared under the Law and under general local and international practices, to use such force or caution of punitive measures to see that the work environment at the Tiara Beach does operate in a proper manner; whether that is bringing a case to the Courts or through the Labour Office or whatever?

HON. J. LEMUEL HURLSTON: Madam Speaker, I believe that we should, in the circumstances, allow the commitments that have been made on the part of both management and staff an opportunity to work before addressing any question of further punitive or any other form of action.

THE SPEAKER: The next question is No. 85, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 85

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE

ELECTED MEMBER FOR TOURISM, ENVIRONMENT AND PLANNING

No. 85: What is the total work force of the Cayman Islands with breakdown by category and nationality?

HON. THOMAS C. JEFFERSON: Madam Speaker, the total work force of the Cayman Islands, broken down by categories, is as follows (the source being the latest statistics of the Labour Force Survey taken in March 1992):

Occupation	Caymanian	Non-Caymanian
Managers	1,090	550
Professionals	595	765
Technicians and Associate Professionals	1,810	965
Office Clerk	1,280	240
Customer Service Clerks	840	230
Personal Service Workers	1,200	960
Models, Sales Persons	495	200
Skilled Agricultural and Fishery Work	195	-
Craft and Trades Workers	1,515	1,080
Plant and Machine Operators and Assemblers	465	155
Elementary Sales, Services Labourers	1,105	1,150
Not stated	45	-
Totals:	10,635	6,530

Grand Total: 17,165

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, thank you. I observed from the answer given by the Honourable Member that there are 11 categories used here. Are they the same categories used by the Statistics Department and would it be possible to obtain from the Statistics Offices details of who at least falls under some of these categories?

HON. THOMAS C. JEFFERSON: Madam Speaker, I am sure that the positions, or I feel certain, listed under these categories could be made available, but the actual persons in those positions I believe may be covered under the Confidentiality Act of the Statistics Law. The Labour Force Survey is conducted by the Statistics Department. So I would assume that there is consistency in the categorisation of the 11 listed here.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. I was not wondering as to the names of the persons, for I do realise that there is the Confidentiality Law, and I would have no interest in names or personalities. I basically wanted to find out how are the persons grouped, for example under Craft and Trade workers and the like. I would like to ask the Member if there are in place any means by which these categories with large numbers of non-Caymanian labour are being watched and monitored so that if, indeed, we have in the indigenous work force persons able to fill these jobs there is a suitable route by which they can get such jobs?

HON. THOMAS C. JEFFERSON: Madam Speaker, to answer the first part of the Second Elected Member's supplementary, I am certain that there is a definition for who falls under what categories of professions or crafts which he focused on in the latter part of his question. I am sure that the Government is taking initiatives to ensure that local persons who are in, for example, the craft and trade workers category that those are being trained in that area. It will be coordinated with the Immigration Board to ensure that persons locally having skills in this area do have the opportunity of getting the job.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I would like to ask the Member in the instance of the professionals this is one category that the Caymanians are out-numbered almost two to one, will he say if the Government will take some action to deal with those people who employ professionals so as to invite them to help with the training of Caymanians to fill these posts so the imbalance will be reduced?

HON. THOMAS C. JEFFERSON: Madam Speaker, the Government is working with a number of organisations in this country who employ professionals in order for those organisations to establish, if it has not been established as yet, training programmes for local persons who are within their employment. I am sure that I do not need to emphasise that the Cayman Islands economy and the complexities of the financial industry, among

others, is going to require that the Government adopt a flexible role to ensure that if we are wishing to add, as in the case which we have before the House at this time, the Mutual Fund Legislation, that the Government does not just pass a Law to say we are interested in attracting more mutual fund businesses to this country but also, where the specialisation is not in the hands of local people to allow others to come in and help to develop this industry but to ensure that young people who are interested in this particular area are also trained simultaneously.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say, I am made to understand, or I gather, that over 11,000 work permits were issued, what is the balancing factor between the non-Caymanian workers of 16,530 and the approximately 11,000 work permits?

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe it would be difficult for me to answer this important question intelligently and simply because the data which is coming from the Labour Force Survey is dated March 19th, 1992, while the information which is produced by the Immigration Department is dated March 1993 and which refers to this total of 11,165 permits. It will probably need a Labour Force Survey, which I am sure is presently in the hands of the Statistics Department, to publish the data from that survey, which also is March 1993 and then to be able to compare that with the statistics produced by the Immigration Department.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Is the Member saying, in effect, that in the space of about a year there has been like 5,000 jobs increased on work permits? He expressed certain assurance a while ago that there is a system in place to coordinate and direct possible Caymanians who are available for the work force. Could he be more specific in detail, and does this condition not show that there is a problem in communication, at least here, and that the Immigration Board and the Labour Force are not coordinated?

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe I would agree with the Second Elected Member for Cayman Brac and Little Cayman when he says they are not coordinated. But I will point out that the non-coordination took place in March 1992, for which this Government holds no responsibility. What I was speaking about earlier is the coordination which we are putting in place now, in 1993.

THE SPEAKER: The next question is No. 86, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 86

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

No. 86: If directions have been given to the Labour Office to have Officers make regular visits to Cayman Brac and Little Cayman during any given year even if there are no labour complaints received?

HON. THOMAS C. JEFFERSON: Section 65 of the Labour Law charges the Director of Labour with securing the proper observance of the provisions of the Labour Law and section 66 empowers the Director and Labour Inspectors to take certain actions in the accomplishments of this mandate. One of these actions is that, in addition to responding to specific complaints, the Labour Department carries out periodic unscheduled inspections of work places throughout the country. Four visits were made to Cayman Brac and two to Little Cayman at various times during 1992 and most businesses were inspected at least once. The Department attempts to make at least quarterly visits to Cayman Brac and semi-annual trips to Little Cayman, even in the absence of prior complaints.

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

MR. GILBERT A. McLEAN: Madam Speaker, I am aware that most legislation in the country directs the Public Service to do certain things and it is always the question whether they do them or not, or whether they do them efficiently or on time. In the case of the Labour Office, why is it that in the scheduling it is unable to find more than quarterly visits necessary and in more recent times, with all of the troubles that were going on at the Tiara Beach Hotel, how was it that the response was so very slow in coming? If now under the new Government, any directives have been given to make visits to Cayman Brac and Little Cayman with greater frequency not necessarily to find something wrong but perhaps become aware of needs in the work force which the Labour Office would be called upon to coordinate or assist with?

HON. THOMAS C. JEFFERSON: Madam Speaker, to the latter part of the question, the Portfolio has not issued any directives in 1993 to the Labour Department in this respect. We held the view that quarterly visits to Cayman Brac which were not responding to specific complaints might be inadequate. If it proves to be adequate then the Portfolio is quite willing to re-look at it. In respect of Tiara Beach my understanding of that matter was, that on more than one occasion the Director, together with the lawyer who represents Tiara Beach, visited the hotel. They sat down and spoke with the staff of Tiara Beach, took all complaints and tried to find a reasonable solution.

THE SPEAKER: Before any further supplementary questions are permitted, I would like to draw Members' attention to the fact that questions should not be of excessive length. Please endeavour to ask your question very briefly.

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Some of us are lacking in the House of Commons' style in making questions long and drawn out. I totally understand the need for the shortness of questions. I would like to ask the Member if in cases where the Labour Officer or the Director of Labour travels or meets with persons to discuss labour related matters where legal counsel is available, let us say, to the employer, if he makes use of the Legal Department services to have a representative present as a back up to his own knowledge and observations?

HON. THOMAS C. JEFFERSON: Madam Speaker, my understanding is that where the Director foresees or believes there is a need for assistance from the Legal Department it is called upon and the Legal Department responds accordingly.

THE SPEAKER: The next question is No. 87, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 87

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 87: To state whether toilet bowls and basins were destroyed by Young Prisoners ("YPs") during the evening in early May when they refused to be locked in their cells.

HON. J. LEMUEL HURLSTON: On the morning of the 14th May, 1993, an incident occurred in the young prisoners section involving four young prisoners who destroyed two ceramic toilet bowls and two wash basins. The four young prisoners were subsequently dealt with under the Prison Rules.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to tell the House how these prisoners were subsequently dealt with as a result of this incident?

HON. J. LEMUEL HURLSTON: No, Madam Speaker. I only know that they were dealt with and appropriate punishments were administered.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I would like to ask the Honourable Member if in these kind of cases, when prison property is destroyed, if it is the common practice that part of the punishment meted out to the prisoners is that they have to replace the items destroyed by themselves?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker. In appropriate cases it is not unusual for that to form part of the punishment.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I would ask the Honourable Member if he would give an undertaking to investigate into this case to find out whether indeed these prisoners were required to pay for these items destroyed as it is my understanding that this is not usually enforced?

HON. J. LEMUEL HURLSTON: Madam Speaker, I will simply reiterate that the Director of Prisons, who is responsible for discipline for offences and breaches committed within the institution, is satisfied in this case as in all cases that appropriate punishments have been duly administered.

THE SPEAKER: The next question is No. 88, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 88

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 88: What are the Prison rules and regulations regarding the hair styles for male inmates.

HON. J. LEMUEL HURLSTON: Prison rules provide that a prisoner shall at the discretion of the Director or a Medical Officer, have his hair cut to ensure hygiene and neatness. A female prisoner may not have her hair cut without her consent unless specifically so directed by the Medical Officer.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I would like to ask the Honourable Member if there is a special person with responsibility for administering these haircuts to male prisoners?

HON. J. LEMUEL HURLSTON: Madam Speaker, I believe there is and I believe it is the duty of designated Prison Officers to ensure that this duty is performed.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I wonder if the Honourable Member is aware that there is a possibility for the services of this designated barber of the Prison Services to be terminated?

HON. J. LEMUEL HURLSTON: Madam Speaker, I have no knowledge of that.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, may I ask the Honourable Member whether it is also a practice for male prisoners to perform barber services on themselves?

HON. J. LEMUEL HURLSTON: Madam Speaker, not to my knowledge.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, may I ask the Honourable Member for an undertaking that he would investigate into this, as it is my understanding that the current barber services are about to be terminated and replaced with the arrangements that two specific prisoners be designated as Prison barbers?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, I will gladly give that undertaking.

THE SPEAKER: The next question is No. 89, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 89

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 89: To state whether there have been any recent reports of fraternization and social mingling between male prison officers and female prisoners.

HON. J. LEMUEL HURLSTON: There have been no such reports alleging fraternization or social mingling.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say if in any of the services provided at the Prison, if there is any possibility of male

Prison Officers coming into frequent and intimate contact with female prisoners?

HON. J. LEMUEL HURLSTON: Not to my knowledge, Madam Speaker.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member is in a position to say whether he received any notice of an incident which happened in the kitchen of the Prison that resulted in a female prisoner being treated for certain communicable social diseases as a result of intimate contact with a male Prison Officer in early May?

HON. J. LEMUEL HURLSTON: No, Madam Speaker and I would be grateful if the Honourable Member could share such further particulars of that incident, as he is able to share with me, to assist.

THE SPEAKER: That concludes Question Time for this morning.
It has been represented to me that a Member of Government would like to make a statement and although it is not down on the Order Papers of today, I would entertain this, if there is a motion for the suspension of Standing Orders to deal with this matter at this time.

SUSPENSION OF STANDING ORDERS
Standing Order 14(1)

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

HON. W. McKEEVA BUSH: Madam Speaker, I so move suspension of Standing Orders to allow the statement.

THE SPEAKER: The question is that Standing Order 14(1) be suspended in order to allow a Member of Government to make a statement. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. STANDING ORDERS 14(1) ACCORDINGLY SUSPENDED TO ALLOW A MEMBER OF GOVERNMENT TO MAKE A STATEMENT.

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

STATEMENT BY MEMBER OF GOVERNMENT

RE: SPORTS IN THE CAYMAN ISLANDS

HON. W. McKEEVA BUSH: Madam Speaker, I appreciate your assistance and that of the House in allowing this Statement as I have at least three or four more statements and the House could finish its Business this week. This statement is on the Portfolio's activities with regard to the development of sports in the Cayman Islands. Madam Speaker, and Honourable Members the statement I am about to make is intended to serve as an update after six months of the present administration on the principal activities in which we have been engaged in the area of sports development.

"Government, in accordance with its manifesto, has placed a high priority on the development of sports in order to enhance the quality of life for the people of the Cayman Islands. It is part of the Mission Statement of my Portfolio, in fact, "to promote good health through a sports and recreation programme". The potential benefits to our youth are also tremendous, and the value of competitive sports to the community is also highly significant.

In the 1993 Budget money has been allocated for the development of district facilities in Bodden Town, West Bay and East End.

BODDEN TOWN

After consultation with the representatives for Bodden Town and my colleagues in Executive Council, it has been decided to use the money (that is, $200,000) allocated to the development of a playing field in that district, to purchase an adjoining parcel of land since the parcel owned by Government for this project was insufficient for a full size field with other necessary facilities.

Part of the balance of the money shall be used to improve the existing school fields at Bodden Town Primary and Savannah Primary School; and to continue work on the Breakers field and work is expected to be started on this project shortly.

If there is any money remaining it shall be utilised for clearing the purchased land.

WEST BAY

The construction of 1,200 permanent seats, 600 of which will be covered, is on schedule for West Bay. Tenders have been invited and an award shall be made shortly. This project is expected to be completed by December 1993. Basketball standards have been installed on the hard court at the Town Hall play field with lighting to be completed also.

NORTH SIDE

A hard court to accommodate netball and basketball shall be constructed on land East of the North Side Primary School. On completion, this court is expected to satisfy both the needs of the school and of the community.

EAST END

The construction of a playing field in this district shall commence shortly. Public Works Department is finalizing arrangements to have this project started.

NATIONAL SPORTS COMPLEX

A Committee, under the Chairmanship of Mr. Jeffrey Webb (on loan) from Hampstead Ltd., was appointed in February 1993 to examine the feasibility of the construction of a National Sports Complex.

Among the Committee's terms of reference were:

a) Justification for such a facility;
b) Size of facility;
c) Types of sports to be accommodated at the facility;
d) Design of facility;
e) Location of facility;
f) Financing;
g) Indoor sports facility; and
h) Maintenance and upkeep of facility.

A Preliminary Report of this Committee has been submitted to my Portfolio and we are now studying this Report.

Among the recommendations are the National Sports Stadium - to accommodate all outdoor sports and an indoor facility to house many indoor sports - both to be built in stages with the outdoor facility to be completed by 1996. This is in keeping with Government's commitment.

CRICKET

Once again, granted a reprieve by the Civil Aviation Authorities to continue at the old Agricultural Show grounds, the Cricket Association, under new leadership, has now resolved to activities pursue by their own facility. Again, the Civil Aviation Authority has offered property which is presently being examined.

CATBOAT COMPETITION

A joint project, headed by Mr. Bernie Bush of the Sports Department, is being undertaken between the Tourism Portfolio and the Portfolio of Health and Human Services, which it is hoped to serve as a catalyst for the revival of catboat racing. The races in this case would take place on Easter Monday next year, the traditional day for regattas. Prize money totalling $12,000 will be offered. Hopefully this will serve as an incentive for people to refurbish existing catboats or build new ones. Sponsorship however, is to be sought as well. A high quality trophy to be known as the "Government Cup", will be a perennial award for the winner. A handsome shield to be known as the "Tourism Shield" to be constructed of local materials will also be awarded annually.

OTHER ACTIVITIES

The Portfolio, through the Sports Office is working closely with National Associations to improve their efficiency, develop youth programmes, establish after school programmes, organize competitions and improve the quality of officials.

This Government continues to support and assist these associations with grants and other assistance for development purposes.

With the completion of covered seating accommodation at West Bay scheduled for December, this country may be hosting for the first time, a leg of the shell Caribbean Cup in March 1994.

This shall afford Caymanians the opportunity to witness their local heroes perform in top class regional competition in this sport.

DISTRICT COUNCILS

In keeping with Government's pledge to keep the public informed and involved, Sports Councils have been established in each of the Electoral Districts. The names of the people on these councils shall be published shortly.

It is intended that among other things, these Councils shall assist the Sports Department with the development of sports, as well as assisting with maintenance of facilities in their respective districts.

SPORTS CONFERENCE

A Sports Conference is being planned for September 1993 to provide an opportunity for public involvement in aspects of the Sports Development Plan.

The proposed formation of a National Sports Foundation shall form part of the discussion at this Conference. A Draft Bill has already been formed, thanks to Mr. Tim Ridley of Messrs. Maples and Calder who sits on the National Sports Complex Committee. This Draft Bill is being circulated to sporting organisations in the meantime for their review.

Also, expected to be on the agenda are the proposed Annual Youth Sports Camp and Youth Sports Development Programme, both of which are mentioned later in this statement.

SPORTS AWARDS

It is intended that the rules governing the grant of the National Sports Award, that is, "Sports person of the Year" will be changed, to allow for up to one male and one female sports person to be selected annually instead of the singular award now possible. We have had much representation on this particular item and I believe our two lady Members, the Third Elected Member for George Town and the Elected Member for North Side, are very happy with this development. Needless to say, an award would only be granted in any given instance if there is a suitable candidate for it.

In addition, detailed proposals are to be worked out which will make it possible to honour a variety of other persons making significant contributions to sports. The sports person of the year award recognizes the individual or possibly those two individuals who have been the most outstanding competitors in a calendar year. I am sure it will be agreed that many more persons in several categories need to be honoured from time-to-time, such as coaches, sponsors, and so on.

TIME RELEASE SCHEME

The Portfolio of Health and Human Services is currently examining the feasibility of a "Time Release Scheme" involving both the private and public sector to supplement the Sports Office staff in the running of after school programmes in the various districts.

This programme is intended to cater for that period between 3:00 p.m. and 5:00 p.m. when a large number of children are unsupervised and are prone "to get in trouble". We owe it to ourselves and our children to support these programmes to ensure that our children do not become "wasteful" but instead develop as useful well-rounded members of our society.

Employes will shortly be approached with details of the proposals and although preliminary discussions have started, it is hoped that they will find it possible to support this relatively simple but potentially effective scheme which would involve releasing an employee for about two hours per day, perhaps two days per week to work in their home districts as alluded to previously.

YOUTH SPORTS DEVELOPMENT PROGRAMME

The outline of a scheme in this area has just been prepared by the Sports Office at the request of the Portfolio. The scheme has not been shared yet with the Sports Association who would be affected by it, simply because we have not yet finalised the details. Suffice it to say that it will be a scheme which seeks to establish on a firmer more structured footing than the often ad hoc youth programmes being implemented now.

YOUTH SPORTS CAMPS

This year, in fact in August, it is intended that Youth Football Camp would be staged under the auspices of the Cayman Islands Football Association suggested in part by Government's funding and in part by funds raised through the District Sports Council in West Bay; elsewhere, the First Elected Member for Bodden Town and the Member for North Side, I understand, have been instrumental in generating support. I thank all of these for their various roles and wish them success at the camp. It is proposed that a similar camp would be held in a different sport next year and so on down the years focussing on sports with broad participation.

Discussions have been held with the Cayman Islands Football Association about making it mandatory for all first division teams wishing to register in the next season of play, to first show that they have attached to them a squad of under-16 players; and they would be required to support and nurture this squad. In this way it is hoped to address the critical gap now existing at this age level and to ensure that Cayman's Football development can be sustained.

I am sure Honourable Members will join me in offering congratulations to our National Football Team for their tremendous success in the Hampstead International Football Cup in April, in which we were joint winners with Jamaica, having drawn against them and won against the mighty Norwich Football Club of England. We have to seek to ensure that we can continue to produce this calibre of play, and thus generate the sense of pride felt on that occasion; this proposal is a small step in that direction.

I am sure it must be clear that much is being done in the field of sports and that my Portfolio is playing a significant part; though I would acknowledge again the major part being played by all of the players, coaches, sponsors, administrators and so many others who do so much without hope of reward.

Madam Speaker, I close by saluting their contributions to the well being of this community."

Thank you, Madam Speaker.

THE SPEAKER: Thank you.
The next item on today's Order Paper is Government Business, Bill, First Readings.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE HEALTH CARE INSURANCE (SUSPENSION) BILL, 1993

CLERK: The Health Care Insurance (Suspension) Bill, 1993.

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

THE CAYMAN ISLANDS NATIONAL HEROES BILL, 1993

CLERK: The Cayman Islands National Heroes Bill, 1993.

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

THE IMMIGRATION (AMENDMENT) BILL, 1993

CLERK: The Immigration (Amendment) Bill, 1993.

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

SECOND READING

THE HEALTH CARE INSURANCE (SUSPENSION) BILL, 1993

CLERK: The Health Care Insurance (Suspension) Bill, 1993.

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

HON. W. McKEEVA BUSH: Thank you, Madam Speaker.

Madam Speaker, and Honourable Members the House will recall that I gave reluctant and qualified support to the National Health Insurance Law, 1992. What I said at the time was that I would lend support to the Bill because I was of the view that some form of insurance was needed and while I was not entirely happy with the Bill, it was better than nothing. However, I have had good reasons since that time, and since taking over the Portfolio for Health, to make a firm change in my position on this Law, and I made it clear from the very outset in attaining my present responsibilities that I was unhappy with various aspects of the Law. When I say 'Law', it is not because I do not understand that the detail of the coverages are included in the regulations. I refer to the law only as a short form of reference.

To mention just a few, I was not, and am still not happy with the absence of meaningful coverage for treatment outside our system. I was and am still not happy with the proposed premium structure which would require persons over the age of 65 to pay $179 per month. I was and am still not happy with an early impression that the Health Insurance providers in the community had not realised any significant degree of input into the formulation of the mandatory basic package contained in the Law.

I would say, in fact, that the more closely I examine this Law, the more persons I consult with, the more concerns I have about its possible enforcement in July of 1993, less than a month from now. I held my first meeting in February to discuss the matter with representatives of providers of the health insurance providers, that is, myself and the Health Insurance Commission with at least one Member of this House who sits on that Commission, the Second Elected Member for George Town. One of the persons who was present at that first meeting advised the Commission that the law on the books had, in fact, been very heavily edited, compared to the Draft.

Now, that would not necessarily be a matter for objection or a matter even for great concern in and of itself. However, while in Bermuda at the end of April 1993 on other business, I managed to have a meeting with the consulting Actuary, Mr. John Rainer, who advised the previous Government on the matter. The Actuary's work had extended as far as the preparation of a working draft for legislation intended to be the basis for our National Health Insurance Law. That was his terms of reference. Mr. Rainer, in that meeting between himself, my Principal Secretary and myself, told us two things of tremendous significance. The first was that the report which he prepared for the Portfolio of the day, which should have been circulated among insurers, was edited prior to circulation by the removal of several pages. Secondly, he confirmed our earlier advice that the Draft Legislation, which had been produced, was heavily abbreviated in the final analysis. Much was lacking between this draft and the final law.

The Actuary was obviously very uncomfortable with both of these developments. He clearly felt that insurers had not been given the full information they needed to properly respond to his proposals and that the Law itself was missing much that would be needed to have a properly designed scheme. That discussion was very significant for me. It strongly enforced me with the view that the Law had to be very carefully examined and, perhaps, alternatives explored even if it meant that the enforcement of the Law had to be delayed beyond the said time. In fact, Madam Speaker, even as I spoke with the Actuary, I had, some days earlier, along with my Honourable colleagues in Executive Council, discussions on this matter with Lloyds of London. I should also note that the health insurers have had an initial meeting to review the existing Law and to make any other observations on the structuring and operations of a National Health Insurance Scheme as they see fit.

They met in the first week of June, at my request, in a second meeting with them and I am especially pleased about this, not just because it may have to move things forward, but also many people seem to think it was not possible to get the health insurers to work together. Alongside of this, we have another Actuary looking at the situation with a fairly open slate with the objective of providing alternative schemes by which our population can be effectively insured at a manageable cost. So, Madam Speaker, I hope we do not hear the refrain that this Government is just out to breakup what the previous Government did. I think it should have been clearly shown in what I have said that there is good reason to be suspicious and to be dubious about the efficacy of the present Law. That is, that the system established in it cannot be relied on to work properly. It should also be obvious that much has already been done to identify an alternative scheme.

However, as an alternative package has not yet been formulated it seems prudent to suspend the Health Care Insurance Law, 1992, in order to avoid unnecessary conflict and confusion come the middle of July. I therefore have no hesitation in commending the Health Care Insurance (Suspension) Bill, 1993, for the favourable consideration of this Honourable House. Thank you very much.

THE SPEAKER: The question is that a Bill entitled the Health Care (Suspension) Bill, 1993, be given a Second Reading. The Motion is open for debate. The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker.

I rise to speak on a Bill for a Law to suspend the operation of the Health Care Insurance Law, 1992. I think we all agree that health care insurance is of major importance to every living person regardless of where they live, and the Cayman Islands is no exception.

I supported the Health Care Insurance Law, 1992, when it came

before this House as I felt, although it may not have been perfect, it was certainly all that we had to vote upon, and it was covering something that was absolutely necessary within the Cayman Islands. I congratulated the Member moving it as being very timely and something that we should have had in this country for many, many years. From the time I was able to understand what it was all about, I have carried health insurance because I have always figured that I could pay a premium, when I did not, or may not be able to pay the incurred cost of returning my family or myself to health not knowing what the cost might be. When you can quantify a premium and get coverage for your family and yourself it is a great relief. Also, I felt it was going to be a great relief to the Treasury of this country when our people for whom Government was responsible could be covered by a set premium and not leaving ourselves wide open to the major cost that we see being charged for certain illnesses today.

I have listened carefully as the Honourable Member for Health and Human Services made his presentation of the Bill to suspend the Health Care Insurance Law, 1992. I am grateful to him for the explanation that he is doing everything possible to bring an insurance into force in these Islands and I look forward to this at a very early date. Again, I say, Madam Speaker, I think it should have the number one priority because the health fees which we passed yesterday and passed into Law are not easy for some people in these Islands to pay and it was this, with a companion legislation, which was going to enable the less fortunate people to be in a position to be guaranteed health care at the Government and private facilities because health care insurance would have provided the vehicle by which they would be paid.

I will support the suspension of this Bill, but do ask the Government of the day to make every haste to bring into force a workable and efficient Health Care Insurance Plan that will be beneficial to all the people of the Cayman Islands.

Thank you, Madam Speaker.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

I rise to speak on a Bill entitled a Bill for a Law to suspend the operation of the Health Care Insurance Law, 1992. I have heard what the Member responsible for Health and Human Services had to say in presenting the Bill, and I am hardly reassured that this country is going to have a Health Insurance Law since the Health Insurance Law, 1992, which now is, like two other laws so far in the past few days, being dismantled, withdrawn or destroyed.

The world at this time is seeking ways of addressing the health care needs of the people of the world. Every country of the world is becoming more and more concerned about health care services. Other response to assisting proper health care services is the destruction of a Law which has been in existence for almost two years that could make this possible. The word 'monstrosity' has become a byword in this House in recent days and has been used often by the Member for Health. I think that the word monstrosity is very applicable to the proposal as set out in this particular Bill.

The Member for Health, indeed, has a legislative record here and he often speaks of it. But I think that he has set a new record that in about five or six days he has repealed, or effectively destroyed, or dismantled, three separate Laws in this country which have been passed by another administration for, in my opinion, the public good. He surely ranks in the field of Arnold Schwarzenegger where, I think, that this Member might be termed the "Law Terminator"...

HON. W. McKEEVA BUSH: Madam Speaker, I object to that inference of Arnold Schwarzenegger.

THE SPEAKER: Have you got a point of order, sir? What is the point of order that you are submitting, please?

MR. GILBERT A. McLEAN: This country has many needs and one of its greatest needs is health care. We have a Law. If this Law is defective as the Member thinks or believes in the fees which have been set down, then let us amend this particular Law. If the Member believes that the Actuary who did the study of the survey on this particular law did not have his recommendations accurately reflected and that caused serious deficiencies, then let us examine those. It is his duty to produce them to this House, and all Members, to determine, indeed, if we all agree that this is the case rather than saying that the Actuary, Mr. Rainer (or whatever is the name) told him in a foreign country that this was not done.

That Actuary is not here to speak for himself and I have noticed in recent times that former Members of this House are shredded here regularly, individual citizens of this country are having their names called here and they cannot reply even some dead people, and they cannot reply. If there is a situation of such grave concern about deficiencies and editing out of what was right and proper, then this House should know about it and the public on a whole should know about these things. Give it to the press, give it to the television station, prove these things.

I am not convinced about the situation that there are so many deficiencies in this Law, we are talking about this Law (Health Care Insurance Law, 1992) so bring what the Actuary said was a deficiency. If the Member, and all of his colleagues, and anyone else who is associated with it, find deficiencies, bring those then as amendments to this House and explain to this House why these amendments are necessary and we would expect good logic to prevail to where the amendment could be accepted to change the Law.

There is no question the Government has surplus votes to pass

any amendments. But no, rather than work to bring the amendments in areas where it supposedly is deficient, the thing to do is do away with the Law. This Government is obviously functioning in a way that the basic action of this Government is to stop just about everything that has been happening in the past that has been enacted in law or has been practice and procedure. If it is going to stop everything, well, it is only reasonable to expect that it would try to start something like maybe starting a new Insurance Law. Repeal this one, suspend this one, but bring another one to take its place. Do not expect the people of this country and, certainly, not me, to agree with words wildly spoken about bringing a good and sensible insurance scheme and in the meantime going through the major process of revoking and suspending this particular Law.

This Law, though it is short, is very comprehensive and I stand here convinced that this could start us on the road to providing health insurance for the people of this country. Forty-eight hours ago the fees that were enacted by the former Member for Health were reenacted and they could not have been so bad it must have been the only thing that he had done that was not bad according to the Government of the day. In that particular amendment to that Law, a large percentage of people of this country lost benefits where they were getting free medical which would have been assisted, helped, or made possible if we had the National Health Insurance. Hundreds of seamen who were the economy of the Cayman Islands years ago will, overnight, no longer have that token service or gift or consideration that was given to them. Only 'war veterans', as my understanding is, that they would constitute, basically, those people who served in the Trinidad Navy as it was called. Maybe there are a dozen of them left they are all old people, most have died. The answer to that is now to remove the health insurance. If that is going to be taken away from them, then should they not be offered something in return? Now which is the situation to be deplored, the one where these people were assisted, or taking it away from them and offering them nothing in return?

I would like to briefly look at some of the things this Law provided. This Law that is also being destroyed and put out of existence would have brought into effect the compulsory effect that every person in the Cayman Islands would have a health insurance, excluding none - Caymanians and non-Caymanians, employers and employees, this Law brought that into effect through what was called the Standard Health Care Insurance Contract, and is also referred to as the "Basic Package".

It did not attempt to stop anyone from getting insurance which offered them health coverage that was 100 per cent over and above the basic package. But the Law says there should be a basic package - a package of insurance that every person in the Cayman Islands would have a right to; that the hospitals in Cayman Brac and Grand Cayman would be able to offer these services for. This was not left loosely or hanging in the winds, Madam Speaker, or spoke about something that is to come or something that is sensible and workable. It is set down in the regulations which are the Health Care Insurance Regulations, 1992. Every single service that is offered under the basic package is set down in the regulations. The insurance companies would be explicitly clear as to what they were expected to provide. The people who had insurance under the basic package would know what they were covered for when going to the hospital. It removed all doubt from anyone's mind and it ushered in for the first time a modern intelligent approach to health services.

Right now in the United States, one of the major things that the now President is doing, through his wife Hillary, the insurers and all the public that apparently can be involved in it, is to come up with an insurance for the United States which will provide all Americans, and supposedly there are 40 million of them, who do not have access to health services because of not being insured.

This basic package type of insurance that we now have in this Law that is being destroyed is the same thing that the President of the United States is talking about and spoke about even before he was elected. I suggest that the majority of the health insurance companies that have representation in the Cayman Islands are those out of the United States to a greater or lesser degree. The United States finds itself as the only world power and, like it or not, all the nations of the world including powerful nations and industrialised nations follow the suit of the United States.

Madam Speaker, to prove what I am saying, I would like to read from page 103 of a book called "Putting People First", written by Governor Bill Clinton and Senator Al Gore, where, under the heading 'Guarantee Every Family the Right to Affordable Health Care', I quote; "Control costs, improve quality and cover everybody under a National Health Care Plan that requires insurers to offer a core benefits package including prenatal care and other important preventative treatment.". What the United States is trying to get, we have actually already legislated. It goes on to say; "Take on the insurance industry by simplifying its financial and accounting procedures, banning on the writing practices that waste billions trying to discover which patients are bad risks and prohibiting companies from denying coverage to individuals with pre-existing conditions.".

We have that in the Cayman Islands covered in this Law. We have a core benefits package, we have taken on the insurance companies, per se. What we are giving you is a captive market. Every living soul in the Cayman Islands is your captive market, and children to come and because we are doing this we are saying that you cannot exclude anybody from this. Everybody must be included in this. The Government of the day and, certainly, under this Law now, did not take the attitude of the Canadian Government where there is a certain tax levied, a certain percentage of one's salary that is paid in and the Government offers the plan, it left the insurance companies wide open to compete amongst themselves and to offer the best deal to the people of the Cayman Islands. So they were really not in a position to complain to too great a degree. It is my understanding that the majority of companies that were offering health insurance here were, indeed, seeking undertaking to be licensed to sell the basic package.

We are destroying something that could only benefit the people of this country. There has been no excuse given and no sensible or logical excuse can be given for this except as conflict of interest, and special interest groups, or persons in this country, might see it not necessarily to their particular liking or advantage.

We have taken on the industry. We have said, "We want you to cover all of the people of the Cayman Islands and Insurance Companies. If we are doing it now, it is forever - all of those to come. We are not doing the usual thing, 'He is not Caymanian so he cannot be insured'. Oh no! Everybody must be insured!" We have in placed in this document what the United States is now trying to do. There are certain obligations of a state under International Law and one of the obligations under the International Law for country states is the matter of health. I quote from a book, "International Law of Human Rights", by Paul Sieghart, page 195, under: 'Health - The Universal Declaration of Human Rights', section 25(1) says; 'Everyone has the right to a standard of living adequate to the health and well being of himself and his family, including food, clothing, housing and medical care and necessary social services.'"

I am not saying that we do not have some services, some medical and social services. But, certainly, over the past several days we have been hearing, distorted in many instances, that the Health Authority had spent so many millions of dollars in 1991; and so many millions of dollars in 1992; and the Government is going to spend so many millions of dollars in 1993. How is it going to pay for it? That was the burning question that brought about the National Health Insurance.

Not only did it make it an obligation to be insured, it said the employer, the employee, everyone must be insured. It went on to clarify that if there is a doubt about who is an employer and who is an employee it would be decided by a body, appointed under this Law especially to do so, called the Health Care Insurance Commission. The suspension or the ordering of that not to function was one of the first acts also that this Government did upon taking office on the 25th of November 1992. This Commission consisted of the Superintendent of Insurance, or his nominee, as the Chairman with not less than four nor more than six persons appointed by the Governor. It went on to make sure that the right type of person was there as a professional; one member had to be an Attorney-at-Law. It sets down the meetings that the Insurance Commission would have to hold, its quorum and all the rest of it. This law provided for employers to pay the premium. I am aware that there were a number of employers who were shouting and hollering about this, that it was going to cause prices to rise. There are no employers who sell goods and services in this country who hesitate to raise prices whenever they feel that their profit margin is dropping, or it is not what they want it to be. So, if they had to raise prices for this worthy and humanitarian cause, then let it be. The only question was that they simply did not go over board using that as an excuse.

The employers were not called upon to pay the full insurance premium themselves. They were simply the point persons to send that money to the proper authority or to the insurance company. The employers could deduct from the employee's salary up to 50 per cent of the premium and the full amount from his employee who may have had an unemployed spouse.

No law is perfect but, surely, this short law tried to get fairly close to reason. I daresay, had the former Member not taken so many years to allow everyone to shred it, tear it up, to criticise it and everything else it may have been up and working so that this particular condition that is before the House may not have occurred. There are penalties for the employer and there are restrictions on the insurance package and it did not stop anyone from buying insurance over and above what would provide for the basic package. I heard in many instances detractors say, "Oh, well my insurance covers open heart surgery", and this and that, and it can go anywhere, and so forth. "Does it mean that they are going to stop me from using my insurance?" To me those types of questions are foolish, because if your insurance covers so much, how would it not cover the lowly basic package? Certainly, all it would take to assure anyone having that type of insurance coverage was for them to drop a note to the Commission and the Commission would surely tell them, "Yes, you are adequately covered, God bless you, go on, you even have more than necessary.".

THE SPEAKER: Honourable Member, have you reached a point where we could take the suspension?

MR. GILBERT A. McLEAN: Yes, Madam Speaker

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:44 A.M.

PROCEEDINGS RESUMED AT 12:05 P.M.

THE SPEAKER: Please be seated.
The Second Elected Member for Cayman Brac and Little Cayman continuing.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.
When we took the suspension I was commenting on the conditions prescribed for employers in the Law which is now in effect, and which is about to be scrapped, supposedly, in the best interest of this country. There were certain liabilities clearly set down where employers were in default under the Law and would be penalised. The Law provided for approved schemes. After the coming into effect of the Law no company would be able to sell insurance that was not licensed by the Commission and the least they could offer in their coverage was the basic package. I wonder if special interest groups, such as the insurance companies, through persons who speak and yell on their behalf, have interest in not seeing this scheme go forward?

I have heard of schemes that operate here where an individual pays some money each week and when they go to the hospital it is a great surprise to them when they find out that they are not covered to the extent that they hoped they were. I am also hearing that one of the schemes that is being schemed for in this affair is where people of this country will be forced to pay so much of any given hospital bill and the insurance companies pay the rest of it. This Law stopped the insurance companies from taking such steps or requiring the people of this country to do any such thing. The principle of this was that it was a group insurance for all the people in the Cayman Islands and that the premium charged must reflect the capability of the insurance companies to offer full payment for the package.

I hear now one of the schemes that is being cooked up by certain people, is that they are going to find it acceptable for the Caymanian people and all of the people in the Cayman Islands even though they have become a captive market and are compelled to have it, the poor insurance companies need the kind of assistance that if the insured becomes ill or calls upon the insurance they will pay 20 per cent and the poor insurance company pays the 80 per cent. I also understand that there are schemes afoot where, for political expediency and for political show, they are supposedly going to bring down the amount of $179 for people over 65.

For this Law to be destroyed as it is, or to be stopped from being operational, is a shame on this country. Any intelligent person would be ashamed to view this without saying, "Well, you people have a law and you have a scheme have you tried to make it work?" The answer is, "no". "Well what are you replacing it with?" "Nothing." The only thing we want to do it to take it out of operation. Who in this country does that suit best? Who is benefitting from it? Like in every situation of life there will be those who suffer because of an action, but there are also those who benefit from these things.

Insurers would be approved, as I said, by the Commission and it was a hands-off situation where the Government was involved. May I say that this scheme was, in the large part, the basic way it works in Canada and Bermuda except that the Government was not offering the plan itself, but indeed was leaving it available to all of the insurance companies who wished to sell health insurance. But their selling and packages offered would be clearly prescribed in Law. The Insurance Companies under this Law would not be in a position of terminating a contract or a health insurance except for non-payment of the premium, or on the grounds that the person who gave the company the information in the first instance had withheld or lied about what was the true situation.

There was the liability of officers of corporate bodies, there was the recovery by the provider of a health care benefit and this Law directly benefitted Government's ability to provide health care services for the people in this country. The Law provided that even where the Health Care Authority provided free health care for individuals, decided upon by Government who needed free health care the Government would have to pay the Health Care Authority.

I would like to state that when this Law came into effect it was the thought and decision of the day, that Government would not shirk its responsibility either to civil servants, to whom it offers free health care, or to the 66 per cent of the people who got health care at the George Town Hospital because Government would either buy insurance itself to cover them, or create a fund or such other mechanism so that its responsibility would continue. As far as I know, the only regulation that is made by the Governor in Council that has to come to the Legislative Assembly for approval, is the Health Care Insurance Regulations, and they did come here for approval. All of the other regulations that are made in this country relating to any law are made in Council and are Gazetted and go into effect. That is, they do not come back to this House but, indeed, these regulations did. So as far as the people who put faith in their representatives and are happy that their representatives are in the place where laws are legislated, those representatives had the opportunity of discussing any changes that were made in the regulations.

Speaking about civil servants, I recall about two to two and a half years ago maybe, at one time the Government was looking at setting up a scheme for civil servants at which time, during that scheme, I remember, in a Finance Committee meeting, being told that the Government was prepared to let $1 million go through an insurance company in its place which apparently would do no more than to be the conduit for the money to pass through, which would be paid to the hospital where before it was not paid and statistics would be derived therefrom. I think this was also to include persons who are indigent and to whom Government was also providing free health care. Whatever happened to put a stop to that or whether that completed its presumed cycle, I do not know.

Madam Speaker, nothing was left basically to chance. Premiums were prescribed and Mr. Rainer came and did an actuarial review and he said that $45 per month paid by all of the people in the Cayman Islands could cover them for the basic package. That figure was given to all the insurance companies and to the best of my knowledge, and certainly, I never ever saw any figures to contradict that, the large insurance companies that operated here never submitted any Actuarial studies that Members generally saw refuting or saying that it could not be done for $45. If one breaks that down into weekly payments it is $11.25 a week. Where else on earth could that even be conceived to be a payment for insurance to cover a person? But, it was a possibility that we could make a start with here. At the most, all an employee would have to pay would be $22.50 a month and the employer pay $22.50 a month. Yet we see before this Assembly a Bill saying to do away with that.

I well recall, Madam Speaker, during the debate on this Health Insurance Law, that three quarters of the House it seemed, certainly on the Backbench, had become Actuaries. Everybody was saying it could not be provided for this amount, it could not this, and it could not that. You would wonder if some of the Sales Agents of the Insurance company had gotten loose in here. I could not say. I certainly relied on what the Actuary found, and if the insurance companies who offered health insurance wanted to refute that, good heavens, they had to have at their disposal expertise in the field. But they certainly did not provide the Members of this House with anything to the contrary.

You know what was so significant, Madam Speaker? This Law was passed unanimously meaning, Madam Speaker (as we all know) everybody agreed with it. I would like at this stage to make this point (although people could be misled to believe that such shattering changes came about in the last election) that all that happened in the last election was three people who were in this House before, did not succeed in the election and everybody else was returned. So, among this group here is the largest percentage of the people that voted yes. Now, suddenly, it is no good. So what are you replacing it with? Nothing. Most surely, I will not be found in that number that votes to do away with this Law.

There has been a great hue and cry about the $179 a month for people over 65 years of age. I think the most unknowing person, not only in Cayman but in the world, knows that insurance companies worldwide say in effect by their action, "at 65 you are supposed to die, we do not insure you anymore". They sell policies called "Life at 65", and this, at 65, and the next thing at 65, the same Actuaries found out that at about 65 people kick-the-bucket. So, what is so strange about $179 per month to pay for health insurance that covers you fully until you die? I would like to know. It was simply available to persons if they wished then to purchase it. The insurance companies were told, "look, people, we want our people covered until they die and we will triple or quadruple, or whatever, the amount paid to you in this respect". Of course Government's obligations for those persons who could not afford it at 50 certainly would not change when they reached the age of 65. Government would indeed continue to pay that premium in the group situation. It was never intended that from 1991 or 1992 or until forever that the insurance companies would only be able to charge $45 a month or only be able to charge $179 per month in the other instance.

There is a provision in the regulations as well that every two years there was a review of the premiums and where the insurance companies could show and justify to the Commission and the Actuary that, "look, we have carried it and this has been the situation but we have to up the premiums to meet the next two year period". That is the way it happens in everything, insurance on cars, houses, insurance on everything and that provision is here. So what is offensive about that? The Insurance Regulations covered areas where there would be inspectors to inspect that the system was working properly and that is only reasonable. You are, or a Government is, putting all of the people living within its borders into a situation where they must insure and whichever insurance companies are operating they have the benefit of such premiums. There ought to be an inspectorate that examines and watches what the situation is to make sure it is functioning in the way it should, protecting both sides and balancing the situation.

Identification cards were to be issued so that when someone goes to the hospital, out of say, a car accident, badly injured and so forth, and that his family might be far away, ten to one, inside his wallet you would find his identification card. You would simply enter his number into the computer and everyone would know that this man/woman is covered for the services to be offered. I have also heard statements that supposedly the basic package would not apply to anywhere else beside the Government Hospital in Grand Cayman or in Cayman Brac. I think that is largely true because how does little Cayman Islands order the big insurance companies of the world to offer within its country a basic package and they must offer it in every other country of the world, it could not. But the clear understanding and undertaking was that if a person having a health insurance in the Cayman Islands which covered them for the basic package services the same amounts that the insurance companies would pay at the George Town Hospital or the Faith Hospital in Cayman Brac, the amount in terms of money would be extended to those persons who believe that everything best is not in the Cayman Islands and they wish to go elsewhere. They could not however, go to a hospital in Miami, for example, where the hospital bed rate is $1,000 and expect the insurance company in the Cayman Islands that was offering the basic package to pay the $1,000. It would only pay the $200 that it would pay here.

This Bill before the House really is something that should frighten the people of this country into realising what is happening. Every time that I hear the Government of the day say something, it seems that they are saying that they promised it in their Manifesto; this glossy piece that I hold in my hand. Not even one per cent of the things that have happened here since the new Government has taken office appears here, and surely in many parts of it, including the Constitution, it said what it did not want, it surely did not say what it wanted. It surely did not say that its first act was to stop the construction of the new hospital in Grand Cayman.

But, we hear about the National Team, let me say that I think that that is somewhat of a misnomer, it is not an accurate name, because it means that it represents everybody in this country and that is not so. However, if one should judge by its actions another name might be appropriate. Since the 25th of November, 1992 there have been major stoppages in this country. The Government has stopped the Doctor Hortor Memorial Hospital, with it, I understand, it has stopped about five contracts, it has stopped the CXC examinations from coming into full fledged operation, it has stopped the Island from having two High Schools.

THE SPEAKER: Honourable Member, would you please deal with the general merits and principles of the Bill before you, Sir? Thank you.

MR. GILBERT A. McLEAN: Madam Speaker, it has, indeed, stopped the Health Authority, which was to benefit from the Health Insurance, which is about to be stopped, and it would seem more correct in my opinion, for this Government to be accurately called; STOP Team Government; Secretive; Toxic; Outdated; and Personal. Stopping this Bill puts us back into a situation where we should never go, and should not be put. It puts us at a most serious disadvantage and I would never, under any circumstances, support the suspension of the Health Insurance Law, 1992 and Regulations. Had a new Law and new Regulations been brought to this House to replace this one, then I could consider it. But to take this kind of a backward step which takes from the people of this country their opportunity for health care without even being given the opportunity of benefitting from it, I will never, ever, be a part of such situation.

It has been said that in many instances here over the past years, supposedly, there was one 'aye' that carried these Bills which were passed. Well, I dare say, it will be much more than one when this Act comes about but there will certainly be one 'no' to this being done. The people of this country must not be disadvantaged and they must not have taken from them their right to be covered by a National Health Insurance Scheme to which there is no alternative offer.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Madam Speaker, thank you.

I rise to offer my support to this Bill which calls for the suspension of the operation of the Health Care Insurance Law, 1992. Like all Members in this House I recognise the importance of the National Health Insurance Programme. But I believe that whatever programme is implemented in this country along these lines must be practical, reasonable and have the support of the health insurers in this country. I do not believe that the previous proposed programme enjoyed that position and I am aware that the present Member has been meeting with the health insurers and together they are attempting to come up with a programme that is not only affordable but one that will provide the kind of coverage that we want for our people in this country.

I believe that it would be very unwise for the present Government to allow the programme that was put together by the previous Government to come into effect as scheduled on the 1st of July, 1993, because it cannot work, it does not have the support of the health insurance industry and I believe that it reflects or portrays the wrong impression to our people. The cost of health insurance is an issue that is discussed internationally and for the people of this country to believe that they were going to be given coverage for everything for $45 a month is ridiculous. I believe that if this was allowed to go into effect, basically, what you would find is that those Health Insurance Companies who could ill-afford to pay that coverage being the only ones to underwrite such insurance coverage.

More time has to be spent with those providers of insurance and Government. We also have to gain the support and the input from the different sectors in this economy or this society to enable us at the end of the day to come up with a package that we can all live with; that is, the private sector, the health insurers, Government and the people of this country. I am confident that the present Member will, in due time (and I do not think that that is too far down the road) introduce in this Honourable House a National Health Insurance Programme that will bode well for the people of this country. I must say that it is an issue that has to be dealt with because on an annual basis Government is called upon to write off millions of dollars in bad debts for services that they have extended to the residents of this country overseas. It is very expensive and I believe that we must all be prepared to carry our fair share of the load with respect to health coverage.

Once the right package has been arrived at it will be brought to this House and I am quite sure that at that time it will get the blessings of the majority of the Members. So, I believe that this is a wise move on the Member's part and I support his efforts. I will be voting 'yes' when the time comes. Thank you.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

In rising to address this Bill, let me begin by first saying that when this Bill was brought here by the previous Member, most if not all of the Backbench Members of the House expressed in great detail their objections to the Bill. One of the sections which at that time was found to be most reprehensible and was singled out for the most vehement objection was that of section 4 which required that insured persons 65 and over were required to pay a premium of $179 per month.

Now, Madam Speaker, I believe that there were serious grounds for those objections even though I realise how insurance companies work. The older one gets the more unattractive one becomes as regards to certain insurance policies. So now we are moving from a position where we had insurance available at $179 a month to where for awhile (and I do not know how long that is going to be) these persons are not going to have any insurance available at all. Let me be careful in explaining my position. It is a fundamental belief of mine that if I have something and you wish to take it away from me then the least that should be done, is that it should be substituted for something else. So we are saying now that this Bill was not what it was supposed to be and we are going to remove it, but we are replacing it with nothing for the time being. That is difficult for me to accept and you know that in this part of the world we are good at colloquialisms and we have one which says that, "meanwhile the grass is growing, the horse is starving". So in the interim what is going to happen? Are we going to revert to the situation which we were in prior to this whole business coming into effect, where the Government had to write-off huge sums of money? I would have been happy to have had the Member come with his replacement bill. That would have put me in a position that I would like to be in where I could have made an informed decision, where I could have been in a position to make a decision based on a comparison - a comparative decision.

In the absence of that I have to express certain reservations. It is the duty of the Government and any Government to provide for the welfare of its citizens and, quite interestingly, I was reading of the dilemma faced by President Clinton in his attempt to deliver on some of the promises he made to the people of the United States prior to assuming the Presidency.

One of the greatest challenges according to "Time" magazine and "Business Week" magazine, is that President Clinton had, to this point, the challenge of arriving at what was a representative, practical and affordable health care package for the people of the United States, where some 40

million people were unable to get proper health care because of them not being able to afford health insurance. Our country is but a microcosm of the United States but certainly, we have the same problem at hand. I am reminded also, that when this Health Care Insurance Law (Law 4 of 1992) and its Regulations was brought to this House it left here with unanimous support. Madam Speaker, this is a salient point, because it underscores the principle that Members of this House have a right where they are satisfied that something is not in the best interest to retreat from a former position and I am sure that point will not be missed by those to whom it concerns.

It is no understatement to say that to arrive at a reasonable and acceptable Health Insurance Scheme is a difficult and challenging job but we have to begin somewhere. I believe that there were many good points in the Health Insurance Law (Law 4 of 1992) and its Regulations. It is a practice of mine that where possible I should not spend any time re-inventing the wheel if there is a document or an idea upon which I can build I would like to have taken that route rather than to puzzle my brain, waste time covering grounds which have already been covered. With the benefit of other people's experiences, I believe our task can be less onerous, less expensive and less time-consuming.

I noticed that the Chamber of Commerce in their Health Insurance Report of 18th May, 1993, made some very good points and indeed, I would say that Survey can be useful for anyone wishing to undertake or improve on any policy in this regard. While I am not unanimous in my agreement with their findings, there are many of those findings that I can support and that I think should be incorporated in any future law and regulations that we may try to adopt. I would recommend to the Member, if he has not already disposed to give this document some consideration, give it some consideration.

What I would like to see is that Government's role in this whole business is that of a regulator and a protector especially for those persons who for whatever reasons are not able to qualify or to provide their own health insurance. I would also like to see the insurance companies so required that this whole business of the client or the insured paying the bill then presenting the receipts to the insurance company for reimbursement done away with. That was one of the strong points of the Law and Regulations of 1992, because I do not feel comfortable with the idea and indeed in my experience it feels like the insurance company held me captive when I have to pay the bill and then beg around them for my reimbursement. Well you know what I say, what my position is on that, if I can pay the bill up front in the first instance why do I need the insurance company, if I can pay the $2,000 every time I have to go to the hospital, why do I need to take out an insurance policy for $120 a month for my family and then have to waste my time, three months begging around them before they tell me they feel like they are going to give me 80 per cent back. I like a system as was provided for where the monthly premiums are paid, the insured is issued with a card, you present that card and the bill is taken care of. I hope that we do not degenerate to a system where there is a certain deductible because all of the countries that I know are trying for the most part to do away with those kinds of systems because they have not worked very well.

The United States, while there was some debate and some orientation in the Congress to model their new system more closely to that of the Canadian system, offered three models. The easy thing for a country with a population like the United States is that they can cater to many insurance companies and to many different socioeconomic strata. Our population and our economic development does not allow us such a wide scope. Nevertheless, there are lessons that we can learn and I would like to throw out three of the models that the United States has implemented.

The first is the managed care model, which according to my interpretation is not far from what was incorporated in the Health Insurance Law and Regulations, 1992. The managed care model was based on the fact that there were networks of doctors and hospitals which provided coverage for the enrollees in these policies and the strength of this lies in the fact that it is cheaper than traditional insurance and it screens for unneeded medical procedures thereby keeping down the cost. However, the weakness is that the insurance costs rise as fast as the insurance premiums rise. So one could argue that it has its limitations.

The second model is the model where the consumer has the choice of insuring with a company of his or her likeness and basically these companies offer a long list of things when they cover and the insurer then chooses from that list what he or she would like to be covered for. The strength of that is that the competition among the companies and the ability of the insurer, insured to choose what he or she would like to be covered for keeps the cost down. The weakness is that you get what you pay for so that too has its limitations.

The final model is one in which information is presented to the consumer either by an Association of Insurance Companies or by a Government Agency for the insured or the prospective clients to compare the different health plans. The strength of this is that these indicators help consumers evaluate the services offered. The weakness of course is that the fewer people who are up for certain coverages the more expensive it becomes.

I offer these to say that we in the Cayman Islands have to ensure that whatever we ultimately decide on is affordable by the majority of the people of this country and above all, we have to know as precisely as possible that section of our population which the Government will have to take care of. Because trends in the United States this year have shown that medical health costs are rising because in the United States alone for 1992 medical health cost are going to be in the billions of dollars. So while we are a microcosm nevertheless, we are going to be affected by rising medical costs. Then too, I would like to see a plan which is portable. In as much as is possible, I would like to see us have some plan where we can get some coverage if we have to go overseas, because not everyone is in a position where they can borrow $20,000 or $30,000 to have an operation in Miami. Many people are less fortunate than that. I would hope that whatever is finally arrived at is so structured that these kinds of considerations can be given. As I have said, it falls to the Government. The Government's role should be that of regulator. The Government should not easily be drawn into the business of being a provider and to that extent, the Government must ensure that what is ultimately set out and

decided upon will meet with all of the needs, aspirations and affordability of the greatest number of people.

But there are some difficulties in that, when we have insurance companies largely as they are in the Cayman Islands, agencies of overseas companies, the Government then must be very vigilant and very sharp in its negotiations. That is why I have stressed that this Health Care Insurance Law and its Regulations, 1992, were not entirely worthless. They can be used as a jumping-off point for the development of a law and regulations that we can feel more comfortable with and that would have been an ideal situation to have come here with an alternate set of Regulations and Law. I would hope that this is the kind of position we can take in the future.

Thank you.

THE SPEAKER: The House will be suspended until 2:30 p.m.

PROCEEDINGS SUSPENDED AT 1:07 P.M.

PROCEEDINGS RESUMED AT 2:33 P.M.

THE SPEAKER: Please be seated.

Debate continues on the Health Care Insurance (Suspension) Bill, 1993. The Second Elected Member for Bodden Town.

HEALTH CARE INSURANCE (SUSPENSION) BILL, 1993

(continuation of debate thereon)

MR. ANTHONY S. EDEN: Thank you, Madam Speaker.

I stand to speak on a Bill for a Law to suspend the operation of the Health Care Insurance Law, 1992. I, the latter part of 1992 and the period prior to the election subscribed to the theory and the Manifesto of the National Team. In one of their policy statements was, under Health Services - "To develop a Medical Insurance Scheme which is realistic and affordable".

Madam Speaker, I still stand behind that philosophy and this gives me the opportunity to support this Bill suspending the operations of the Health Care Insurance. I cannot stand in this Honourable House and say that I support a Health Care Insurance Law that will place on the elderly people of this country a further financial burden than what they are now experiencing. That burden of $179 a month. I spoke against this in my campaign and I shall vehemently object to it now. As we know most of the elderly people of this country live on a fixed income. Where are they going to get this extra money to pay for this Health Insurance? It is going to put a great financial burden on them. Many of them cannot afford the basic necessities of life, many of them now go to their beds hungry and I will not vote for an insurance scheme that will put a financial burden on them further to complicate their problems.

What is the rush now to bring this Law into effect, we have waited for almost two years? Let us spend some time looking at a system that will benefit more specifically our older people without being a crushing burden to them. At the moment they do not have to pay this $179 a month but, if this Law was passed, they would be forced to pay this premium under the Law. Some of the previous speakers referred to the Law as it was being done away with, but the key word in this Bill says, it is a Bill for a Law to "suspend". We are not doing away with this, the Member and the administration, by what I can understand, want more time to look into this system to make sure that we have what is best for our people.

Another one of my concerns in regard to the Health Insurance Law is the catastrophic insurance. As we know that if something serious happens most of our people have to travel to the United States and I trust that when the Member is doing this review this will be one of the aspects that he looks into.

In closing, I would like to say that if the onus is placed on this administration of implementing this insurance we had better make sure that what we enact is for the good of all Caymanians and is the right thing providing the best coverage available. I say we have waited for almost two years, what difference does a couple of months make? We must ensure that for the Caymanian people we have put in place the best coverage available. As I have said, the end result of this Law is not to disband the Health Insurance Law but to suspend it temporarily.

The previous Member for Health did not see fit to have this Law enacted until sometime in July of 1993. I wonder why? I have said before, I will not stand in this House and see the elderly people (as we all know here in Cayman there is a continuing majority of them) who are struggling and will find it extremely difficult to find the premium of $179 a month.

Thank you, Madam Speaker.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: The Health Care Insurance Law, 1992, and for that part the Member who had put it through the House, may not have been far off the mark. Unfortunately for him he will never know because one of the hard facts of business is that in business you never get what you deserve, you get what you are smart enough to negotiate. His problem (like the problem of so many people that find themselves in the position that he was in) was that he had an idea but his idea was that the Health Care Insurance Law had to be the Health Insurance Law of his own production. His inability to negotiate with the major carriers and to negotiate with

the people who could have advised him were his downfall.

The Member, in the introduction of the Bill this morning, told us one of the reasons why it became necessary to suspend this Bill, and that reason is that the Report conducted by the Actuary and given to Government as the substance upon which that Law should have been built had been tampered with and several pages had been removed from the Report. We do not know what those pages contained but it is my opinion that they contained material similar to that other Report which was hidden from the Legislative Assembly when we were asked to make a decision on the funds for the new Hospital. I am talking about the Report from the Investment Sector of Government which had been promised to this House and was never given, and which the Member read from last week and which actually condemned the project.

So, it is my belief that the missing pages, like the lost books of Moses, contained information which were vital to making a correct decision on the proper actuarial foundation upon which the premiums would have been structured and the Law would have worked. Why should the present Member move to suspend that Bill now? He is forced to take the action which he has taken because the Health Care Insurance Law, 1992, would come into effect on the 1st July, 1993 (which I believe is next week) and if that did so, that draconian law would make it so that the major carriers of health insurance in this country would have to shut up their shops, and leave unless they agree to sell the package which has been devised without proper acturarial help.

One of the clauses in the Regulations in the Law says that no Insurance Company carrier will be licenced to sell health insurance if that company does not sell the special package which is prescribed in the Health Insurance Law, 1992. So the people of this country will have to sing their praises to our present illustrious Member for taking this action. Many people in this country today have their own health insurance in place with many major carriers which would be affected on the 1st July by the coming into force of this Law if all things had remained as they were.

The previous speaker explained that this Bill is very much unlike the Law which had set up the Health Authority in the Bill which we passed last week which actually repealed the Health Authority Law while today's Bill simply suspends the Health Insurance Law. The implications of the suspension are that the Member will make amendments to the Insurance Law and bring it back in his own good time. It is entirely wrong for anybody to try to argue that the action of suspending this Bill today will mean that we will be out of Health Care Insurance. If that were the intention I would think the Member would have taken the other course of repealing the Health Care Insurance Law, 1992, rather than simply changing the date, because that is all that he has done, change the date of its coming into operation.

We understand from the Member that he has ongoing discussions with an independent Actuary and what is most important with carriers of insurance that will be selling the product and at the end of the day he should be able to come up with a reasonable package. Perhaps, the ideal law may never be found but responsible Governments can amend the Law. While it is true that the Health Care Insurance Law passed through the Legislative Assembly last year, it is also true that if one were to go back and read the Minutes of that Meeting one would find that there were grave reservations mentioned by nearly every Member of the Backbench. The First Elected Member from Bodden Town touched upon one of them earlier this morning and I do not intend to rehash that but there were many other reservations.

The previous speaker mentioned the hardship that would come upon elder people, people 65 and over who would suddenly be asked to pay $179 a month. This has come about simply because the Member in his haste ignored one of the fundamental principles of insurance. Insurance is intended so that the risk of the catastrophe is spread among the entire group of people that use the services. For example, if it is fire insurance you pay a premium and if your house is destroyed by fire the Insurance Company pays, with the help of all the other people who were insured, the money to replace your house and it does not matter whose house was destroyed, the risk is paid because the risk of having it destroyed was shared by the entire group. The old Bill did not seem to share the risk equally amongst the retired and elderly who are unable to pay the premium. For example, before age 65 when a man was working he was required to pay I think $44 to $45 per month and the day after he retired at age 65 he was asked to increase his premiums when he had no income, to $179.

So we can see the nonsense in the Law, the inequities in the Law and no attempt made even to discuss it because when Members on this side made suggestions or even in Committee made suggestions they were of no use because no one could change what Executive Council had brought. We had a system I called it the "Rule of Eight/Seven", the inflexible and what they believe to be the infallible rule of eight/seven carried everything they brought and nothing, nothing could change it. This is why this country is suffering today from so many problems just because we took an arbitrary rule of eight/seven and used it.

One of the problems with the Bill which became the Health Care Insurance Law is the same fundamental problem that Member's Pension Law ran into, in that they were trying to do too much with too little. Where is that Pension Law? They were told from the beginning that the contributions which were set out could not cover all the things they were doing.

The system of the Commission fixing an arbitrary rate and then the Law mandating that that rate be paid is a system that could not be acceptable to any company anywhere. Insurance rates develop over a period and three basic items enter into them. In the case of Health Insurance it is the amount of health care acquired, that is the amount of claims made by sick people, it is the cost of the administration of the company and also how well that company invest its funds. So these three factors when put together decide what premium a company can charge for a health insurance policy. Unless the company receives what is to them an equitable premium they cannot stay in business. But none of this seems to have been considered and perhaps the missing books of Moses might have contained this type of advice to the Government if those books can be found; if they have not been shredded in that massive shredding exercise that went on in

November, 1992.

Nevertheless, it is easy to conceive that the figure which had been put into the original Law in 1992, would not have lasted for a long time and would have been amended upward and upward until it reached a height that could not be paid except by the very rich. The people for whom it had been intended to cover would get the least benefit from it if they were asked to pay exorbitant rates which had been brought about because the plan had been under-funded at its inception. So these are fundamental questions which have to be studied carefully. Questions which cannot be answered in a hurry and this is why it is important for the Member to take whatever time is necessary to have this in place before he brings the Bill back to the House.

Now I would not worry too much about the Bill that is being suspended, because we did not have the benefit of the compulsory insurance anyhow. It has not yet come into effect, so how can we suffer for it when it should have come into effect the 1st July, 1993? We need not worry on that count but what we do know is that the Bill had been defective. Because, as I have said in another debate, the previous Member that piloted that Bill through the House knew and he alone perhaps knew the many defects in it. He showed us that he knew because if the Bill had not been defective he would have put it in prior to the November elections. Perhaps the missing pages of the Report might have advised him not to put it in until after the election as the United Nations had invited the Government not to put in the Development Plan in 1975 until after the 1976 election. But we will never know the answer to these questions.

The Government found a defective Bill and they have given it the treatment which it deserved and I look forward to them bringing back to this House sometime in the future, probably as quickly as they can, an amended version of the Health Care Insurance Law. I am certainly willing to work along with the Member and I would say that he deserves a lot of praise. I hope that his head does not swell, but he deserves a lot of praises for doing what he had to do and for taking the bull by the horns.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker.

I rise to offer my support for a Bill for a Law to Suspend the Operation of the Health Care Insurance Law, 1992. I offer my support for the reasons that the Honourable Member mentioned in presenting the Bill that he said that the Report was edited, there was a lot that was missing in the Law and we needed more time to examine to see what alternatives we could offer.

I would like to reassure the people of these Islands that all Members of this Honourable House are in favour of a Health Care Insurance Law and a workable scheme being put in place for all to enjoy and to use, but the Law that is being suspended was not workable. That is why we are suspending this. Members of this House will remember that the *Caymanian Compass* had on its front page the former Member for Health telling the Insurance Companies that if they could not offer this basic package then they would not be licensed in the Cayman Islands. This is very unfair to the insurers and it is also unfair to the people that are being insured because they would not be receiving the proper benefits for a basic package for $45 and $179 for those 65 years and over.

When you compare it to other packages such as we have in our place of business, when it is almost three times that price therefore you get what you pay for and I believe that our people would not receive a good package for that amount of money. This is what we are trying to determine what is workable and why we have to suspend it and not repeal it as some Members think. I would again, therefore, offer my support and I commend the Member for bringing it at this time. Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker.

Before I begin making my contribution I am wondering Madam Speaker, if you would permit me to take this jacket off. I feel so heated!

THE SPEAKER: I have asked the Serjeant-at-Arms to adjust the thermostat because it was getting a bit warm. But unless it gets unbearably hot it is going to be difficult for me to allow that unless other Members are feeling a bit of heat.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, I believe that the reason why I am so heated is because of some of the things that I have been hearing and listening to here today. I have never really previously experienced this sensation of heat in this Legislative Assembly. I am really heated!

I would like now to make my contribution to this Bill that is being discussed, a Bill for a Law to Suspend the Operation of the Health Care Insurance Law, 1992. Firstly I would like to say I have found the debate so far very lively and I am sure you will agree that that is extremely healthy. I hope that the debate will continue to be the kind of debate that we and in particular, the Honourable Member for Health and Human Resources will find extremely helpful.

I listened to a Member who spoke this morning say that this Bill is such a horrible Bill because it is going to deprive the people of the Cayman Islands from having Health Insurance. I would like to point out that everyone who wants Health Insurance in the Cayman Islands at this time can buy Health Insurance. In my opinion the suspension of the Bill is merely to prevent this Bill from coming into effect in July from the punitive aspects of this Bill become applicable and as I go through the Bill I have noticed that there are at least 10 penalties in it and some of them very extreme, for as much as $20,000.

How I look at it, we could be saving many persons in this

country both the average man on the street and members of the insurance industry, unnecessary penalties. I would like to congratulate the Portfolio for Health and in particular the Member for the stand he has taken to take a comprehensive look at the Health Services, to take time to re-evaluate the entire situation and then come up with health care strategies that are in the best interest of the people of this country.

The main reason why the Health Care Insurance Law came about was not merely to try to provide Health Care Insurance coverage. We all know that, Madam Speaker. It was to provide the funds to build the new hospital. Now that that is no longer going to be built and I am very glad that the wild stampede is over. Then there is no rush, not even from a monetary view point to put this Bill through. But it was surely a very, very mad rush, if you remembered how this Bill was introduced and how it was forced through the House despite members of the insurance industry, members of the medical profession and so many other people advising that the Bill was defective. I can clearly remember those days, Madam Speaker. The bill was passed and the Health Care Insurance Bill became Law. With it today we have all of the problems of this Health Insurance Law and the defects therein.

I said in part of my debate earlier last week that it is important to take a broad comprehensive look at health care systems. In general, there are three types of models prevailing; (1) the Public Integrated System (2) the Public Contract Model and (3) the Public Reimbursement Model. I would like, if you would allow me Madam Speaker, to read a very short excerpt about health care system and the source in fact is "The British Medical Journal". It is very explanatory about health care systems and models.

> "Health Care Systems seem to come in all shape and sizes, but at least in developed countries several common models can be identified. As a recent study from the Organization for Economic Cooperation and Development (OECD) has shown, three models are particularly prevalent.
>
> The public integrated model involves financing health services through taxation along the lines of Britain NHS (National Health Services). This model is described as integrated because public financing is combined with public ownership of hospitals and salaried employment of doctors. Hospitals are funded through global budgets and services are usually provided free at the point of use to patients."

I go on now to the Public Contract Model.

> "This public contract model involves financing health services through compulsory insurance along the lines of the German health system. Sickness funds act as health insurance organisations, which are responsible for ensuring that services are available to their subscribers. These services are delivered by independent providers under contract to the sickness funds.
>
> The public reimbursement model also involves compulsory insurance financing of health services through sickness funds. In contrast to the public contract model, there is no connection between the sickness funds and the providers. Providers deliver care to patients who are reimbursed by the sickness funds for out-of-pocket fees for payments to independent providers. Both the French and Belgian health systems have traditionally been based on this model.
>
> In reality, each country's health care system includes elements of more than one model. For example, in Britain the financing of primary care services, with its emphasis on independent contractor status for family practitioners, contains many of the features of the public contract model. It is also the case that health care reforms are producing changes in the mixtures of arrangements found in different countries. Britain again exemplifies this, with its shift from the public integrated model to the public contract model through the separation of purchaser and provider roles and the introduction of a managed market.".

There are two more paragraphs Madam Speaker, but what is very important from this, the point I want to bring out was the cost involved. What faces every country, including the Cayman Islands, today is the difficulties encountered by controlling cost at the macro level while ensuring efficiency at the micro level. We have to look at the most cost effective system of all three. Cost containment is the order of the day. We know that in the Cayman Islands we have a situation where taxation is certainly not welcome and therefore there are certain constraints that are a reality. But all in all it is very important that we take a comprehensive look at the Health Care System and decide on the one that is most efficient for us. We can no longer afford to patch up the system with meagre legislation that only helps in some instances and does just as much damage in others.

I heard someone who was very concerned about portability and I would like to offer my support there. I concur with that Member who said that he thought that Health Care Insurance should be totally portable but again, I would like to point out to the Member that if you look at the Law itself, the Law that was being proposed does not make health care portable. In the Law it says in Part 2, Item 3 - Out-patient Benefits:

> "The health treatment component of an out-patient service necessary for the initial treatment of an accidental injury suffered within 48 hours preceding the time of treatment; or an acute illness, and the hospital component necessary to support an operative or diagnostic procedure performed by a doctor or under his direction (including the use of an operating room and anaesthetic facilities, surgical supplies, nursing services and the supply of a drug or a biological or related preparation) –"

That is what the conditions are now, Madam Speaker, "prescribed by a doctor on the medical staff of the health care facility.".

Because it is only pertinent to public health care facilities, this would mean that the only way that an individual having the standard contract would be eligible for this benefit is if they attended a Public Health Care Institution. Also as far as going overseas is concerned, an individual having the basic package would only be covered just to the extent that they would be covered locally if he/she was referred overseas by a doctor or some authority of the Cayman Islands Health Services Authority - another restraint, Madam Speaker. This was very, very regulated and it is clear that there are so many in-built checks and restraints here that this is certainly not a very portable contract.

This leads me on to the concern anyway, about overseas medical care. In this Law this is not taken care of at all. We know that it is in the United States that we often incur the enormous expenses and this Law does not help a person having to get medical care in the United States one iota unless the person was referred overseas by the Health Services Authority and then only to the extent of the benefits paid locally. When we consider that the majority of the people in this country do not even attend the Cayman Islands Hospital, this becomes significant.

Another very, very important thing to bear in mind and I would like to congratulate the Member for seeking and setting up due consultation with the providers of health care insurance with the medical community and inviting their input. He has certainly done this on two occasions. I sat on the Health Insurance Commission and I attended two meetings and there was valuable input (I thought) and the Member certainly paid attention and this is much more than we can say of the previous Member because I personally had first hand experience. He paid attention to what those persons had to say and those individuals made it quite clear that they were not willing to participate. They are the main players, they are the ones that would be affected by this Law and they were clearly not willing. You would have to ram it down their throats Madam Speaker, they were not willing to participate.

So much so that the Member was asked to clarify a number of concerns and I think he had dealt with some of them and is still dealing with others. I understand from what he has said this morning that the Health Insurance Association had a meeting and they are addressing certain concerns and conveying impressions to him. But I would like now to point out some of the inadequacies of this Health Care Insurance Law that we have been told is such an excellent Law. From someone in the industry, very, very knowledgeable Underwriter and Broker wrote this letter to the Honourable Member but unfortunately, he did not answer it (I guess he was busy with the election campaign). The letter is dated the end of October. So the Honourable Member has the duty of replying to this letter.

> "Items 1 to 5 under the SCHEDULE OF FEES (Reg. 3) were worked into the Basic Medical Expense Coverage Hospital Expense Benefit. We assumed the Caymanian Plan's (CP) reference to "hospitalization per day" would be their interpretation of a semi-private room rate. Since "private rooms" were not specifically addressed, we assumed that private rooms would be covered up to the "semi-private hospitalization" rate per day.
>
> The dollar amounts reflected on the drafts of the Caymanian currency figures provided in the Schedule of Fees. The Caymanian Plan does not refer to "periods of disability" nor to any "maximum number of days per period of disability". Please confirm and clarify the voluminous areas of the CP's intention NOT to include these features. Under a standard Basic Hospital Expenses Benefit Plan, these features (or at least what a period of disability is considered to be) are included."

The Member did respond very appropriately to this.

> "Normally, in figuring when one period of disability ends and a new one starts, all hospital confinements will be deemed to have occurred during one period of disability unless the cause or causes of the latest confinement are not related to the cause of any prior confinement. The cause or causes of the latest confinement are related to the cause of a prior confinement, but complete recovery has taken place; or the employee has returned to work for at least one full day."

In answer to that, this was my personal feeling on the matter and I am not quite sure whether the Member conveyed this to this concerned insurer but I wrote to the Member himself explaining that I had had the opportunity of reading this awful letter.

> "I regard these questions as quite reasonable and on many occasions I have had similar queries.
>
> The rough booklet "draft" of the Basic Plan prepared by Aetna was not sent along with the letter for my perusal but I will endeavour to be as helpful as possible.
>
> On the subject of "Fees", I would like to direct your attention to the Health Services Authority Law, 1991, Section 15 which states: "the Governor shall by regulations, fix the fees to be charged for services of health care facilities and programmes. Regulations made under subsection (1) shall be subject to affirmative resolution."

Mr. Mahoney obviously has the misconception that all the items listed under the Scheduled Fees of the Health Services Authority (Fees) Regulations, 1992 are to be covered by a "Standard Health Care Insurance contract" which in the Health Care Insurance Law, 1992 is defined as a "contract to provide insurance cover in respect of the prescribed health care benefits, being a contract that is subject to the prescribed terms and conditions and which contain no exclusions or exemptions that are not prescribed exclusions or exemptions.".

The Schedule of Prescribed Health Care Benefits is outlined in the Health Care Insurance Regulations, 1992. I suggest that you send Mr. Mahoney copies of both the Health Services Authority Law, 1991 etcetera, etcetera.".

The concerns, Madam Speaker, would take me far too long, but some of these concerns are very relevant to this debate.

"Item 26 under SPECIAL SERVICES indicate "private duty or special duty nursing" are to have the full cost paid. While we reflect under the Hospital Benefits' Additional Inpatient Benefit section that hospital services and supplies do not include those charges made for private or special nursing services, we would cover these expenses if this type of care is medically necessary for the person's condition."

This Law lacks so much definition and was such a loose law I really wonder how it got passed in this Honourable House?

"Item 12 under the SCHEDULE OF FEES raises the issue of Emergency Room fees. Our "Outpatient Benefits" portion of the Hospital Expense Benefits section defines the time periods emergency room treatment would be allowed within for an injury (day of or day after the injury occurs) or a disease. The SCHEDULE OF FEES categorizes Emergency Room treatment into three levels; however, we do not know what distinguishes one level from the next.".

And it is not in the Regulations.

"In order to have our claim office adjudicate claims in these categories appropriately we will need the criteria/definition for each Level.".

That was also dealt with. But when we try to get the definition there were no clear-cut definitions.

"We have also assumed that the "Outpatient Benefits" section will include the SPECIAL SERVICES items 22 and 24. While Outpatient Benefits are generally thought to be services provided through the outpatient department of the hospital, the private duty/special nursing and medical supply benefits also include those services and supplies provided through other than the outpatient department of the hospital. As implied in the heading, however, the person must not be confined as an inpatient. Please confirm this assumption as acceptable for I cannot understand the Law nor the Regulations.".

Another concern was;

"the Caymanian plan classifies surgical procedures into three categories (Major, Intermediate and Minor) but does not qualify what constitutes which one. I have assumed the CP's definitions might be however, additional criteria such as the amount of blood loss anticipated in each category, etc. I am frankly, unable to make heads or tails of this entire situation. I have include those specific services covered by each category.".

Madam Speaker, this Underwriter was so confused and I can understand why he was confused. The letter is about 12 pages long and all he was asking for was clarifications of the Law and the Regulations in order to try to make these work. And this is the excellent Law that a Member stood up here and said we should not deprive the Caymanian public of. By suspending this Law we will avoid many, many sensible people in this community from being penalised from sums of $2,000 up to $20,000. This is not something that I could ever, ever support especially considering that the benefits are far fewer than the advantages.

Another Underwriter was very concerned also and he was concerned about some of the benefits that were included in the prescribed care benefits. He says:

"The benefits to be ensured or the prescribed benefits are generally the standard benefits insured under a conventional health insurance programme. We are concerned about the following benefits however, Treatment of Alcoholism - Alcoholism is an addictive condition which requires long episodes of treatments which do not guarantee a successful conclusion. The result of treatment for alcohol addiction could therefore be high cost and an ongoing alcohol problem. This makes the benefit and insurer's nightmare and is normally an excluded benefit. An alternative approach to the unlimited benefit for alcoholism would be to set a maximum benefit for the treatment of the problem. The maximum could either be a maximum dollar value or a maximum number of treatments. This approach allows the alcoholic the avenue to obtain treatment for his affliction, and at the same time

provide the disincentive to getting off the proverbial "wagon" as there would be a cost to the individual and the family.".

He also needed clarification about reimbursement for hearing aids because this was not clear in the Law. Another concern was the maximum liability of insurers and he writes;

"We again must express our concern at the potential liability under the present plan. From the two areas mentioned above you can recognise the difficulties that we the insurers will face if this matter is not addressed.".

Madam Speaker, while we recognise as a Government that we will have to negotiate hard with those in the insurance industry, we also realise that we cannot ask them to begin something that is going to fall flat on its face within a month or two of operation. And therefore, it is important in my opinion to listen to what they have to say.

I believe that Mr. McKeeva Bush, the Honourable Member for Health and Human Services is going to negotiate hard. He has showed evidence that he is going to negotiate hard. But you cannot bring something on line that is simply unworkable and those in the industry are pointing out major discrepancy.

Off island attention, you will recall from our previous discussion that the matter of referral for off island care was one of the areas of concern to us. We note that there has been some change in thinking on this matter as doctors in private practice now recognised competent to refer patients off island, or are they. Will this be accepted by the Health Authority? This too is unclear. We are concerned about the elective aspect of off island care as you can appreciate in cases of non-emergency off-island care a patient may choose the most expensive facility which is not necessarily the best medically for his conditions. And with our inability to set rates in the basic plan we the insurers will be faced with a situation where we would be very, very vulnerable. A more equitable position would be allowed to allow insurers greater autonomy to use their various industry contacts.

These people are also making suggestions. Coverage for children, I think it is a very important area especially in view of the Bill that just went through the House on Friday.

"Under the existing National Health Plan coverage for children is provided by the Government. It is however, unclear how to accommodate the following categories of children: Children with existing coverage through their parents' employee benefit programme; mentally retarded or otherwise disabled children, and children attending university or any other recognised institution of higher learning on a full-time basis.".

And then, the big problem of coverage of over 65 which I need not deal with anymore, Madam Speaker, because it has been dealt with by many Members.

One thing that I feel should be absolutely clear to everyone here and to the Caymanian public is that this Law did not force the insurers to insure anyone in these Islands and that is a significant fact. I heard during the debate someone say that we were depriving the people of insurance. The people in this country can get insurance now and the Law does not compel anyone in the insurance industry to insure someone. It does say that if the employer does not pay for the employee insurance they are liable to a fine. But it is a similar situation as exists with the Motor Vehicle Third Party Insurance. I think it is important for us to remember that especially, when we think of all of the uninsurables and in particular the people over 65 years of age. We have to make provisions for the uninsurables.

We heard about President Clinton and the problems that he is having and I certainly recognise that he has mammoth problems and one of his biggest one is taking care of the uninsurables in that country. This Law did not make any provision for taking care of the uninsurables. From the looks of it that was going to fall straight on Government's shoulder as would tertiary care which would be received overseas.

The Member has done the first wise thing in my opinion. He has buried the Health Services Authority along with the help of us and then he has taken a look at the fees and has tried to make sure that those people who can pay, pay their bills and those people who really need help in this country that they will get the help.

No Caymanian in my opinion should be deprived of medical care because of lack of money and that is absolutely important. But those people who can pay, and most of them want to pay, or perhaps I am wrong, but they should be made to pay. And I congratulate the Member for moving that Bill. I also congratulate the Member for suspending this Law to give us more breathing space so that we can in fact look at it with all of its ramifications, look at the entire health care system and decide which model should be implemented here in the Cayman Islands. Patch work, Madam Speaker, is not good enough, it will not solve the health problems of the people of the Cayman Islands. This was just a mere feeble attempt at best to do some good that if allowed to continue will do a lot of harm. Madam Speaker, thank you very much.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

This Bill, a Bill for a Law to suspend the operation of the Health Care Insurance Law, 1992, seeks to suspend the operation of the Health Care Insurance Law, 1992 until the

Legislative Assembly otherwise determines. This morning before the Member in introducing the Bill to the House spoke, there were several doubts in my mind with regards to whether I, as a responsible representative in this Honourable House, could support this Bill.

I, like some others, prefer if at all possible whenever seeing one side of the coin, to be able to look at the other side also. The Member has stated and I cannot quote, but my understanding at present is that he does have a programme and he does intend to bring back to this Honourable House another form of a Health Insurance Law. Madam Speaker, other speakers before me have voiced in various veins their concerns, but let me say this, that my understanding regarding the entire issue is that the main goal is for Government to arrive at a situation where adequate health services are available to all members of the public and those health services are paid for in the most equitable manner, spreading the cost evenly among the populous so that Government is not strapped with this cost.

I think that if we are fair within ourselves and we do not get into the issue of 'who's who' and 'who did what' we will find that while there are problems with the Health Care Insurance Law, 1992, if it is taken bit by bit, the fact is that this was the first piece of legislation involving health care in the Cayman Islands. So, if nothing else, it has served to bring to everyone's mind the importance of a National Health Care Scheme, not only for the Government but for the people of this country. If we want to talk about timing and say that we would like to have a health care insurance law in place now, then I would agree with that statement. But, as I have said earlier, I heard what the Member said and I would like to put him on notice right now, that I respect what he has said but I also feel strongly about the importance of having a Law regarding health insurance at a national level in place and I would like to believe that no further down the line than the next sitting of this House we would like to see something coming back.

I am not in his position to deal with it on a daily basis and he might think that the statement I just made might be asking too much but when we ride the fence on the other side we do what we see fit and we do what we think is best. I think that this issue is so important that whatever needs to be done, whatever time of day, whether he has to stay in office until 9:00 or 10:00 at night so be it, that is where he is and I would hope that he sees it fit to expedite the matter. I do not think right now that we are going to be doing any justice to the people of this country by staying here for days and tearing apart the Health Care Insurance Law, 1992. If it is the Member and the Government bench's position that the Law has too many problems and if it is not suspended it is going to cause too many more problems, then fine. But I want them to remember that I for one expect them to come back in very short order with something that is better than what is being proposed to be suspended.

I do not agree with some other Members' view and if the statement was been made casually... but I just want to say how important it is to me. I heard another Member say that the Member can take whatever time is necessary, and that can be read in different ways. I simply want to stress the point that we, as a Legislative Assembly, have passed unanimously a new Law prescribing fees for services provided at Government Health Care Facilities no longer than two or three days ago and we do not have a National Health Care Insurance Scheme accompanying these fees. I do not want to look for things that are wrong or that are not wrong but I think we all accept and realise that in having these fees in place it makes it more so important now that we must have some sort of National Health Insurance.

I also want to make the point that while I was not in this Honourable House when the Health Care Insurance Law, 1992 was passed I also heard many Members stating their individual reservations about parts of the Law, even though it received safe passage. But I am sure that there are areas in this Law that are relevant and can be used. I would urge that whatever method is used to arrive at a new Law that this Law is simply not thrown through the window because of who the proponent of the Law is. We need to forget about who is who, get on with the business of being responsible legislators in this country and provide sensible government for the people of this country.

Thank you, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 2:48 P.M.

PROCEEDINGS RESUMED AT 4:04 P.M.

THE SPEAKER: Please be seated.

The debate continues on the Health Care Insurance (Suspension) Bill, 1993. The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.

This short Bill merely deals with suspending the operation of a Bill whose operation had already been suspended earlier until sometime the middle of this year by the then Member, Mr. Ezzard Miller when he brought in the Bill. So this is really extending the extension further down.

I think that Members of this House obviously agree with Health Care Insurance, I know I do. However, it must be done right because we have seen the cost that it has put on the public when other areas of Government, other laws and other matters have not been properly dealt with and what the Member for Health is doing here is continuing to not bringing the compulsory part of this into operation until we can be given time to look at it in some depth. Several Members have pointed out the undesirability of having the elderly pay a very large premium of $179 per month compared to $45 that the working person would pay and who obviously is more able to deal with payment of the insurance premiums. The Bill itself, and I think the Second

Elected Member for George Town has clearly pointed out, he as a professional doctor, the many areas of defect in it that have to be looked at and have to be properly corrected.

There was a lot of what I would call confused arguments by the Second Elected Member for Cayman Brac and Little Cayman, in an effort to oppose what is being done, but I believe that the public realises that a lot of what was said there was opposition merely for the purposes of opposition. There was nothing really constructive in his opposing this Bill and a lot of what he said, in fact he rambled really into areas that are really more the domain of the First Elected Member for Bodden Town, who even got into the school system at one stage. I am not going to do that but I will point out the extent to which it went on.

There was one argument which was referring to Government being a regulator not a provider. I think this came from the First Elected Member from Bodden Town. The Bill is quite clear, as it has been passed, that insurance while it is compulsory is not compulsory from Government. Member of the public will go out and they will buy the insurance from private insurance companies same as they do with Motor Vehicle Insurance. There is nothing making Government a provider of the insurance and naturally, I do not believe that Members of this House will sit by and let Government embark in the business of insurance seeing it has so many problems in the other businesses that it has at present.

One other criticism was that no Bill was in place as an alternative. How can there be an alternative to a continued suspension of a Bill that never really came into operation on the compulsory side? Really, there was nothing there and as far as a Bill that brought in compulsory insurance and all that the Member is doing is extending the time further to be able to look carefully at it. As the Third Elected Member for Bodden Town mentioned, if the Bill was so good why did the former Member, Mr. Ezzard Miller not bring it in and put in into operation? So there must have been doubts in his mind, if he was capable of having doubt, as to the operation of this Bill.

The Law that relates to fees, Madam Speaker, has really no effect on this Bill relating to insurance. Those fees were in operation before all that has really happened is, it has been changed from paying it to the Health Services Authority that no longer exists to paying exactly the same fees to the Government of the Cayman Islands to better protect the public and protect the public's funds. I believe it is very important that with a Law that is so significant that it is going to deal with an area that many other countries have had problems with, such as the United States, the United Kingdom and Germany, that we look at it carefully. I do not believe, even though I am not saying it is not possible that it may not be possible to get the necessary details for this Bill in the near future, but I doubt very much that it can come in the September Meeting because I believe it needs a lot of study. What I am saying is, I will not say it will not come but I do not believe that with everything that this legislature has on its plate now, that it is going to be possible to get the type of input and detailed legislation that quickly. But in any event, Madam Speaker, the compulsory side of this Law in itself really had been suspended any how. So it is a continuation basically of the suspension of the compulsory part of the Law from that point of view, even though this is actually the suspension of the whole Law itself. What I am saying is, the crux or the fundamental part of this Law was a compulsory insurance, that never did come into effect and indeed, Madam Speaker, it could not have come into effect because the insurance companies who would have had to provide this were not satisfied or in a position to have brought in the necessary policies on a wide scale. One here and there may have been possible but as I understood it, the six main carriers (I think it was six) of this insurance were very unhappy with it and in fact there was only one insurance company that had been approved under it, the other five had not even been approved.

So it obviously was basically in a stage of suspension all along. I support the Health Care Insurance and I believe it is good that we should have it, but I think that we have to bring this in on the right basis or we could have a very expensive problem on our hands which, I think the Islands know, we really do not need at this stage. I commend the Member for the stand he has taken on these three Bills, I know he works hard and has put in a lot of time into dealing with this problem. I believe that the proper solution will come to this Honourable House and it will be something that the Members of the House can accept and will be good for the country. Thank you.

THE SPEAKER: If there is no further debate, would the Honourable Member wish to exercise his right to reply?

HON. W. McKEEVA BUSH: Madam Speaker, I wish to thank all the Honourable Members who spoke on this Bill. There were some very good points made and I am very happy that we have a set of legislators in this country that recognise what our problems are and are determined not to bend to every wind that blows and attempt to do the right thing. I am very proud of the type, the calibre of men and women, especially being new Members in this Honourable House, that have sense enough to decipher between substance and political rhetoric. All Members did a good job but I think that I should say that the Second Elected Member for George Town who sits on the Health Care Insurance Commission did a good job in explaining the problems of this Law and the detailed ramifications that would be a detriment to the people of these Islands. Of course as I have said he has good working knowledge of the Law and in fact has done a lot of work on it.

I do have some things that I need to refer to here and I would like first to deal with the contribution of the Second Elected Member for Cayman Brac and Little Cayman who termed himself "Her Majesty's Opposition". I note the word "loyal" is never there. First of all I will say to this Honourable House again, I fail to see how he can say now in talking about what this Government has dismantled, that the Health Services Authority and the matters connected to it are good for the people. When he complains about us dismantling them, the Second Elected Member for Cayman Brac cried it down to the lowest.

He should be consistent because an opposition that is not consistent offers no alternative to the Government. That is political science, Madam Speaker. We know that an

opposition, no matter how much they purport to be leaders, if they do not offer credible alternatives, the people will reject them and I do not think that the National Team Government has anything to be worried about the Second Elected Member for Cayman Brac because the people in Grand Cayman will never elect him. I would have to see it done first. I believe I have good judgment of what the people of this country mean and when they say something they mean it. I have told them that between 1984 and 1988. I have told them that between 1988 and 1992 and especially when that Member did so much to mash up the National Team that he now complains about.

We certainly agree that there is a great need for proper health care in this country. He says that if there is the question of fees then we should only amend the Bill. Madam Speaker, there is not only the question of fees, it is the entire Law that is not based on a sound foundation. The Member went on to say that I should prove to the Honourable House what the Actuary said was true. Then he said, that good logic would prevail. I am not too sure about his logic, Madam Speaker, that it is good logic. I do not know that he is a logical man. My experience is that he is not and my experiences with him is that a logical person would never say to the Member or the Minister with the responsibility for Health that we should provide contraceptive for pregnant women. If that is the kind of logic that I have to depend on for advice then I will remain a humble, uneducated Member for Health until the people throw me out. But I cannot agree to that kind of logic.

There is this big play of sympathy for the seamen and it is only a political ploy, Madam Speaker. This is not genuine. Those Members that spoke about us not providing free medical care for the seamen that have done so much in this country it is only political talk, they know too well that there is a large amount of seamen in this country probably the single largest group of people in any one occupation. What they are trying to do is to get the seamen against me politically. They have made extreme efforts to do that and I just want to say to this Honourable House, if I have to loose votes then so be it. But there is an overriding concern when it comes to Government responsibility on expenditure. And when I receive 13 votes to put me on Executive Council, Madam Speaker I accepted the responsibility to do what was necessary to keep this country in a financially sound position. That is part of my responsibility. While there might be a few seamen who do not appreciate what I am doing, there are many who realise that Government can only give what Government gets from its citizens.

The National Team's Government has taken a decision not to introduce any measures which call upon our people who are already heavily strapped to pay any sort of taxes. We have done this in the face of an empty Treasury and calls for many services to our people. The Second Elected Member for Cayman Brac and Little Cayman who so viciously attacked me in his speech has asked questions about work for his constituency and what is Government going to give to them. Where is the money to come from so early in the life of a new Government who was left with an empty Treasury?

In attempting to do good for his constituency and all the rest of the people in this country, we can only cut out the inefficiencies and try to save. That is the best this Government can do in a short period of time. I can only say, Madam Speaker, the seamen should understand the situation and let me say to this Honourable House that Ezzard Miller or the Second Elected Member for Cayman Brac did not provide free medical for them. From where I sit as the Executive Council Member responsible for Health, that aspect of free medical through that association was made possible that a few supporters would get free medical and other freeness. This was done, but the only way they could give free medical to some of their well-off supporters was if they made it possible for some others less well-off to get as well. And anyone looking at the latest list that I have can see who these well-off people are. We had no way of differentiating between the rich seamen and the poor seamen. To differentiating in a law, Madam Speaker, we could not do it. So we had to put it this way, that those rich or well-off seamen who can afford to pay should pay and we will give free medical care to those who are not rich. If a seaman finds himself in a problem the Government will assist him. We cannot do anymore than that. When the insurance programme is brought in all seamen will then be able to have their health care.

The Second Member for Cayman Brac made many disparaging remarks about vested interest and he made some other personal remarks, Madam Speaker, but I will only deal with this one. I have no vested interest in insurance nor in any building construction company. But I knew that there would be this kind of outlandish attack. He has been meeting for the last couple of days with Mr. Ezzard Miller. Vested interest, Madam Speaker, was a lounge suit of his colleague, the previous Member for Health, who is responsible for putting this country into deep problems. Vested interest in Corvette, vested interest in apartments and vested interest in giving his friends large contracts that rocked the Treasury. That was vested interest, no National Team Member had any interest in that. Ask them where the IHC came in, and the Second Member from Cayman Brac well knows all about it. He stood in this House day after day and riled against what was happening in the previous Government which his colleague was connected with and was the Member responsible for Health.

Vested interest could be termed in many ways, but as long as I am in Executive Council I am not going to get involved with anything that is connected to anything in Government. I have one business and that still stands and everybody knows what that is. They call me the grass cutter.

THE SPEAKER: Honourable Member it is now 4:30, would you take an adjournment or would you finish up in a short time.

HON. W. McKEEVA BUSH: Madam Speaker, I would ask the House to agree that I finish my speech which I think could be done by 5:00 o'clock.

THE SPEAKER: Yes, could we move that the House continue, Honourable Member, thank you.

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: In accordance with Standing Orders 83 I move the suspension of Standing Order 10(2) to allow the Member to complete his reply on the Health Care Insurance (Suspension) Bill, 1993.

THE SPEAKER: The question is that Standing Order 10(2) be suspended in order to allow the Honourable Member to complete his winding up debate. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THAT STANDING ORDER 10(2) BE SUSPENDED TO ENABLE THE HONOURABLE MEMBER MOVER OF THE BILL TO CONCLUDE HIS REPLY TO THE SECOND READING DEBATE ON THE HEALTH CARE INSURANCE (SUSPENSION) BILL, 1993.

THE SPEAKER: Honourable Member, please continue.

HON. W. McKEEVA BUSH: So, Madam Speaker I am happy that the people of this country saw it fit not to elect the last Member for Health and I am certainly glad that the Second Member for Cayman Brac is in the minority or else he might have been the Member for Health and would be passing out contraceptives for pregnant women to take.

The other point that that Member brought attention to was that school children will not be able to get free medical care. What we are saying is that if parents can pay, why should they not pay? The Member went on with this long haranguing about us taking away the rights of school children and that they are not a national interest. I think that this Government is proving beyond the shadow of a doubt that we take our youth seriously.

But in connection to this free medical care for school children, why should the children of Mr. Ezzard Miller, or the Second Member for Cayman Brac, or my child for that instance, receive free medical? Why? Do Members of this Honourable House realise the number of children coming from rich families who are today getting free medical? Why should this continue? I have insurance and my insurance should pay. So rich people or well-off people with children that have insurance should pay. Where children are not able to pay by any means then they will be taken care of. We have said that, and that is contained in the Law.

There was this long dissertation about the United States' Health Care System. The United States of America is one of the super powers on earth. They have a lot of insurance programmes and they have many medical programmes, medical programmes that are free or subsidised, programmes and benefits discussed by politicians, by lawyers, by professors and some of the best brains in the world. But, Madam Speaker, are they working? Are they? Obviously not, Madam Speaker. By the Member's own argument they are being looked at, talked about, and committees set up to discuss it, task forces arranged and rearranged. The review is happening and all these vast plans of the United States have proven to be less than satisfactory. If the great United States need to look at what they now provide and what they do not provide, you mean to tell me that we, in this country, this scheme which was put together by one man is an example for the great United States to follow? Are you kidding? I should not waste any more time on that Member, Madam Speaker, he had nothing constructive to say except that we need proper health care, and that is our policy. Just how he gets it, he can wait and see.

This is a good time, Madam Speaker, to answer the Fourth Elected Member for George Town. It is most difficult and I would not be true to this Honourable House if I stood here and said that I could get a plan for Health Insurance by September. Yes, Madam Speaker, I do spend long hours at work sometimes until 9:00 o'clock and sometimes until 10:00 o'clock at night. I hope that by January 1, 1994 a new scheme will be in place but I cannot, in all honesty, say to this Honourable House that I can have a scheme ready by September.

The National Team is not on any vendetta against anyone. I am not going to take long to deal with this, but I think it bears pointing out since it was raised, and has been raised because I have been called the wrecker, Arnold Schwarzenegger, all sorts of neckers and wreckers. I, Madam Speaker, am only following our Manifesto. We have pin-pointed the problems of the country and we are attempting to address those problems such as problems with Cayman Airways. He mentioned the Constitution and let me say for the information of this Honourable House, I do not intend to waste one more minute on this Constitution because this subject has wasted too much time of this country following him, when we could have been doing other good for this country. Sitting down around the table discussing powers for Chief Ministers. I am not going into it. We were elected, Madam Speaker, whether people liked it or not, by the largest majority ever in the history of this country and we said in our Manifesto what we intend to do. Although he has said that we did not, obviously, the Second Member for Cayman Brac did not read that Manifesto. People cannot now come and say that we cannot follow the Manifesto on certain things. That is what we have been elected on.

We spoke about Finance Committee, we dealt with it. We spoke about the hospital and exactly the point that he was complaining about, Madam Speaker. We said we will develop a Medical Insurance Scheme which is realistic and affordable. We would review the Health Services Authority and the relevant legislation. We said that the building of the new hospital at this time is extravagant and against the wishes of the majority of Caymanians and we also said that we believe that the Government cannot afford this project and is now mortgaging the income of future generations.

If we had attempted to continue the building of that hospital to satisfy Mr. Ezzard Miller's ego and the contracts that he gave out to his friends, we would have mortgaged and mortgaged the future of our children, Madam Speaker, mine, yours and everybody else's. This Government took a judicious decision to not go forward with that hospital. They can say anything they want, but when the Courts are

finished and all the Judges have had their say, the truth will be known. I cannot say more than that because of the sub judice rule, but at that time the proof in the pudding will be in the tasting thereof.

I can only say to the Second Member for Cayman Brac, who rifles against this National Team Government, that a good Manifesto is one which recognises the problems of the country and says what is intended to correct those problems. A good Government is one that seeks to do what it promises for the good of the country and that is what the National Team Government is doing.

Madam Speaker, he asked me for proof that what the Actuary, who was hired by Mr. Miller, had said to us was true. This is a letter from Abbot and Associates, signed by Mr. John W. Rainer, Consulting Actuary, dated 17th May, 1993.

> "My Report of February 1992 which was submitted to the Health and Human Services Department during a visit to the Cayman Islands at that time was not distributed to other interested parties in its entirety.".

That is what he chose to put in his letter, Madam Speaker. That is the proof. Anybody who wants to read it, can. The Actuary is being very honest and we are being very judicious in not going against the wishes of the Actuary. The Actuary is the man that sat with the Government, thrashed out all the pros and cons and said, "gentlemen, this is what I suggest to you." When he did that the great Mr. Miller said, no Mr. Actuary, Ezzard Miller knows best and what I have I am going to do, not what you say.

How, Madam Speaker, can I, as a sensible person, put in place, or allow to continue, or to come into force, a Law which was put together by a man and that man tells us, "gentlemen, if you do that, if you put that Law in place, you are going to have troubles"? Because this is what happened. Let them weep and wail, let them gnash their teeth, I am not supporting something that I believe is bad for this country and I believe that we have sufficient proof to show that this Law is not workable.

There has been the absence of many key areas in this legislation. The truth is that when the Member for Health, at the time, put together the Law he would not listen to the people that he expected to work it and, in fact, he told a lie (which was usual for him over and over in this parliament) that they had agreed with him, when, in fact, they did not agree with him and he did not give them sufficient time, or did not give them time, as he said to deal with the issue of insurance. Yes! It has been banded about for several years, not only since the last four to five years, but health insurance has been banded about for several years, probably more like two decades, Madam Speaker.

One of the main problems was the overseas referral system. There was no liberalisation. Mr. Ezzard Miller said simply, "if you want to go overseas no matter how much insurance you are paying, no matter who you are paying the premium to, no matter when you want to go, you have to come through me first and I will tell you when you must go overseas". That is what he meant by saying, "going through the Chief Executive Officer" at the Health Services Authority. You mean to tell me that you are going to buy an insurance policy and you need medical care and with all your consultations with your doctor outside of the Health Services Authority, that your doctor would not have the prerogative to say that you have to go overseas and you are not going to have that prerogative? Only Castro, only Papa-Doc and the likes, Madam Speaker, would put such legislation in place. Mr. Ezzard Miller was not far removed. The Second Elected Member for Cayman Brac is following closely on his coat tails.

What about the high risk pool? Who will manage it, and how will they manage it, if there was one created? Everybody was going to throw money into this high risk pool but there was no management set up to deal with it. Whether it was ten dollars or whether it was $15 million, presumably what they intended to do was to take the high risk poll's money and use it to fund the deficits of the Health Services Authority.

One of the most serious problems of the Law is that of portability. All of us know what portability means. But this present Law does not cover it. If you are employed with one firm and you leave that firm there should be (and they talk about protecting people and we are not protecting people) a provision to enable the insured to carry their policy with them to a new employer, or else they would lose certain benefits. If they moved from job to job and they did not have the provision of portability the policy would be cut off, they would lose their policy. There are certain benefits that you lose when that happens because insurance, too, carries a time for coming into effect.

The absence of a major provision in the Law is for major medical expenses. It does not carry a level of coverage to satisfy overseas medical costs. All Mr. Miller did was not to follow the advice of his Actuary which we paid thousands of dollars for, but simply said, "you pay $45 and you over there who are age 65 and over, pay $179, and this is the little policy that you get for it." It had nothing in it to pay for major medical care and that, I submit to this Honourable House, is one of the most important or I would believe to be the paramount provision in any Law for health care, because that is where the cost is. Today you and I Honourable Members and poor people might be able to go and pay $1,000 but, certainly, we cannot afford to go to Miami and pay $15,000 or $25,000 or even $100,000 for medical care as happened in some instances.

Therefore, where was the protection that the Second Elected Member for Cayman Brac spoke about for the people? He only knows the people when he comes to this House because it is evident that he has not done anything for them. Talk is cheap! Cheap! For anyone to believe that the present Law even covered everybody is a fallacy, it is a joke, because it did not cover everyone in the Cayman Islands. It covers only employers and employees by compulsion. The Law said that they had to do it and if we allow the Law to go through with all its problems, people would be in serious problems. Who wants to pay for something that is not going to be of benefit to them, and who wants this Honourable House to tell them to pay it although you will not get the benefit? People, Madam Speaker, in this country have enough yokes around them, they do not need this one too.

There was no coverage for the uninsurable. This problem was never properly ironed out and these are the people who need health care coverage most, the people in the high risk bracket. He spoke about the American problem, that is one of their problems and we have it here but we have to do it sensibly. We have to work at it, we have to be able to negotiate and sit down and talk, listen and learn. Why, Madam Speaker, will people say that they are not going to be covered because they have high blood pressure and they will not be covered. These quirks in the system were never worked out.

I would like to thank the Chamber of Commerce for their interest on the subject of Health Insurance and for the survey it has conducted. I think it said a lot to the Portfolio and to other interested Members, what the people were feeling about the insurance. I would like to go on record thanking them. They claimed that this Law was going to pay for the expenses incurred by Government and that we are going to take a big loss because we are setting it back for a later date. I believe that it is better for Government during the next couple of months to take the losses, rather than having a situation where people are having difficulties with insurance companies because of the problems outlined in this Law.

If the Government has to subsidise it for the next six months, I believe that that would be in the interest of this country. If we went ahead to put in place and enforce this Law upon the people of this country we would be asking for trouble. So the Government is taking the right decision. We, up until now, have been informed by all concerned that this Bill is not workable and there are too many deficiencies. Therefore, it is best that we take time and iron out those problems like sensible men and women. That is good Government, that is what the National Team is all about.

I thank Honourable Members for staying back to finish this Bill and I trust that when we move out from here we would say that we have done the best for our country. That is where I stand. Thank you.

THE SPEAKER: The question is that a Bill entitled the Health Care Insurance (Suspension) Bill, 1993 be given a Second Reading. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

HON. W. McKEEVA BUSH: Madam Speaker, could I have a division please.

THE SPEAKER: Madam Clerk, could you please take the Division.

CLERK:

DIVISION NO. 3/93

AYES: 13	NOES: 1
Hon. Thomas C. Jefferson	Mr. Gilbert McLean
Hon. J. Lemuel Hurlston	
Hon. Richard H. Coles	
Hon. George A. McCarthy	
Hon. W. McKeeva Bush	
Hon. Truman M. Bodden	
Dr. Stephenson A. Tomlinson	
Mrs. Berna L. Murphy-Thompson	
Mr. D. Kurt Tibbetts	
Capt. Mabry S. Kirkconnell	
Mr. Anthony S. Eden	
Mr. G. Haig Bodden	
Mrs. Edna M. Moyle	

ABSENT: 4
Hon. John B. McLean
Mr. John Jefferson Jr.
Mr. Roy Bodden
Mr. D. Dalmain Ebanks

THE SPEAKER: The result of the division; 13 Ayes, 1 No. The Ayes have it.

AGREED. THE HEALTH CARE INSURANCE (SUSPENSION) BILL, 1993 GIVEN A SECOND READING.

THE SPEAKER: I will now ask for a motion for the adjournment of the House.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10:00 tomorrow morning.

THE SPEAKER: The question is that this Honourable House do now adjourn until 10:00 A.M., Thursday, the 24th of June, 1993. If there is no debate I shall put the question. Those in favour please say Aye, those against No. The Ayes have it.

AT 5:00 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. THURSDAY, 24TH JUNE, 1993.

THURSDAY
24TH JUNE, 1993
10:00 A.M.

THE SPEAKER: Prayers by the First Elected Member for Bodden Town.

PRAYERS

MR. ROY BODDEN: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated. Proceedings are resumed in the Legislative Assembly.

Questions to Honourable Members. Question No. 90, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 90

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 90: Who were the Members of the Public Sector Investment Committee that reviewed the proposal for the construction of the new George Town Hospital and what were their specific findings and recommendations?

HON. GEORGE A. McCARTHY: Madam Speaker, the members of the Public Sector Investment Committee who reviewed the proposal for the construction of the new George Town Hospital were: -

Core Members

Mr. George McCarthy - Chairman until 31st March, 1992
Mr. Joel Walton - Chairman effective 1st April, 1992
Mr. Woodward L Terry - the then Deputy Financial Secretary
Mr. Donovan Ebanks - Chief Engineer, PWD
Dr. Rudyard Robinson - the then Government Economist
Mr. Nicholas Treen - Auditor General (Observer)
Mr. Roger Bicknell - Accountant General

Co-Opted Members

Mrs. Gina Ebanks-Petrie - Asst. Scientific Officer, - Natural Resources Unit
Mr. Walling Whittaker - Chief Environmental Health Officer
Mr. Carson Ebanks - Acting Director of Planning
Mr. Peter Gough - Director of Management Services
Mr. Graham Wood - Dep. Principal Secretary Personnel

I am advised that I should refrain from providing any further details of this question as this matter is sub judice.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member confirm that the members of the Public Sector Investment Committee may change from time to time and as such it is not a Standing Committee of Government which reviews Government's financial undertakings?

HON. GEORGE A. McCARTHY: Madam Speaker, the Committee is a Standing Committee of Government. However, the members may change from time to time as observed by the Honourable Member.

THE SPEAKER: The next question is No. 91, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 91

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

NO. 91: What was the US$20 million loan to Cayman Airways Limited earmarked to pay for, and has the money been spent?

HON. TRUMAN M. BODDEN: The $20 million which Government borrowed under a Resolution of the Legislative Assembly in June 1992, was to pay for past debts of Cayman Airways Limited, much of which was covered by Government guarantee. A repayment schedule was worked out by the Financial Secretary which has resulted in the Company's major creditors, particularly International Lease Financing Corporation (ILFC) and Guiness Peat Aviation (GPA), being paid outstanding amounts of $5,165,431 and $1,066,755, respectively. An additional $7 million has been reserved to cover Government's guarantee to these two companies. The Company's overdraft at a local bank also covered by Government guarantee has been reduced by $3.6 million. The remaining sum, over $3.7 has been used to pay the remaining creditors.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if this loan and its utilisation has indeed now paid for the outstanding debts of Cayman Airways Limited, or are there still other major areas of debt that this did not cover?

HON. TRUMAN M. BODDEN: Madam Speaker, the largest outstanding major debt is the debt that is owed to the bank. There are further debts but they are much smaller than that one.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Would the Member say if, having paid these debts, it has relieved Cayman Airways to any significant degree in terms of its operation and has it, for that matter, assisted in its finance and revenue earning?

HON. TRUMAN M. BODDEN: Obviously the payment of these past debts has assisted Cayman Airways because a lot of time was spent dealing with creditors. However, that money has not helped the working capital of Cayman Airways. In other words, this money that was borrowed under the Resolution of June 1992 was to pay for past debts. The money cannot be used, and has not been used, for working capital. So Cayman Airways is no better off as far as working capital goes. It has been relieved of interest on those debts which carried interest and to that extent, naturally, it has helped.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Member say to what extent, as a rough figure, are other major outstanding debts and, perhaps, state the position in terms of the Airline's need for, perhaps, another loan to refinance a loan to pay them off so there could be one payment? Is there any justification in that or would it help if such was done?

HON. TRUMAN M. BODDEN: The debt owed to the bank averages about $6.5 million to $7 million. It was reduced down. If the Honourable Member remembers there had been an increase in the guarantee of

$3.5 million moving it up to about $10 or $10.5 million. That layer has come off. But if the Member is asking whether further capitalisation of the company is desirable, the answer to that is yes. But the reality of it is that the Government has not the money to go ahead, as he well knows, and put in as cash or to raise capital through a guarantee or otherwise. I am not certain if he is suggesting that we look at another substantial loan to reduce the payments down, many of which are now current. When I say current I mean within 30 days.

THE SPEAKER: The next question is No. 92, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 92

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

NO. 92: Why was the Turks and Calcos route flown by Cayman Airways Limited stopped?

HON. TRUMAN M. BODDEN: As long as Cayman Airways Limited had excess aircraft capacity it made commercial sense to operate the Turks and Caicos Islands route. With the down-sizing of the airline to two aircraft it was necessary to cease flying to the Turks and Caicos Islands. The net result is that Cayman Airways Limited loses the revenue generated by the Turks and Caicos Islands route. But this is less than the savings in aircraft lease costs, crew costs, maintenance costs and overhead.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Would the Member say that the situation, as outlined in his reply to the question, is contrary to the view that was expressed in the last Meeting of the House in March that, indeed, the Turks and Caicos route was one of a very lucrative nature and it did, indeed, make sense to operate that as a considerable money earning route for the airline?

HON. TRUMAN M. BODDEN: At that time, as I remember it, we had either three or four jets and yes, it did make sense at that time because we had excess capacity and it was better to fly to the Turks and Caicos Islands or somewhere else rather than leaving the jets sitting on the ground. The fact now is that we do not have excess capacity and we must remember that the Turks and Caicos route shows a loss and also the fact that the Turks and Caicos route helps tourism in the Turks and Caicos Islands, which is a direct competitor to the Cayman Islands and it does not help our tourism here. Therefore, it is in our interest to fly routes that help the Cayman Islands in preference to this route.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. I totally agree with the statement that the Honourable Member has made that we have been using our national airline to create business for the Turks and Caicos Islands. Has he, or has the management of the airline, given any consideration to increasing the frequency of service between the Cayman Islands and the United States and also inter-Island in terms of Grand Cayman and Cayman Brac?

HON. TRUMAN M. BODDEN: The most important route that Cayman Airways flies, from this Government's point of view, is the Cayman Brac and Little Cayman route because it directly affects our people. And, yes, there will be one increased flight on the Cayman Brac and Little Cayman route and I had hoped when that got a bit further along to mention that to Members for their views. It is contingent on the negotiations going on with Island Air and the aim of Government is to get the best schedule to Cayman Brac and Little Cayman that is possible between the Island Air company and Cayman Airways.

As a result of the down-sizing to two aircraft, we have had to cut back on other routes. But, as I said, we have increased and added a flight to Cayman Brac and Little Cayman because of its priority. What I can however say to the Member is that the jets which, when we had five, were flying less than four hours a day, the two that we have will be flying in excess of six hours a day and this is the reason why we have been able to preserve the routes beyond Miami, such as Houston, Tampa and Atlanta on a more limited basis than when we had five jets.

THE SPEAKER: The next question is No. 93, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 93

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 93: Will the Honourable Member give the nationality, education, experience and salary scale of all persons hired to work at Northward Prison since January, 1992?

HON. J. LEMUEL HURLSTON: Ten Prison Officers were engaged in 1992. All had achieved a secondary or higher standard of education. All now have 14 months of continuous experience as Prison Officers with the exception of one recruit who failed to complete his period of probation. These Officers are all on salary scale P1.

Numbers by nationality are:

Caymanian	2
Jamaican	4
Belizean	2
Guyanese	1
Nicaraguan	1

One Teacher/Counsellor was appointed in May, 1992. He is a Jamaican with a Bachelor of Science degree and a Diploma in Education from the University of the West Indies. He has considerable relevant teaching and administrative experience at Senior Teacher/Vice Principal level. He is engaged on salary scale P1 (Pt. 6). One Assistant Cook was engaged in January, 1992. She is a Caymanian (status) and has relevant catering training and cooking experience. She is paid on scale AD0002 ($6.96 per hour). One Assistant Maintenance man was engaged direct from the Public Works Department in February 1993. He is a Jamaican and his basic work experience is in plumbing and general maintenance. He is paid on scale AD0001 ($6.69 per hour). During 1992 two other persons were employed in the capacity of Assistant maintenance men, but neither was able to adapt and conform to the requirements of the Prison environs and left after brief periods of service.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say why the assistant maintenance man was hired in preference to Caymanians, especially as his services were terminated by the Public Works as a result of the retrenchment exercise?

HON. J. LEMUEL HURLSTON: Madam Speaker, I am not familiar with the detailed procedure of how the maintenance man was recruited. The substantive answer does say that he was engaged directly from the Public Works Department. I am not quite sure of the details of how that occurred, whether it resulted from any retrenchment in the Public Works Department or not, I am just not aware of it.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say if it is a common practice to encourage Prison Officers to request supplementary employment outside the Government Service so that their income can be augmented?

HON. J. LEMUEL HURLSTON: I am not aware of any such practice. I would imagine that it would be to the contrary, that salaries in the public sector ought to be kept at a level that is sufficient to satisfy the needs of officers which would not necessitate officers seeking permission to engage in any supplementary occupation.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I am requesting the Honourable Member to give an undertaking to check into this situation of the employment of the assistant maintenance man. It is my information that he was hired in preference to a Caymanian after he was laid off by the Public Works as a result of the retrenchment. Also, subsequent to his being hired as an assistant maintenance man at the Prison, he requested and was granted permission to hold a job outside of the Prison in order, according to his excuse, to supplement his income.

HON. J. LEMUEL HURLSTON: I gladly give that assurance to this Honourable House.

THE SPEAKER: The next question is No. 94, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 94

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

NO. 94: What changes, if any, will he be making to the Economic Development Unit, its personnel and Mission Statement?

HON. GEORGE A. McCARTHY: The Mission Statement and location of the Economic Development Unit will not change. In effect, the Economic Development Unit will become a section of an amalgamated entity to be called the Economics and Statistics Office. This will lead to the sharing of personnel, computer hardware, software, expertise, library facilities, photocopier equipment, etcetera, and the reduction in overlapping activities such as a data gathering, publication of newsletters, etcetera. The end result will be the need for less staff, hence the need for down-sizing of the combined Unit to save money and help balance the Budget.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say what will be the staff complement of the Economic Development Unit now, and would he give the names and the descriptions of these posts?

HON. GEORGE A. McCARTHY: The complement of the Economic Development Unit will be one economist, one assistant analyst and a clerical officer. The combined unit we are proposing will have a staff complement of nine persons in total. Up until the end of 1992, this unit had a total of six persons. The Statistics Unit had, I think, 11 persons. So we were looking at a total of 17 individuals. We are hoping to reduce the complement down to a total of nine.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Member say how this reduced complement will increase or maintain the efficiency of the Unit?

HON. GEORGE A. McCARTHY: To look at the efficiency of the Unit and to determine the contribution that it has made to the Governmental activities, especially in terms of financial information, macro-economic planning, we have to go back to 1986. At that time we had a gentleman by the name of Mr. Scott, a BESO Officer, who was brought to the Cayman Islands to get a development plan started. I think that arose from a motion that was put forward in this House. That gentleman, together with the now Acting Deputy Financial Secretary, worked together and produced what was then known as the Development Plan. This was done in 1986. That was subsequently laid on the Table of the House and it was agreed that the document was supposed to be updated on an annual basis. It was regarded by the Government of the day as being a very useful document and it sets out, especially in the areas of capital expenditure, programming and planning, what the Government would be doing over a period of time.

The document had a short life span in terms of what was put forward. The updating of it was attempted in 1989. Apparently when that was put forward it deviated significantly from the approach that was taken initially which allowed for it to be welcomed. As a result of that, the planning process which should have come about by having this document updated was set aside.

What has been happening since that time has been an ad hoc arrangement, whereby if specific information was required by the Financial Secretary, for example, or deemed to be useful in specific projects, such as project analysis that was done for the new George Town Hospital, those works would be commissioned and the Unit would become involved. Now in terms of where it has reached, if we look back in terms of the Mission Statement, this Unit is supposed to be doing analyses on an ongoing basis. It is difficult for us to reach to an age of sophistication that we have arrived at now without having at least a minimum of a three year medium term plan in front of us. Today we do not have that.

It is hoped, Madam Speaker, that this will be an initiative that will be embarked upon commencing during the course of 1993, as was outlined in the Budget Address. As a result of this, the Budget Unit will be tied in very closely into this area and quite a lot of attention will be given it.

The contract of the Chief Economist expired and we have since identified a Caymanian that is in one of the other dependant territories. This lady has a Masters Degree in Economic and Development Planning and we are in the process of negotiating with her to see if she would be willing to take up a position in the Cayman Islands.

The Statistician also has a background in economics and the combined expertise of the Unit overall should allow us to commence, once more, with the starting off of a Development Plan. To get that rolling will involve sitting down with the Government and embarking upon a planning process. Throughout all of this, Madam Speaker, we are hoping to improve the efficiency and the expertise of the overall Governmental function.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member who sets the

priorities and orientation for the functioning of this Unit? Is it set by the Financial Secretary or does the Unit evolve direction based on the projections and their studies in macro-economics and development planning and advise the Financial Secretary?

HON. GEORGE A. McCARTHY: It will be much easier for me to read from the Mission Statement. It reads;

> "The broadly defined Portfolio goal of ongoing effective development policy advice and support provides the basis for the derivation of the Economic Development Unit's specialised goal, purpose, and objectives.
>
> Conceptually and functionally, therefore, the specialised goal of the Economic Development Unit is to effectively and efficiently provide the Portfolio of Finance and Development with high quality specialised professional and technical economic expertise and specialised institutional support which will permit the Portfolio to capably pursue and achieve its goals of providing the Government with ongoing effective advice and support in the areas of economic and financial policy and overall development planning.".

What I have said is a mouthful. We are looking at what has been said here. Basically, we are talking about a self propelled unit, as such. My interpretation of what has been coming forward from the Unit since 1992 has not resulted in this Mission being accomplished. If we look back at it in terms of our financial information, in terms of what we have since 1990, it does not seem as if this was fulfilled as well as it should. Therefore it is my view that what has been set out and the accomplishments to date do not reconcile with the Mission Statement as read.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Let me ask the question this way. Does the Honourable Member tell the Economic Development Unit of the general direction or orientation in which he would like to take the Country and ask them, based on their analysis and their information, to define the easiest structured path, or is the obverse in effect where the Economic Development Unit, based on their analyses and on their studies, inform the Honourable Financial Secretary of the best path to take?

HON. GEORGE A. McCARTHY: The way the arrangement works is that the Financial Secretary is responsible for giving broad indications to the Economic Development Unit in terms of the path which should be taken. This resulted in discussions commencing with the Chief Economist. At that time it was pointed out that we would be embarking on an Economic Development Plan.

In terms of what we have in front of us to set down, the Economic Development Unit is responsible to make an input into this arrangement by interpreting and providing information that is useful in terms of the Economic activities. It is supposed to be doing an analysis and feeding up information to the Financial Secretary's office. From this it can be gleaned and interpreted broadly where advice should be given in terms of policies, what areas we should initiate policy development in and so on. Such was not the case.

THE SPEAKER: The next question is No. 95, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 95

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

NO. 95: What number of juveniles have been convicted of criminal offences since November 1992, and to give the comparison for the same period last year, that is, November 1991, until May 1992?

HON. W. McKEEVA BUSH: Thirty-one juveniles convicted of, at least, one criminal offence each were sentenced in the Juvenile Court during the period 1st November 1992, to 1st May 1993. This compares with the figure of 49 juveniles sentenced in the Juvenile Court for criminal offences during the period 1st November 1991, to 1st May 1992.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if these juveniles have access to any counselling and also if there is any follow up upon the juveniles being sentenced and serving their time to see that they have made a successful return to mainstream society?

HON. W. McKEEVA BUSH: Yes, Madam Speaker. Any juvenile that gets convicted gets counselling from the Department of Social Services and other services as well.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say if the situation in which Caymanian juveniles are sent to the United States to Approved Schools is continuing and, if so, when is this situation likely to be discontinued?

HON. W. McKEEVA BUSH: If I answer that question I would anticipate my Statement to follow shortly .

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, would the Member say whether the nature of the criminal offences has changed in complexion since 1991, as compared to 1993?

HON. W. McKEEVA BUSH: Yes, Madam Speaker, we have seen an increase in burglary for instance going from 62 in 1991, to 118 in 1992 and for drugs from 3 in 1991, to 11 in 1992.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say if any attempt has been made to investigate into the home conditions and the socio-economic backgrounds of these juveniles in order to ascertain if there is any pattern which could stem from lack of upbringing, etcetera?

HON. W. McKEEVA BUSH: Madam Speaker, as I understand it from the Director, in order to take any child to court a detailed examination of their environment has to take place.

THE SPEAKER: That concludes Question Time for this morning.

APOLOGY

THE SPEAKER: Before we proceed to other business, I would like to inform Members of the absence of the Honourable Member for Tourism Environment and Planning, Leader of Government Business. He, with the permission of His Excellency the Governor, is off the Island on official business and therefore will not be present today or tomorrow in the House.

Statement by Members for the Government. The Honourable Elected Member for Health and Human Services.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

PROPOSED DEVELOPMENTS AND SERVICES FOR YOUNG PERSONS IN TROUBLE

HON. W. McKEEVA BUSH: Thank you, Madam Speaker.
This is a Statement Regarding Proposed Developments and Services for Young People in Trouble.

> I am sure that Honourable Members are aware, Madam Speaker, of and share the high level of concern over the apparent lack of effective interventions for young people in trouble. It is a sign of the level of social concern over this matter that a local newspaper recently chose to highlight a related recommendation from the 1992 Drug Council Report dealing with the need for a Juvenile Detention Centre.
>
> Let me hasten to add that my Portfolio is firmly of the view that prevention in these things is far better than cure. That is why the investment in time and other resources is being made in sports, as was evidenced from what I have reported in this area. That is also why we have voted additional funds this year for CASA, including money to assist in hiring an additional person to work in the districts in the Youth to Youth Programme. That is why a number of things are being done, both by Government and in the voluntary sector.
>
> In spite of these things, however, notwithstanding our best efforts, it is anticipated that there will continue to be young persons who break the law and go far outside the norm of acceptable behaviour.
>
> In response to this eventuality, there are two initiatives now being planned, one of which has just undergone the first phase of review by the Public Sector Investment Committee. The other has been given "in principle" approval by the Portfolio and a project document is now to be developed for proper budgeting, etcetera.

Madam Speaker, when I speak of young people in trouble, I think all Members will understand that I have in mind both those who are victims, as well as those involved in crime. The important factor is, that both require extra help in coping with the demands of life and in adjusting to a more socially acceptable way of handling themselves. We are proposing to introduce two initiatives to respond to these needs. Essentially to replace what is currently being tried.

For some years now, we have had the Boneventure House operating as a caring home for boys and young men in need of care and protection. We have had the Alternative Education Unit attempting to re-integrate difficult students of a certain age group back into a standard classroom setting. We have had the option of Approved School placements overseas. We believe we have identified a programme, offered by the Associated Marine Institutes, which will encompass virtually all of this.

Similarly, for years there has been dissatisfaction expressed from all quarters about the lack of a remand facility for young offenders. The poor state of the West Bay "Lock-up", and the unacceptable option of Northward, has been the subject of much talk. We propose to construct a purpose built remand facility to cater to these cases, and I shall return to this in a few minutes.

ASSOCIATED MARINE INSTITUTES

Associated Marine Institutes, Inc., has its headquarters in Tampa, Florida. There are Institutes in several states, the oldest of which is some 20 years running. Each institute is an integral part of its respective community, operating as a free-standing unit with its own Board of Trustees and utilising the basic AMI programme, adapted as necessary to be of benefit to the community in which it operates. There is a central Board, made up of representatives of the Boards of each institute.

It is proposed that the AMI programme would be offered at the Boneventure House. The children and young persons now there are already being eased back into some family support network with social work assistance. Where the immediate family is not appropriate, the extended family is being utilised. Where there are cases in which that support is not available, the Frances Bodden Home, which is already virtually co-educational, or foster care, will have to be used. Some cases, where there is a need for care and protection, but there is also "acting up" on the part of the young person, may be dealt with here.

Bonaventure House has already been reviewed by AMI representatives who visited here in April following an exploratory visit to Tampa by a team led by myself back in January. This delegation consisted of myself; the Director of Social Services, Mrs. Angela Martins; MLA for Bodden Town, Mr. Anthony Eden; Mr. Kirkland Nixon, then Chairman of the Justices of the Peace Association; Mr. Danny Owens, Architect with Public Works; and Mr. Michael Cooksley of Social Services. The Associated Marine Institute's representatives confirmed that their programme could work at Bonaventure with minimum modifications. Due to the marine feature of their programme, they were also very pleased by the presence of the launching basin and the shore across from Bonaventure Road.

I spoke earlier about a broader range of services being made available through AMI. This will mainly take the form of replacement of the Overseas Approved School Placements in all but a handful of difficult cases, such as murder or arson, which we do not yet have among young people, or cases requiring a combination of medical and social therapy.

It is anticipated that instead of being transferred to the Alternative Education Unit (AEU), such cases from the school would be managed by Associated Marine Institute Programme at Bonaventure. Similarly, most Approved School Order Placements would be made to AMI. The present proposal calls for six residential beds, basically to cater to the Approved School cases, and 25 spaces for a "Day Programme" in which the young persons would be put through the paces of the Associated Marine Institute's "Curriculum", but return home at night.

Initially, all AMI students have very little unsupervised or unstructured time, including weekends. They only move to a different mode, where weekends off and other privileges can be earned through showing their ability to behave responsibly. In a similar general vein, students are also expected to learn how to set and meet expectations, cooperation skills, and mutual respect. There is also an educational and pre-vocational component, the latter of which has been traditionally focused on marine skills. Apart from specific instruction, all of this is supported by specialised counselling services, community service projects, and the developmental life skills curriculum all designed to help the young persons re-integrate successfully into their communities.

Graduation from the programme would generally take place after six months with three months of "aftercare" and tracking over a three year period. To graduate, students would be expected to complete the AMI course requirements, show positive behaviour, and an improvement in academic standing as well as have a specific plan for the future (return to school or a job secured). Talks are ongoing with the education department to ensure the "fit" of this programme with our educational

system, and regarding the proposed phase out of the alternative education unit. Similarly initial discussions have taken place with some watersports operators, who would be a principal resource for this programme and they seem keen both at the chance to do something to help these young persons, as well as to train them in this field.

It is anticipated that between those in the programme and those in "aftercare", up to 45 young persons may be part of this programme at a given time, compared to less than half that number in the present system. On the basis of the 1993 Budget, we are anticipating in excess of $100,000 savings in recurrent expenditure. The three services - Boneventure, Alternative Education, and Approved School, are budgeted to cost about $798,000, compared to an initial estimate of $672,000 for the Associated Marine Institute Programme. In comparison also between the AMI cost and sending 45 children overseas would be an outlay by Government in excess of $3.4 million annually.

Associated Marine Institutes proposes to utilise 10 full-time and two part-time staff recruited locally as far as possible. They would, of course, need to bring in senior staff to set the direction of the programme. Once part of the AMI staff, employees have the prospect of rotation through one or more of their institutes in the United States to be further trained and gain experience and seniority.

Approval in principle has been granted by the Honourable Executive Council, with the support of the Public Sector Committee in order to enable the AMI Board of Trustees to give full consideration to a contract of services. We expect to hear from them soon, and to move forward quickly with the hope of having this programme in place for the September school term. It should mean a significant improvement on what we are presently doing, and hopefully we will soon start to see the results in turning around the lives of some young people who otherwise might go from bad to worse as many have in the past.

REMAND FACILITY

I cannot go into as much detail in this case, Madam Speaker, not because the subject is not important, but only because it has not yet reached a stage where such a detailed description can be offered. I am pleased to say, however, that an outline proposal has been made and approved in principle, by my Portfolio, in order to authorise the preparation of a detailed project document, setting out building and staffing requirements and programme offerings, more fully. This document should also contain realistic estimates of cost.

I can assure Members that the Government will be most alert to the cost factor. We realise the pressing nature of the problem and for this reason have indicated that it must go on the front burner along with so many other irons we have in the fire; but the project must be subjected to necessary scrutiny, such as by Public Sector Investment Committee, in order to assure value for money. One way in which costs will be kept down is in terms of the site. It is proposed that Government owned land north of Boneventure House will be utilised.

I would just like to end this statement by giving a brief outline of the types of cases which this facility would cater to:

a) Those juveniles awaiting adjudication in Juvenile or Grand Court and refused bail. These juveniles may have been refused bail because of the seriousness of the offence allegedly committed or to prevent further offending, or because the alleged offences were committed whilst the juvenile was on bail, or some other reason.

b) Those juveniles placed on Fit Person Orders to residential establishments and proving to be too unruly to be managed (e.g., frequent absconders and those behaving in an aggressive manner).

c) Those juveniles sentenced by the court to an Approved School order and awaiting acceptance by the designated establishment. Hopefully the holding time in these cases would be reduced, following the introduction of the AMI Programme.

It is hoped that Members will accept that progress is being made in addressing the needs of young people in trouble by the Portfolio of Health and Human Services.

THE SPEAKER: A further Statement by the Honourable Member for Health and Human Services.

RESIDENTIAL AND DAY CARE FACILITIES FOR THE MENTALLY ILL AND HANDICAPPED

HON. W. McKEEVA BUSH: Madam Speaker, this Statement is in regards to the Residential and Day Care Facilities for the Mentally Ill and Mentally Handicapped.

This Statement, Madam Speaker, is intended to inform Honourable Members as to progress being made in responding to the needs of a relatively small but most unfortunate number of our people; people whose problems are often difficult to manage. This causes them, and often their families, a good deal of distress. I am, of course, referring to the chronic mentally ill and mentally handicapped, and especially those without the means available to adequately respond to their condition.

Presently, our Mental Health Services are limited to outpatient consultation by the psychiatrist at George Town Hospital and regular visits (twice monthly) to Faith Hospital in Cayman Brac, follow up activities by the Psychiatric Social Worker and inpatient treatment for the acutely ill (i.e., those who are disturbed or seriously disturbed). Appropriate secure beds at the George Town Hospital for the care of the severely disturbed patients and patients who abscond will be included in the Master Development Plan of the George Town Hospital Complex.

However, it is well recognised that the chronic mentally ill will be benefited by medical and social supervision. Some clients are difficult to control at home, some unemployable without any family supervision and some are causing a public nuisance. We need to provide a programme that can offer residential care for those who cannot be cared for at home, due to lack of accommodation or family supervision, and day care activities for the chronic mentally ill. A day care facility will relieve the burden on families in the day time, in addition to providing rehabilitation activities to the clients who are mentally ill and mentally handicapped to restore some level of functioning.

The Government intends to renovate the Government apartments on Smith Road to provide residential care for 6 to 8 clients initially, and day care for another 7 to 8 clients. This would accommodate those known to be in most severe need. One community mental health nurse will be in charge of the residential and day care center. The Psychiatrist and Psychiatric Social worker would participate in the activities as deemed necessary. The social Services Department would be called on to assist as necessary. We would have to employ an occupational therapist, caretakers, and three aides for the management and implementation of the programmes of the residential and day care centre. Community involvement through volunteers, voluntary organisations and families will be encouraged. Initially the day care clients can be dropped and collected by the families where feasible and we would procure a vehicle to enable the staff to assist in transportation of clients. I anticipate the recurring expenditure to be around $150,000 per year.

The programme will offer supervision for the taking, and administering of medication, occupational therapy and life skills training and, in some cases, full rehabilitation. It is hoped that some clients will be employed. The programme will offer clinical assistance and social support to the clients and families. Clients who are acutely disturbed, suicidal, excessively aggressive or significantly disabled will not be included in this programme as they may need hospitalisation. Those recovering in the hospital from bouts of such conditions will be able to benefit from the day care programme.

The principle of helping individuals to help themselves and one another would be the essence of the programme.

The programme models will be flexible to meet the needs of the clients. The clients will have the opportunity to learn to cope effectively with situations in a programme where staff and patients mutually participate in various activities and will also be taught social life management and recreational skills to help them overcome difficulties in these programmes. It is anticipated that the clients will be actively involved in their daily activities; cooking, housekeeping, gardening, maintenance of grounds, etcetera, thus providing them the opportunity to learn as well as keeping the overhead costs to the minimum.

The activities include:

1. Treatment through staff to client; Client to client; staff to staff interaction.
2. Social and recreational activities.
3. Skill training through community practice as well as formal instructions in social communication, social interaction, relaxation training, etcetera.
4. Training in daily living activities such as grooming and personal hygiene, shopping, independent living, cooking and basic housekeeping.
5. General Health and wellness promotion through information and activities such as exercise, habit control, etcetera.
6. Skill development in the management of their medications.

It is expected that the programme will remove some of these clients from the streets thus making them less liable to be drawn into antisocial and criminal acts, give families relief and respite from the burden of responsibility for caring for them; thus providing a humane approach to the chronic mentally ill citizens of these Islands. In addition we will be employing community mental health nurses to complement the psychiatric services of the Islands.

The proposed facility is of temporary duration of 2 to 3 years as this will be included in the Master Development Plan of the George Town Hospital Complex. I ask the members of the community to lend their support to the Government in developing this programme for some of our less fortunate citizens.

THE SPEAKER: Thank you, Honourable Member.

OTHER BUSINESS

PRIVATE MEMBERS' MOTION

PRIVATE MEMBER'S MOTION NO. 3/93
THE NATIONAL COMMISSION ON CRIME AND VIOLENCE

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
I beg to move Private Member's Motion No. 3/93 entitled The National Commission on Crime and Violence, standing in my name, which reads as follows;

WHEREAS the Cayman Islands have witnessed an alarming rise in certain crimes;

WHEREAS juvenile delinquency is of great concern to law abiding Caymanians;

WHEREAS Caymanians are increasingly becoming aware of the threat to their stable society of crime and violence; and

WHEREAS drugs, especially marijuana, cocaine and crack are endemic in Caymanian Society; and

WHEREAS some elements of society have voiced suspicions on the role of the police; and

WHEREAS there have been previous requests for a review of the Royal Cayman Islands Police; and

WHEREAS the present Commissioner of Police has gone on record as offering no objection to the establishment of such a commission;

BE IT RESOLVED that the Government consider establishing a commission to investigate into the increase of crime and violence in Caymanian Society and to prepare a report thereon.

BE IT ALSO RESOLVED that such a Commission be comprised of not more than three persons one of whom should be from a foreign jurisdiction;

BE IT ALSO RESOLVED that the report of the Commission be Tabled in the Legislative Assembly and debated and voted upon by Members of the Legislative Assembly.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Madam Speaker, I beg to second the Motion.

THE SPEAKER: The question before the Honourable House is Private Member's Motion No. 3/93, National Commission on Crime and Violence. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, the primary motivation for moving this motion lies in the fact that there is a need for us, in these Islands, to become aware of the basis for the rapid increase in crime in our society, especially juvenile crime. The motion would seek to set in place a mechanism for arriving at this basis. Therefore I see the motion as taking a sociological look at our society to see if the roots of these crimes are found in the family, the wider society, the school, or the environmental conditions in these Islands as presently experienced.

The motion is not meant to bash the police or any of the social control agencies. Indeed, I see the motion as skirting across these organisations in an attempt to reach the underlying causes. I believe that all of the efforts made so far have only been efforts in which time, energy and money have been expended on treating the symptoms rather than the causes. In so suggesting I am positing that the time is now ripe for us to pool our resources and our energies in an attempt to arrive at a scientifically based root cause for these crimes.

The history of this motion arises out of events in the recent past, particularly as they were documented in the local media, especially the *Caymanian Compass*, beginning from October 1992. I have saved a number of editorials which I will be referring to at a later stage in my debate. I pause to give a brief history of the origin of the motion because some days ago I heard some buffoonery, which would not normally attract my attention, regarding the fact that I only listen to ideas and every time some people look around they see me on the television or in the newspaper. Normally, I would treat such idiotic remarks with the contempt that they deserve. But I would like, since they were recorded in the *Hansards* of this House, to state my position.

This Member from Bodden Town has never been bankrupt of ideas, as the records of this House will show since my arrival here. From as long ago as January of 1993, when the Business and Professional Women's Club held their Forum on Crime at the Town Hall in George Town, which I and some other Members of the Legislative Assembly attended, I served notice at that time that I would be bringing this motion and, indeed, had the motion typed up from the February sitting of the Legislative Assembly but did not bring it because the agenda for that meeting was already filled with important stuff particularly as it was in that meeting that we had the motion calling for the review of the Penal Code.

The *Caymanian Compass*, in its report of the Forum on Crime, made mention in the last paragraph of my position in the motion when it reported, on page 12 of the Thursday 28 January 1993 edition,

> "Mr. Roy Bodden, MLA, brought up the idea of a National Crime Commission. Commissioner Ratcliff said he would have no problem with such an independent body, but the impetus would have to come from Government.".

I have no objection, I believe the impetus should come from the Government. So I see this motion as giving the Government, as well as Members of the Backbench, an opportunity to state their positions and their concerns as to what they see as being important to the sociological causes of crime and violence in our society.

In the introduction I need say no more than that. Thank you.

THE SPEAKER: The motion is open for debate.
The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, I rise on behalf of the Government to state Government's position. I wonder if we could take a break at this point, Madam Speaker?

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED 11:24 A.M.

PROCEEDINGS RESUMED 11:45 A.M.

THE SPEAKER: Please be seated
Private Member's Motion 3/93, The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, thank you for allowing the break at that time.
The Government agrees with the First Elected Member for Bodden Town in the view that crime in this country has grown to the point where a strong and very determined effort must be made to come to grips with it. We share a deep concern on this and Honourable Members, and the country at large, may be assured that we are doing something about it. In fact, some of the initiatives we announced a few weeks ago are already being implemented. Yes, all of us are deeply concerned. We realise that the rise in crime not only affects certain people or businesses, but it affects all of us who live in these Cayman Islands. As we move from one part of the country to the next it is a current topic because people are concerned about their safety, especially when things are so highlighted in the press.

But, it would also be wrong of any Member of this Honourable House to not exercise appropriate care in their depiction of the situation in our country, given the influence we have in this Chamber and the public mood, as well as our international reputation. What I am getting at is that we must be sure to do two things at once to make it clear that increasing criminal activity will be tackled forcefully and that we intend to leave no stone unturned to see that criminal elements are dealt with. I trust that when the initiatives are put in place (and they have been started), I will not hear from any member of the public about discrimination on any one nationality. We have to do things to protect this country and we, as a Government, are determined to do it. So, I trust that when those initiatives, and some of them have been drawn to the public's attention, and others cannot be because of the nature of the action, I trust that I will not see editorials in the paper as was attempted sometime back in the *Caymanian Compass* in trying to throw cold water on the attempts of Government.

I have read the *Caymanian Compass* editorials, and others as well, but I mainly read that one to make sure of what that editorial is saying because Government made an announcement, and I do not have it on hand but I should have it shortly, recently on efforts to tackle crime and criminal elements in this country and that editorial went on to talk about Americans not being able to come here. I do not have it with me now, Madam Speaker. But the press, while they have a duty to report accurately on what is happening in this country, they also have a duty to take care of this country and they should know the ways and

means that they, too, can take care of this country.

At the same time, Madam Speaker, as long as it remains so, we need to make it absolutely clear, all of us in this House, and the newspapers as well more than anybody else because they have the International Wires Association, we all need to make it absolutely clear that Cayman is still a very safe and enjoyable place to come to rest in, to live in, and work in, in spite of the rise in burglaries. As I said, we are all disturbed by the changes which have crept upon us from the old days when cars and houses were left unlocked, property unsecured and so on, to the present situation where burglary is much too common. Drug crimes and suspected drug related crimes seem to be creating sub-cultures of deviance and to some degree defiance and violence.

What can be said is that, in taking over this country, we found a deteriorating social situation. Many things impact upon crime; absence of parental responsibility, a society that cares too much for itself and not enough for others, all of these have an impact on rising crime and give rise to juvenile delinquency. What cannot be said, Honourable Members, is that this Government is not doing something about this. We are working, yes up until the late hours of the night, to do something to address our problems. We are reviewing the Juveniles Law, which I would hope to have before this House before the end of this year. In that we are going to, and it is my intention unless I cannot get the support for it, ensure that parents pick up a mandatory responsibility for their children. That is one of the main problems that we have and we are going to do it. So it is a hope that I will have the support of the country.

One of the Whereas deals with the increased drugs, especially marijuana, cocaine and crack, which are endemic in Caymanian society. This is true, this is not a lie. It is true, but what Honourable Members must realise is how this got to where it is today. We are six months into our administration. When we took over, Madam Speaker, and Honourable Members, the main arm of the Law Enforcement, which could be used to battle crime and battle the importation of drugs, was absent from these Islands. On taking over this country there were no sniffer dogs, the programme had been abandoned. So our ports were left wide open to all and sundry. Also, there was no coastal surveillance, except for a little 20 foot boat. Our coast line was left wide open to the world and all who wanted to come to ply between here and Jamaica, one of the main passages for the importation of drugs into this country.

I know, I know that there was a step-down in the raids and suspected criminals and suspected drug places in this country. Why? I pointed to political expediency for the two years before the election. But I know that there were not enough raids going on and pressure from the enforcement of Government at the time. These three components - the absence of enough raids, absence of proper coastal surveillance, and the absence of the sniffer dogs have made it possible for criminal elements to run rampant in this country. What is Government doing? What has happened in these last six months?

Drug statistics from the police department tell us what is happening. This Report outlines the offences committed in the Cayman Islands between the 1st of January to the 31st of May 1993. It gives a comparison of the 1992 picture. The total offences for ganja, cocaine, and miscellaneous totaled 375 for that period, as against 261 in 1992.

OFFENCES INVOLVING GANJA:	1993	1992
Simple possession:	120	58
Possession with intent to supply:	19	13
Consuming:	63	65
Being concerned in possession of ganja:	8	12
Importation:	2	0
Cultivation:	2	1

Total of offences involving ganja was 214 for 1993 as against 149 for that period in 1992.

OFFENCES INVOLVING COCAINE:	1993	1992
Simple possession:	40	26
Importation:	1	0
Possession with intent to supply:	24	20
Consuming:	44	25
Being concerned in the possession of cocaine:	8	2

Offences involving cocaine in 1993 totalled 117, as against 73 during that period in 1992 (dealing from 1st January to 31st May in both years).

Madam Speaker, there were persons arrested and this is one of the important areas that Members must take cognisance of.

PERSONS ARRESTED:	1993	1992
Males:	178	136

Females:	31	18
Total persons arrested:	209	154

Various nationalities have been involved in these criminal acts. The important thing to remember and take note of is that of seizures, the pressure on these druggists, the raids on these criminal elements that have been put in place since January 1, 1993.

During these five months, Government, the Police, the Drug Police, or the Drug Squad I should say to make it explicitly clear, under Detective Superintendent Cutts have been very active resulting in the seizure of seven ounces and 16 ounces of cocaine from three drug dealers in Cayman. These were persons with no previous convictions who we have specifically targeted using surveillance and observation.

A further target operation has resulted in the arrest of a main drug dealer, again with no previous conviction. He was arrested in possession of one kilo of cocaine and 100 pounds of ganja for distribution in Cayman. A major operation took place during May which resulted in the seizure of 1,738 pounds of ganja, valued at CI$2 million in dealer prices.

This, Honourable Members, is the largest seizure of ganja in Caymanian history. The ganja was stored and hidden and was for transportation to the United States of America and for distribution locally. This operation was extremely manpower intensive involving the whole Drug Squad and Uniformed Officers with over 1,000 man hours expended. Considerable surveillance and observation amounted involving boats and small planes.

There have also been instances of cocaine washed ashore and recovered. In one case, 17 kilos were handed into the police by a member of the public. We are aware that other instances of drugs washed ashore have not been recovered by the police. As a direct result of information via the newly introduced Crime Stoppers Programme, we have also recovered 70 pounds of ganja and arrested one person in connection with this matter. There have also been many seizures of small cocaine rocks and small amounts of ganja.

We have been involved in assisting American Law Enforcement/Drug Enforcement agencies and the United States Customs and these have resulted in arrests and seizures in the United States. So, for the first five months, January 1 to May, it cannot be said by anyone that this Government is not doing something in that regard, in trying to bring the criminal elements, the drug dealers, before the court. We have scheduled a meeting with all Members and His Excellency the Governor to deal specifically with the situation here that there have been previous requests of the Royal Cayman Islands Police. Before I get into it, I would just like to say that I, too, have called for, numerous times, an independent review of the Royal Cayman Islands Police. We have talked about this amongst ourselves and we have all agreed to meet with His Excellency the Governor, that is all Members of this House not just Elected Members, I hope, to talk about the situation with the police and to look at the request for an independent review.

Now, Madam Speaker, the First Elected Member for Bodden Town, brought a motion sometime back for a review of the Penal Code. The reasons given for the motion to study the Penal Code are not far removed from the present motion before the House. We feel in this one effort alone, if Government accepts the motion for a Commission it will be much overlapped and there will be a duplication of efforts. The same people giving evidence to the Penal Code Committee would be some of the same people giving evidence to the Commission, whether they are studying the sociological reasons for the increase of crime the Commission will have to talk to the Social Services Department, they will have to talk to the Courts, they will have to talk to the man on the street and we have invited all of these in on the Committee to review the Penal Code. So we feel in that one effort, the review of the Penal Code, there would be an overlap that we do not need.

In addition, because we feel that there needs to be an investigation into the causes of crime, sociologically and otherwise, we propose a crime study. Because we feel that while deviant and criminal behaviours are, to some extent, unavoidable the Government is not comfortable at the moment that there exists a sufficiently clear idea of the causes of, or explanations for, such behaviour in our Islands.

The proposed study would provide a basis for planning a strategy response to the situation, as I said, which Government is keen to do while the situation is still within our grasp and still manageable. We made an announcement, a press release, and it was noted that in implementing any recommendation from the study, Government would first seek to use existing resources more effectively. The study would be examining the impact of various socio-economic developments over the years and their relationship to criminal behaviour. It was also expected to review local systems for collecting and analysing data on crime. The management of the present rehabilitation facilities would also be reviewed as well as options available to the courts regarding the dealing with juveniles.

The following are specific tasks of the proposed study:

1. Using appropriate methods, including interviews of individuals and groups, research expert witnesses and seek to ascertain the causes of criminal activity among convicted offenders.
2. Seek to assess the significance of social and economic changes as causes of criminal activity specifying what types of changes seem to have had the greatest impact and the nature of the relationship of the two.
3. Investigate the background of Northward inmates and advise on any patterns that appear in terms of social origins, career history and so on.
4. Advise on the management and efficacy of present rehabilitation available to convicted offenders whether serving prison sentences or suspended sentences.
5. Review police systems for collecting and analysing data on crime and advise of any implications for accurate assessment of criminal activity, as well as possible improvements to the system.
6. Review the options available to the courts for disposal of cases involving juveniles and advise possible improvement.
7. Advise of the use of community service orders and ways in which this might be made more effective.

I believe that the efforts of this present Government are to be commended. We cannot do anymore than this. If we could point out the criminals themselves, if we could lock them up ourselves, we would certainly not hesitate. But as a Government we are taking every possible means in doing something about what is happening on this Island in regards to crime.

I want to take the time out to thank the Business and Professional Women's Club, the Chamber of Commerce and all the other associations in this Island who have brought the problem to the forefront and to say to all citizens of this country that this Government, their Government, is doing all it can. We want to reassure them that we are determined to bring criminal elements to justice. I believe at this time that this country has a good man at the helm of the Drug Squad, Mr. Cutts. I believe he is a genuine person and no one can say that since January he has not put criminal elements under pressure. I ask this Honourable House to stand behind him and I ask the public to stand behind him because there is yet more work to be done. We, as a Government, are going to put pressure on these people as much as possible within our laws.

Our aims and efforts have to be very wide and broad. All of us, and society at large, ought to aim for a situation where we have restored as much as possible for the old spirit of pride in ourselves, of respect for others and their property, and the belief in the Rule of Law and in the moral precepts of our Christian faith. It is not enough to simply aim to stem the tide of crime. Yes, stemming the tide of crime is what society expects but society too has a duty.

We as a Government have indicated that as the first step we intend to do a study of the crime situation. This will enable us, as we said in announcing this decision, to properly plan our response to the situation. Our aim may be summed up in this way; our objectives of the study are to investigate people's experience of crime, their attitude to crime and personal safety, their perception of the police, their willingness to cooperate with the police in addition to the general assessment of the factors which have moved people to commit crimes including the extent to which social changes have contributed. The impact of crime on the quality of life will also be investigated.

We do not feel that a Commission is necessary in the sense that we see no clear and compelling reasons to believe that such a commission will be any more effective in coming to a full and proper understanding of the situation than what we are already doing. The Commission will be a duplication of our efforts, of the efforts that we have encompassed in the whole Cayman Islands at this time. In addition to that, the First Elected Member for Bodden Town, although announcing this Commission of Crime, sometime back shared with the National Team, and other Members of this Honourable House, the commitment for a community safety survey study on crime. That commitment took place on the May 25, 1993 meeting at the Government Administration Building with the Criminologist from Cambridge. This is the Commitment:"I agree to the above mentioned subject and I believe that we should embark on such a survey as soon as possible.". All Members signed. The first signature was mine, the next one was Roy Bodden's, the First Elected Member for Bodden Town.

Madam Speaker, I cannot and will not be drawn into any buffoonery situations. I hope that Honourable Members understand the position of the Government as this Member and this Executive Council, in agreement with all Elected Members of this House, are doing everything humanly possible that we, as a Government, can do.

Thank you, Madam Speaker. I ask Members to reject the resolution.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I rise to speak on the Private Member's Motion 3/93, brought by my colleague from Bodden Town and seconded by myself. I feel that the whole reasoning behind this is the great concern by the Caymanian people of the dramatic upturn in crime which has transpired over these Islands in recent years.

After listening to the previous Honourable Member I see that the second Whereas Clause will be addressed in regards to the provision for the services of the American Marine Institute in regards to juveniles. I was part of the team that went up to look at the facilities offered by this company and I must say I was very impressed and I am surprised that something like this has not yet been developed for the young people of this Island. I hope that once this arrangement has been made, all of the Elected Members will support it wholeheartedly.

In regards to the concern of crime in this country, on many occasions I have had people from other surrounding countries come and say that they have noticed the trend that is being taken in these Islands and it is time that we put our foot down because in their countries it started gradually as it has in the Cayman Islands, and there was a dramatic upturn. Before they knew what was happening it was spiraling out of control. I take into complete consideration the statements made by the Honourable Member but I think that we have to let the public be aware, to let them know that we are concerned about taking action on this

problem of crime. I feel that this motion could be a guideline, or a stepping stone into more detailed research and whatever other solutions that we may come up with. I say we must, all of us, look at this together and not as one individual person and by pooling the resources of all of us in this Honourable House, we can try to stem the tide of crime in this country.

We must not sit back and wait and worry about certain things, about certain reactions. Some people have said that bringing about an inquiry into crime may cause repercussions in foreign lands. I too well remember three years ago when this train of thought was used with regards to Motion 3/90 and now three years later, and a hundred and something million dollars further in public debt, we are still paying for that. I hope that the Honourable Members will take a serious look at this.

I take cognisance of the fact that we will be meeting with His Excellency the Governor shortly to discuss these problems. But, as I said, I hope that this is taken in the context that is to be able to help stem the tide of criminalism in this country.

Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, very much, Madam Speaker.

Escalating crime and a sluggish economy are, I believe, the two overriding concerns now facing our country. No longer can we boast of a virtually crime free society which was once the case. I believe that our strong Christian heritage had an important part to do with the way things were. Equally important, the strong family unit that existed was instrumental. We all know that there was the occasional assault and battery and even more infrequently, theft. Murder was extremely rare and we, perhaps, heard about one every one to two decades.

Since that time there has been a rapid increase in our population of a more cosmopolitan complexion and development and organisation have, unfortunately, brought their usual social ills. In particular there has been a breaking down of the family unit and rapid change has left many of our people behind. Crime has indeed increased and more alarming serious crimes such as murder, and it is far too frequent. At this point I would like to offer my condolences to the relatives of the victims that I know are still bereaved.

The Government has become aware of the escalating crime and has reacted very positively, in my opinion. It has encouraged public debate between organisations, the police, and the public. The Government is also in the process of reviewing the Penal Code to give the courts more legislative strength and might. Executive Council has met with senior police officials and new offensives to counteract crime have been initiated. I believe these were published both on local television and I, myself, read it in the *Caymanian Compass*. In fact it was Wednesday, 26th May, 1993, it was an excellent coverage in the newspaper about that meeting and the new offensive against crime.

We know sniffer dogs at Customs and Immigration at the ports of entry into the Islands are now being utilised and it was found to work in the past. Unfortunately a previous administration stopped that. This could be responsible for some of the increased drug trafficking practices that we now experience. There is also stepped up costal patrol and I understand that a modern Coast Guard boat is in the pipeline. Persons from some jurisdictions will be screened before coming to the Islands and only given visas if they qualify. I know there has been some dissention in the public about this but, as a Legislator, I believe this will have some effect. If we can make sure that persons from certain jurisdictions do not have criminal records and we can choose those jurisdictions prudently, then we can prevent people coming to this Island that will, in fact, encourage more and more crime. There have been many other counter measures that I believe the majority of the people in this country are aware of because it was published in the newspaper.

The Honourable Member for Health and Human Services reminded us of the crime study which will be started in the very near future. All of us have a general idea of the reasons for increased crime, but to have this better defined can only assist the Government to be more effective in countering the problem. Government is busy tackling the problem and public input is certainly invited to offer any other measures which might be adopted.

Despite all the foregoing, Cayman still has one of the lowest crime rates in the world and care, in my opinion, should be exercised not to magnify the problem to our disadvantage. Many tourists choose this destination because of the low crime rate and I am convinced that a National Commission on Crime will be counter productive; it will give us international publicity that we do not need. We are just trying to jump-start the economy and I support all measures that will create the climate which will encourage foreign investment and tourism.

Furthermore, activities such as the National Commission on Crime will be far too publicised to accomplish its objective. Investigations into crime should be, in my opinion, far more low keyed and sometime even covert to obtain the best results and the cooperation of all.

Thank you very much.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the motion before the House seeks to bring to the attention of the country, as a whole, the problems which we have. Problems which are sometimes exaggerated but which are sometimes very real. The Member for Government who spoke on this issue has outlined the steps which the new Government has started; steps which, I believe, will go a long way in slowing the problems which have started to escalate. For example, he mentions the crime study which will be done and perhaps that crime

study will have the same result as the inquiry requested by this Motion, and might even serve as a substitute.

He also mentioned the Select Committee which is dealing with the reviews of the Penal Code and this will give the Government an opportunity to receive information from the people directly involved in the examination of crime. He has mentioned that reinstatement of police action which had been neglected, for example the bringing back of the dogs, the police raids and the boats.

I remember a few years ago the police were pretty well equipped with some three or four boats and the Government of that day took away the boats from people that could handle them and gave them to police officers who knew nothing about boats and they smashed them up one after the other, including the magnificent pleasure boat which the Commissioner of that day had selected to have company parties on, the expensive Bertram boat. Things went to naught. In 1984, for example, there are only four cases of cocaine on the books. Then it started to increase. For eight years I stood in this House, a lone voice begging the Government. Every debate, every Throne Speech, every Budget debate I cried out against it. What did the Government do for eight years? They called me "long winded". They said it was not increasing it was just that they had better detectives, better police work. What is the result? The 1992 Report shows 606 drug cases instead of four.

But things are not well in this country. As one Member has mentioned, the press has not helped. On the 8th of June, I listened to a programme on C-SPAN and they were discussing their increased crime due to the impact of television; violence on television which that committee held (it was a United States Senate Committee) as being responsible for the increase in crime in the United States. The feeling of the committee was that for 30 years the television industry had promised to regulate itself and it had done nothing about it. They said that every young person in the United States, or even in Cayman now where the television has become ubiquitous, will witness 200,000 violent crimes on television. It is no wonder that the young and impressionable minds are being trained towards crime; all the child sees is crime and violent activity as the answer to every problem that arises.

I had witnessed this programme on the night of the 8th, and on the morning of the 9th I was watching CITN and at 7:45 that morning an ad came on during prime time for LA LAW, a programme that would come up that night. The scene shown for that show that would come on that night was so violent that the anchor man shuddered when it came on. It was a picture of a mangled body covered with blood and with parts missing. The newscaster in our country actually shuddered when he showed the clip. This is the problem they have in the United States, they cannot control it. When the parents believe the children are watching a Disneyland cartoon, in comes an ad (that is paid for) depicting violence, rape, murder and you name it. This is what this motion is talking about.

Then, if you open your mouth you hear the buffoons in the press talking about control of the press and freedom of the press. If I had my way, some of them could not come to this country much less be allowed to spread their dirt and their violence in the name of free speech and in the name of freedom. What is the use of having a country with the greatest freedom in the world when the country is destroyed by violence? I believe this country has an obligation to the youth. The same as our children watch the Cosby Show, or watch Michael Jordan and wear the type of T-Shirt he wears, they are also going to do what the criminals do on television. The press knows that I am not afraid of them because, my God, I have fought them single-handedly for the 21 years that I have been here. I am prepared to do it until my dying day.

All is not right with the police. We know it. I think the Commissioner knows it. I think the powers that be know it. It is true, we have seen some very good activity from Superintendent Cutts, as outlined by the Member. He is doing a magnificent job. Yet, only this week; a police officer talking to me told me how some Senior Officers in the Force are trying to undermine Mr. Cutts. Is it because he is hurting them financially with these raids which are bound to impoverish anybody connected with the drug trade? So do not believe that we are living in a paradise where all are angels.

While it is true that this country has few crimes as compared to some of our neighbours, the press continues to magnify them. I remember the story of the logging camp where there were 100 male loggers and two female cooks. One of the cooks got pregnant and the next day the newspapers carried the headline that 1 per cent of the men had made 50 per cent of the women pregnant. This is the kind of coverage we get here; sensationalism to satisfy the people that advertise in the newspaper and on television. So whether the Government and the Members of this Assembly allow this motion to pass remains to be seen. But I believe that this motion is useful. And whether it passes or not, I have faith in this new Government that they will continue in the steps outlined by the Member to bring to a halt, or to slow down, crime, because I do not think we can ever stop it, the incidents which could damage our society. I think it is up to us to let the world know that, while we have our problems, the Cayman Islands are still the safest place for a vacation.

THE SPEAKER: The House will be suspended until 2:15.

PROCEEDINGS SUSPENDED AT 12:45 P.M.

PROCEEDINGS RESUMED 2:20 P.M.

THE SPEAKER: Please be seated.
Continuation of the debate on Private Member's Motion 3/93.
The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I rise to speak on Private Member's Motion 3/93, National Commission on Crime and Violence. As I look at the Resolve, or what this motion requests, it seems

to me that in the first Resolve the motion is asking for the establishment of a Commission. I suppose that various concepts of a commission come to mind when the word is used and as I look at the second Resolve, I see where it is requested that this commission be comprised of not more than three persons, one of whom should be from a foreign jurisdiction. I imagine that the mover of this motion wishes to suggest that it would be helpful to have the expertise of someone outside of the Cayman Islands who has knowledge in the questions of the investigation - finding of root causes for crime and violence.

I have heard the presentation replying on behalf of the Government who, in my opinion, have said that the Government is undertaking certain action which is aimed at doing the same thing, if not similar, to what this motion is asking for. In effect, reading the motion and listening to the views of the Member who replied on behalf of Government, it actually seems to me to be one and the same. The same thing is being sought and whether or not the Government chooses to call it a survey into this particular phenomena of crime and violence, it is basically the same.

There is little doubt that in the recitals many of the things noted here are indeed very prevalent and are happening daily here in these Islands. The important things to be discovered, in my opinion, are the root causes of juvenile delinquency; why there is so much juvenile delinquency; why the Islands seem to be in a position where they are unstable in terms of the crime and violence now going on; and why, for example, is such a large percentage of our community using illegal drugs; even into the very popular opinion now that there are serious problems within the police force, suspicions of wrong-doing and malpractice within the police force.

All of these things are occurring now in our community. I think that these are all effects. These things we know. What we really do not know is, what is causing it. What has changed in our society? Who has changed it? Where has it changed? How has it changed? These are the things which, it seems to me, need to be determined. I see nothing wrong, therefore, with a request of this nature at this point in time when so much of our society is requesting to know what is happening and, indeed, what can be done about it.

We have police enforcement, we have sentencing in court. There are various means of dealing with some of the infringements of the law that are presently going on. But, up to this point in time, I do not believe that we really know overall or can clearly and specifically say what is actually causing these things to happen. So, Madam Speaker, I have no problem in the request of this motion for a commission to be established which will investigate reasons, or causes, for why there is an increase in crime and violence in the Caymanian society, nor do I have a problem with the number of persons requested to be a part of such a commission.

If the Government chooses to accept this as being part of what they focus on, what they may determine to call a study, so be it. I do not really see any great conflict in the objectives of the Government and the Member who has moved this motion. Certainly, I would hope that if this motion is accepted and such a study is carried out it would be eventually tabled in the Legislative Assembly where Members would have access to it and perhaps be better guided in what we believe and what funds we suggest be voted for what is to be done about crime and violence for the Caymanian society.

Madam Speaker, I therefore can support this motion. Thank you.

THE SPEAKER:

The Honourable Member for Aviation.

HON. TRUMAN M. BODDEN:

Thank you, Madam Speaker. This motion is seeking to establish a National Commission on Crime. It is important that we look clearly at the seriousness of the type of Commission or machinery that is being used in this effort. National Commissions normally come into effect when a country is in an extreme state either from the point of view that law and order has broken down or there is a state of emergency that requires such a serious vehicle to be set up to go into the matter.

What the First Elected Member for Bodden Town has set out in the Recitals, or what is called the Whereas Clauses in here, some of this I realise is important. But I think that it is very clear, and he knows this, that Members of this Honourable House and, specifically the National Team, have met many times and discussed the problem of crime in the country. It is serious, but it is something that still remains within the ambit of being dealt with by the judicial and law enforcement establishments within the country.

Many things have taken place in an effort to deal with the crime in this country. We have seen very clearly where the new Superintendent on Drugs, Superintendent Cutts, has done a lot in a short period of time to deal with drugs in the country. We have also seen that there have been efforts on the part of Government. Seven points that have been set out including increasing the number of dogs in relation to drugs to look at this problem.

I would like to thank the good efforts of the Chamber of Commerce, the Business and Professional Women's Club and I know other organisations have taken up the fight against crime and drugs in the Cayman Islands. We have to look at the situation of crime in its proper perspective and we have to be clear as to where we stand and our position from an international point of view because the establishment of a National Commission on Crime and Violence sends a very strong message of a very rapid and terminal deterioration of the system of law enforcement in this country. That message would be very damaging to us internationally. It would be very damaging to tourism and it would be damaging to an economy that we are now struggling to pull out of an economic recession.

There are orthodox or normal ways of dealing with the worry of the First Elected Member for Bodden Town. I believe that his worry is genuine but I believe that his method of going about dealing with this matter is clearly wrong and would damage the Cayman Islands. The fight against crime is

one that has to involve not only the service organisations but also the churches, the service clubs, the society as a whole, and the schools. There continues to be progress in all of these areas.

This afternoon there will be a meeting of the Education Council and other members to look at drug policies within the schools. It is not as if nothing is being done. A lot of effort has been put into dealing with this in a constructive but orthodox way. I continue to come back to that because crime in this country, while we regard it as high, is not high in relation to larger cities in other countries of the world. Therefore, I think that to go to an extreme and, for example Bermuda did this back in the late 60s but at a time when law and order in the country had broken down and the Commission sat and at the end of the day it produced a report but the damage that was suffered as a result of that was also considerable.

It is a fallacy to believe that freedom of speech, as one Member was talking about (and which I agree with him), that freedom of speech gives a right to stand up in public or to go on the radio or the television and be vulgar and state indecent language. There is a clear law against indecent language, for example, in public. The society that attempts to condone these things, and unfortunately one of the newspapers, *The New Caymanian* attempted to say that freedom of speech gives a right to go on the air, or radio, be vulgar and state indecent language. They are badly misdirected. Freedom of speech does not give a right to breach the law or to do anything which damages society. If a person wishes to stay privately in their own home and do certain things well, in most instances, there is no law against it. But when it goes publicly, either in a public place or on the air, or the television (and the Third Elected Member for Bodden Town pointed out, for example, the violence that we also see on television), these are all things that it is the duty of Members of this Honourable House, and it is clearly a duty of Government, and my duty, to see that what goes on there is something which is reasonable and wholesome for our children. We must remember that this society is not just made up of adults, it is also made up of children and juveniles.

All I can say about this is where you get, for example, *The New Caymanian*, or any other broadcasting or television authority, allowing this on the air they are going to suffer because people do not advertise where you have a vehicle, radio, whatever, that is going to damage or destroy society or produce language or vulgarity that they do not want their children to hear. So a lot of what goes on in relation to crime we can trace the causes of a lot of it. Members of this Honourable House spent time speaking to a criminologist who would be looking at a survey in relation to the reasons for crime. That is usual and normal within a society. In fact, it is something that has been dealt with by the United Kingdom.

So, I cannot support this motion in the form that it is. I, too, worry about crime but I have faith in the Cayman Islands' society. I have faith in the good common sense of the people of this country and I believe that the efforts taken through the usual course, be it through the police, the service clubs, the churches, the schools, is the way to go about dealing with this problem. I believe it would be inherently wrong to send a message to our people, and the world at large, that conditions in this country have reached the stage where we are having to resort to a National Commission on Crime and Violence at this time.

It is unfortunate because I really think that the input of Members of this Honourable House is very important. It is very unfortunate that in the meetings that went on that the Member moving the motion did not try to sit down and discuss it and, perhaps, try to bring this in some other form which would probably have achieved what he is attempting to achieve in an unusual type of method, in a way which was usual and acceptable within the normal society of a democracy.

I have worries about crime and I, too, realise that we have to take all the steps that we possibly can to deal with it. I am prepared, and I think Members of this Honourable House are prepared, to do so. But, until we have exhausted all of the usual and orthodox methods of dealing with a matter we should not resort to the unusual and the very serious stage of going to a National Commission on Crime and Violence. For that reason, I believe that the steps that are being looked at and the overall concern of the society and of this Honourable House will be sufficient within the normal course of things to deal with reducing and curbing crime in the country. I believe that it has to be the right course at this time not to send the wrong signals, internationally or nationally, that may cause undue alarm by having to take such a very unusual and extremely rare course of action as required by this Motion.

So for those reasons I will not be supporting the Motion. Thank you.

THE SPEAKER:

If there is no further debate, I would ask the mover of the Motion if he would exercise his right to reply.

MR. ROY BODDEN:

Madam Speaker, that there is national concern with crime is not only the sentiments of this Member and that this crime has reached serious proportions is also not only my sentiment. The *Caymanian Compass* of Thursday, October 15, 1992, in an editorial entitled 'The Roots of Crime', had this to say, and I shall read selectively; "It is time that the matter be given crisis rating.". In the final paragraph the editorial went on to say; "Yet, unless the social problems are addressed now in a most decisive manner, the crime problem will get worse yet, with the possibility that one day, crime will make life here so unpleasant that we may yearn for a return to smoke pots and rope making.".

Wednesday, December 30, 1992, in an editorial from the same journal, entitled 'Crime'; "The upswing in crime has been evident for years, but no real inroads have been made on the problem.". Then, Friday, January 15, 1993, in another editorial entitled 'Growth in Crime', the last paragraph reads; "The attitudes of these criminals are hardening, their methods are becoming more ruthless and there is no reason to believe, no good basis for hope, that the escalating trend will come to a halt or even slow down of its own. The problem will not go away.".

Madam Speaker, I can assure you that this Member from

Bodden Town did not write these editorials. I am not seeking to address what is being done by Mr. Cutts, whom I know, and whom I had occasion, very early in his assignment on this island, to meet and talk with and whom I know is doing a good job. I am not talking about that. Nor am I talking about sniffer dogs and patrol boats. I am talking about the root causes - investigation into the family and home surroundings. I am talking about social and cultural factors. I heard the last Member talk about unusual and unorthodox, and he is quick to label things unusual and unorthodox because he gave me that label in April 1979. So it does not surprise me now.

I am talking about a situation where we have to try to get into what causes the breakdown. An example of what I am talking about, from the book "Roots of Evil", by Irving Stork, a chapter entitled 'The Psychology of Hard Times, the Effects of Difficult Life Conditions'; "Psychologists have identified two primary conditions that instigate aggression: 1) frustration which results from interference with goal directed behaviour or the failure to fulfill goals; and 2) attack on or threat to life's material well-being or self-concept and self esteem. Other conditions have also been shown to increase aggression; heat, noise, crowding, the general level of arousal, and specifically sexual arousal. These conditions and bodiless states are most likely to intensify aggression if an inclination for it already exists because of prior frustration or attack or for other reasons. It is noteworthy that at least some of the physical conditions, such as crowding, and some of the bodiless states, such as arousal due to stress, can be the result of difficult life conditions.".

Madam Speaker, I am talking about a commission that would seek to find out why some of our young people resort to peddling drugs. Is it because it is the only thing they can do and they view it as a means to an economic livelihood? Is it because they are being pressured to do it by people older then themselves, or by their peers? Is it because their sense of self-esteem, self-worth and self-importance allows them to believe that there is nothing wrong with that? These are the types of circumstances that I am trying to elicit, when I talk about this commission investigating this society.

Is it a predisposition of people from a certain culture, from a certain location, from a certain environmental background? How is it that we have less people from a certain socio-economic strata involved in these types of activities? How is it we can identify, by areas, where these people are most likely to come from and are they coming from homes with two parents, with one parent, or are they coming from homes where they are left to be brought up very much on their own?

I do not share the alarm that a National Commission would send the wrong signals internationally. It depends on the terms of reference of the Commission. It can be a Commission where the hearings and the procedure are confidential until the Commissioner, or Commissioners, table their Report. It could be a Commission where those people appearing before the Commission have full confidentiality. I do not necessarily believe that it will be destructive and it certainly is not my intention for it to be destructive. Such a commission will allow us to peruse and examine all of the circumstances which lead to this system, this breakdown that we are talking about. We are not the only society which has this experience. Other Caribbean societies have similarly been through this phase.

Indeed, Professor Errol Miller, in a book called "Men at Risk", talks about unorganised and random violence. He goes on to speak about how "the rage in young men is related to the exploitation and injustices that characterise their mothers' lives", and their upbringing. He says, "The simple answer appears to be intense conflict between men for power, resources, and status. This appears to be the key to understanding the causes and patterns of this type of violence.". This is the kind of investigation which I am proposing, not an analysis of the methods and the effectiveness used by the police and the drug squad. We know that is yielding results. We give them all the encouragement that they need and want.

I am talking about something on a different level, on a social level, on an economic level, and on a psychological level. I would like to know, for example, if among those juveniles who are repeat offenders if there are any, what we call, pathological trends, or if the juveniles merely partake in these types of activities because they have largely been left unsupervised and uncared for. We cannot completely rule out the electronic media. My colleague from Bodden Town, the last one to speak, outlined the problem at its most glaring and dramatic. I would like to share some statistics from the *New York Times*, of Sunday, June 20, 1993, an advertisement taken out against an ABC television series;

> "Dr. Branden S. Centerwall an epidemiologist at the University of Washington, in a recent study showed that the white homicide rate in the U.S. increased 93% between the introduction of TV in 1945 and 1974; in Canada 92%. In South Africa, which had no TV until 1974, it declined 7% during the same period.".

Under the caption 'Is this what you want TV teaching your children?' the advertisement goes on to say;

> "The TV Industry Magazine, *Electronic Media*, in an editorial in March, said, 'TV no longer wants to be a polite guest; now it behaves like a common street mugger. Examples:
>
> - A study commissioned by the *TV Guide* reported that in a single day TV showed 1,846 acts of violence, 389 assaults, 362 gunplay, and 273 punches. (NBC Nightly News 5/21/93)' ".

Madam Speaker, what the motion, which I moved, proposes is an examination and an analysis of these kinds of things to see what, if any, relation there is to exposure to these kinds of programmes and the aggressive patterns displayed in some of our juveniles and adults later. I would also hope to ascertain what influence, if any, has exposure to outside cultures and mores had on Caymanian Society. Is it the basis of the crime cultural? Is it national? Or does it have to do with people in a certain socio-economic

strata? Can we easily identify victims and targets? These kinds of things. What makes people repeat offences? Is it because they seek attention, because of low self-esteem, low self-importance? Is it because they came into this society with no marketable skills and therefore find it easier to adapt into the criminal subculture? Is it because they cannot find legitimate employment?

These, Madam Speaker, are what I am talking about. I see nothing wrong with what the Government has proposed and, indeed, I think that if the Government is so disposed with some modification this could be incorporated into their study. As to the comment about my not discussing this with the Government, that is unfortunate and an oversight on my part, and I meant no offence. As a matter of fact, while I listened to that lady give the presentation that evening, I asked many questions but at that time I did not remember that I had this motion drafted, or else I would have taken the opportunity to make mention of what my plans were as the motions that I have drafted I leave in a folder which I usually do not carry around every day. So, I see no great conflict and I would like to assure this Honourable House that there was absolutely no intent to cause mischief because this country is as much mine as it is other Members' of this Honourable House.

My only concern is that for too long we have been treating the symptoms and not the problem. Like the *Caymanian Compass* editorial says, I believe that the situation has reached crisis time and the sooner we face the music the better it is for us as the ways of the criminals are getting more sophisticated. So it is incumbent upon us to seek that kind of understanding which allows us to deal effectively with the problem and which gives us the ammunition to take a multifaceted approach. If we have the police and the social control agencies working and then we have the sociological and psychological agencies working I would think that such a situation bodes well for an improvement in the success rate. It will even allow us to control from early on potential problems and trouble-makers for if we know that children from a certain socio-economic area are more likely to be susceptible to certain kinds of disruptive behaviours than children from other areas, then we can give those children the guidance and counselling that they need from school and shepherd them into after-care agencies and the types of programmes that the Member with the responsibility for Health and Human Services announced. So, I see a successful approach being a multifaceted approach and I see the results of this commission equipping us with the kind of information which is needed to tackle the problem of crime in a multi-fronted war.

I merely brought the motion because I thought it would be a good launching point for this needed approach. I do not in anyway feel hurt or slighted if it is voted down or rejected because I consider that I will have merely been doing my duty by bringing it to the floor of this House. Nor, Madam Speaker, will I hold it against Members who do not vote for the Motion, Members can vote their conscience. As far as the fight against crime is concerned, I will go along and lend my support with whatever the Government brings that is reasonable and effective and I will continue to support, morally and otherwise, those social control agencies and lend my encouragement and enthusiasm to the society generally.

So, Madam Speaker, for what it is worth, I leave it to the dictates of Members' consciences.

THE SPEAKER: The question before the House is Private Member's Motion 3/93. I shall put the question. Those in favour please say Aye... Those against No. The Noes have it.

PRIVATE MEMBER'S MOTION 3/93 NEGATIVED BY MAJORITY.

THE SPEAKER: We continue with Government Business, Bills, Suspension of Standing Order 46(1).

SUSPENSION OF STANDING ORDER 46(1)

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

HON. W. McKEEVA BUSH: Madam Speaker, under Standing Order 83 I move the suspension of Standing Order 46(1) to enable the First Reading of the Mutual Fund Bill, 1993.

THE SPEAKER: The question is that Standing Order 46(1) be suspended in order that the First Reading of the Mutual Fund Bill, 1993 be taken. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. STANDING ORDER 46(1) SUSPENDED.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE MUTUAL FUNDS BILL, 1993.

CLERK: The Mutual Funds Bill, 1993.

THE SPEAKER: The Bill is deemed to have been read a First Time and is set

down for Second Reading.

SECOND READING

THE CAYMAN ISLANDS NATIONAL HEROES BILL, 1993.

CLERK: The Cayman Islands National Heroes Bill, 1993.

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

HON. W. McKEEVA BUSH: Madam Speaker, I cannot help but be reminded in introducing this Bill, of the occasion, a little over two years ago, when I spoke welcoming you back to this Honourable House at that time in your present esteemed position as Speaker. I expressed at that time that you would do honour to the post and in so doing prove that we have Caymanians capable of holding such a distinguished office. I am happy to say that while you and I have not always agreed, you have succeeded on both counts.

The motion to establish the Office of Speaker was, however, only one of a number of motions brought by me and supported by the Back bench at the time, the vein of what I like to call sensible nationalism. Among these motions was one to create an order of National Heroes. I undertook in that same speech, back in 1991, that when I crossed the floor to the side of the House where I now stand that I would seek to address the lack of response for that motion. I have been good to my word, with the support of the Government, and now the Cayman Islands National Heroes Bill, 1993, is before us for consideration by Honourable Members.

I believe that their consideration of this Bill will be favourable, not because it will vindicate me or the Government, but because the condition of our country is ripe for it. In fact, it has been ripe for some time for initiatives bearing the stamp of, and seeking to further foster national pride in these Islands.

Some may ask, what is this so called sensible nationalism? Nationalism is taken by many persons in many countries to the extreme. I wish to reassure both this House and the country at large that I certainly have no intention couching within its meaning anything having to do with political independence. I went to some pains to describe my understanding and my meaning back in 1991 and have made reference to it since. However, for the benefit of anyone who may have missed it, I should say that what I am speaking of is a concept which builds on the independent character of Caymanians, their sense of ambition, of pride in their achievements, the value we place on hard work, the value we place on high moral standards, our keen sense of having a unique heritage worth safeguarding. In other words, in my usage is a concept which has its roots in a desire to enhance the development of the country, not the state.

It is a matter of developing the peoples' sense of selfworth as a people. This does not require political independence. Indeed, the unfortunate experience of many politically independent states is that they are not able to offer their people any real enhancement in the sense of national worth and pride. However, there are still too many skeptics who cannot grasp this moment in history. I saw in the press on my announcement of the late Jim Bodden, past Member of this Honourable House, as our country's first National Hero, a letter attempting to cast aspersion on this important time for our country.

Madam Speaker, I must ask: Why? No doubt there are, perhaps, others who in time, will be named as National Heroes, but let us not dampen this hour of expectation by tearing down. Let us remember the good that was done, the great things he tried to accomplish for the betterment of his people. I remember the speeches of that Member in this Honourable House and, although he did not term it this way, he invoked in many to a large degree a true sense of sensible nationalism and I, although on the opposing side of him many times, was one that caught a glimpse of what he was talking about and what he was trying to do.

At this time in our history there are many areas where our people can get involved in the work of nation building. Rather than tearing down, this is a time for building up. This is a time in our history for calling upon all Caymanians to rise up and work and take pride in these Islands we call home. It shakes my pride in my people when we walk along the beautiful parts of this country and we see all sorts of garbage dumped all about defacing our beautiful Isle, when pride in their country and in themselves should force them to be sensitised to their environment.

Madam Speaker, and Honourable Members, love of country is much more than saying, "I am a Caymanian and I have this right or I have that right." Being a Caymanian means, too, to respect this land. It does not mean to plunder. Being a Caymanian does not mean that we have the right to plunder by doing what we please, when we please, how we please, and to whom we please. There will have to be a respect for others around us. This is a time, too, for discipline in this country, more than ever, so that this forward march in nation building will not be a hollow and meaningless exercise. Discipline at the workplace, discipline to be honest and to do an honest day's work for an honest day's pay. Discipline, too, in our homes where we protect our families and teach our children the value of being honest, of being true to oneself and the value of being loyal to this country.

More than any time in our history, now is the time for confidence in our forward march in nation building. Confidence if we are to achieve the slow steady effort that can alone bring ultimate success in getting our people more entrenched in, and to accept that we can have pride in our country and we can be nationalistic without hurting others, without going into political independence. Let us Caymanians remain friendly so that others will want to help us in his forward march in nation building under a policy of sensible nationalism.

Today, I am proud, proud indeed, to be a Caymanian and my heart swells with pride when I see our people excel, when a medal is won overseas. I am proud when I hear of a promotion. I am proud because it can only mean that our people are moving forward. Whatever the success is in small or large ways, it makes me feel good. Why must there be that gloomy and even cynical attitude that it is not time for a National Hero? Why not? And if not now, when? If not us, who? Why, after over 150 years of Parliamentary democracy and development is it not time? Madam Speaker, I believe it is. We have come up the ranks in the larger ships that ply the ocean; from messman to chief steward, from oiler to chief engineer, right to the top as captain and ship owners. In businesses, Caymanians have come from a small wayside grocer to one of the country's largest conglomerates. We have moved forward, Madam Speaker, in this 150 years, from ordinary bank clerks to managers. We have moved forward from obscure little people just knowing about this little Island and we have become lawyers, we have become doctors.

What about so many of our women who have taken their rightful place as leaders in the world of business - from the inconspicuous housewives in the heart of the districts minding their own business, right up to top executives in banks or other business establishments. Yes, I am proud because our women have moved forward, our people have moved forward. This is upward mobilisation. This is progress.

I submit that this did not happen by chance, it is because, and I have said it before, and I say today, there is that strength in our Caymanian people to be full craftsmen of their trades. Now is the time to evoke that sense of nationalism in our people. Someone asked me, very derogatively, "Why should we recognise the flag anymore than we do?" I cannot understand these sorts of attitudes. People all over the world love their flag. Americans are proud to be Americans, Canadians are proud of their flag and proud to be Canadians. Why can we not evoke that strong feeling of being a Caymanian and why, every time that it is spoken, there is cause for alarm? That should not be, there should always be that forward, upward mobilisation to do better things for our country. This is a good time in spite of our problems, this is a good time.

These matters before us deal with Cayman. And as one of the leaders of these Islands, I certainly recognise the state of affairs as existing socially, politically and culturally. We recognise the opportunities that lie ahead of us. We recognise the forces we have to fight, the difficulties we have to overcome. The challenges of this time demand the highest level of leadership and understanding at all levels of the community. It demands the understanding and assistance of the churches as the mover of the spiritual being. We demand an understanding from the business people, we demand an understanding from journalists whom, I must continue to say, have a great responsibility to our country and when they cannot exhibit that responsibility then it must be time for them to move on.

We as politicians have one of the greatest responsibilities. We, too, must remain calm in the face of difficulties and we, too, must not take every chance to pounce upon one another. We hear this often in the House and we still never adhere to it. It is true, all of us have that animal within us to pounce upon one another instead of setting the example. We need to move from that point and get into the mode of forward and upward mobilisation enhancing our country.

Teachers, all of us, owe a duty to this country. It is here we live, it is here we make our money and live in security, and it is here we should devote our entire effort to give sensible leadership in these Cayman Islands. Now is the time to do great things. New responsibilities are upon us today as we make our way forward by hard work and great discipline. Everybody has a responsibility, everyone. From the one that cannot read or write on the outside to all of us, those of us on this Front Bench of the Government and all of them on the Back Bench. We have a chance to do good and we have a responsibility to say, "This is my country and here I stay and play my part in".

Madam Speaker, as for me, it will always be land of my birth I pledge to thee loyal and faithful true to be. To come to the Bill itself I would say that its provisions are relatively straightforward and explained very easily. So I see no need to go into any detailed exposition on them. For the benefit for those who might listen to the broadcast, however, I will repeat the Memorandum of Objects and Reasons of the Bill which nicely summarises its contents. It reads as follows:

"MEMORANDUM OF OBJECTS AND REASONS

This Bill provides for men and women, whether or not still alive, who have rendered exceptional and outstanding services to the Cayman Islands and the people of the Cayman Islands to be declared Cayman Islands National Heroes.

The Bill also provides for the provision of certain "tokens of recognition" such as parks, gardens, monuments, statues and plaques to recognise and honour National Heroes.

The award of National Hero may be awarded by the Governor at a public ceremony.

Certain offences are provided for to protect the integrity of the award.".

So we move forward. This is a good time in our history. There is great expectation for us to do good things. Let us begin in this vein by honouring our people and making it possible for our people to be recognised. Without further thoughts on this, at this time I wish to commend this Bill to Honourable Members for their support.

Thank you, Madam Speaker.

THE SPEAKER: The question is that a Bill entitled the Cayman Islands National Heroes Bill, 1993, be given a second reading. The motion is open for debate.

The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Madam Speaker, I rise to offer my support for this Bill which I think is long overdue. I must commend the Mover for his courage and genuine foresight in taking action to see to it that our people who have made outstanding contributions in the past are recognised and that there is machinery in place to also recognise those persons who fall in the category of National Heroes in the future.

Our history in these Islands is rich. We are the people who when we were challenged for survival, met that challenge. We succeeded in surviving by travelling the world over, the seven seas, in order to make a livelihood for our Caymanian families. We have to recognise that in that day and age, with the limited educational opportunities available, the accomplishments of some of our people are nothing short of outstanding. We have had Caymanians rise to the top as Captains, Chief Engineers and we boast today of our own National Airline which has some of the best qualified pilots who are Caymanian. So Caymanians have proven over the years that, if given the opportunity and a challenge, they can rise to the occasion and succeed.

But one of the problems we have had, or that we do have, is that, as a people, we have been very selfish. There has always been the mentality here that it has to come from abroad to be good, while the efforts that are performed by our own people go without notice. I believe that it is time for us, as a people, to abolish that type of mentality, that type of thinking, and recognise efforts for what they are.

I know the experience that I had of visiting London three or four years ago, and the richness of their history and the visibility of their national heroes along the strip there (I cannot remember the name of it) at Parliament Square, was a very rich experience for me. What this does for a people is it instills and cultivates feelings of pride, self-worth and nationalism. There is nothing wrong with that. Those are all positive elements in any society.

I remember when the Honourable Member who moved the Bill announced that Mr. Jim Bodden was designated as the first National Hero. I was a bit surprised at the reaction that I got from some people. Regardless of what one might want to say about the late Mr. Jim Bodden, and regardless if one is of his political philosophy or whatever, one cannot but recognise the efforts the man made as far as our economy and the progress of our Islands was concerned. He was an outstanding leader as far as being a Legislator. He was a man of vision. He was the kind of gentleman that once he believed in something he did not allow anyone or anything to deter him; it was done, it was accomplished. Those are the qualities that made him outstanding. He had the vision to see down the road what could be accomplished if certain decisions were taken.

I also agree that a National Park, be it the grounds of the Legislative Assembly or the Courts Building, I think it should be central. I think the Courts area is a very central area. Efforts should be made to establish monuments and plaques in that area so that people visiting that area, be it our people or visitors to these Islands, can read and get a feel for our history and the things that we hold dear in this country.

Madam Speaker, we noticed in our own country how the Cubans who come here work together and accomplish things. The Jamaicans come here, they work together they accomplish things. In Cayman that is the feeling that we need to instill in our Caymanians. We must work together, we must be proud to be Caymanians and we must see to it that we continue to support one another. Otherwise, as a people, we will become extinct if we do not make efforts to support one another and work together.

Like I said before, I think this is a bold effort for the Member who moved this Bill and I commend him for his insight and vision. I believe it is a step in the right direction to finally be in a position where we can start recognising those past Caymanians, and future Caymanians, who make valuable contributions to our Islands.

Thank you, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:43 PM

PROCEEDINGS RESUMED AT 4:03 PM

THE SPEAKER: Please be seated.

Debate continues. (Pause) If there is no further debate I will ask the Member in charge of the Bill if he would like to reply thereto.

The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I am very pleased to rise to support this Bill for a Law providing for the declaration of National Heroes. I believe that nationalism is lacking in our community and hopefully an awareness will be created through this. When I visit other countries I notice statues and parks and public buildings with names of people whom they regard as heroes. I am saddened to see that we have no such thing in our community and I believe that with the passing of this Bill that we will achieve more nationalism in this community.

I can think of several people that are still alive, and some that have passed on, that I regard as heroes that have given of their lives and their energy to make a contribution to our community and our Island.

When I visit Cayman Brac and I see the regard that the Brackers have for Captain Keith Tibbetts, you might call him the patriarch of Cayman Brac, I am very pleased to see the regard that they have for him and I think that you could consider him to be one of our heroes. I think of Miss Irma Bodden who rode many, many miles back and forth in the mosquitoes, in the rain, up to Breakers, down to

Savannah to keep school. Today she can barely walk because of the efforts she put into peddling her bicycle. I think of Nurse Clara Eden, Miss Annie Huldah Bodden, and, closer to home, my mother. I also think of Mr. Clifton Hunter and regard these all as heroes.

I am not suggesting that these people be named as heroes, but in my mind I consider them all heroes that have contributed and I would just like to commend the Member for bringing this at this time because since I have gotten closer to him I admire his pride in our Islands and our people and I believe that this is a result of that pride and concern for the people of our Islands and I will support this Bill.

Thank you, Madam Speaker.

THE SPEAKER: Would the Member in charge of the Bill now wish to reply?

HON. W. McKEEVA BUSH: Madam Speaker, I certainly want to thank the Honourable House for the support in this move forward. There were many people who gave unstinting service to our country, and the Third Elected Member for George Town mentioned names of some people whom I have always held in high regard. We can think of nurses, to speak of one category, who did so much with so little and with virtually no pay. I believe that we can look at ways and means of honouring them outside of the normal route of awards in this country, and I give the House that undertaking and know that the First Member for Cayman Brac mentioned the same thing to me.

I would like to thank my colleague the Third Member for West Bay for rising on the Bill. In spite of our problems, the vices that pervade our society, we have built up a good society where law and order are respected, where justice still prevails, where men and women can respect and admire and love each other no matter what our colour may be or what race we belong to.

Our forefathers, be they poor or rich, laid the foundation of a decent life, a decent political life, and we here are trying hard to build up a world of opportunity for all of our people. So we, too, are playing our part. Our forefathers were iron men that sailed wooden ships. They were fired like steel in the furnace of hard work and integrity. I say a goodly heritage is ours today and we shall not fail it. We can be very proud of ourselves for what our forefathers accomplished in the last several years and for what this generation has done. Let us stand together and rejoice and go forward in courage and strength to work to make these Islands a safe and happy home for all of our people.

New responsibilities are ours in these days. For me this is a great moment.

> "The woods are lovely, dark and deep.
> But I have promises to keep,
> And miles to go before I sleep.
> And miles to go before I sleep."

I am wondering if we can all stand, out of the normal, in agreement for this great measure for our people today.

THE SPEAKER: The question is that a Bill entitled The Cayman Islands National Hero Bill, 1993 be given a Second Reading. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. BILL READ A SECOND TIME.

THE SPEAKER: Second Reading continuing.

THE IMMIGRATION (AMENDMENT) BILL, 1993

CLERK: The Immigration (Amendment) Bill, 1993

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to move the Second Reading of a Bill to Amend the Immigration Law. The Immigration Law, Law 13 of 1992, came into operation on the 15th of October 1992, having been passed and assented to after considerable examination and review by a Select Committee of the House which sat and met over a considerable length of time.

Shortly thereafter, a number of minor anomalies were discovered and a drafting error detected which necessitated the bringing of a short Bill to make those amendments. At the same time, we had a General Election in November and the new Government has had some ideas of its own which it wanted to lend to the Law. So today we have a Bill that incorporates some minor amendments and presents a number of new initiatives which are ideas of the new Government.

The Objects and Reasons of the Bill are primarily to increase the membership of the Immigration Board and to introduce certain additional controls. The increase in the membership of the Board provides an increase of three and will hereafter consist of a Chairman, Deputy Chairman, one member each from the six electoral districts of the Islands and three other members. The Bill goes on to make provision for a number of additional persons to be members without the ability to vote at Board meetings. These additional persons are: a member of the Central Planning Authority, the Director of Labour, a member of the Public Service Commission or any other members as may, from time to time, be appointed in the Gazette.

The fourth clause of the Bill makes a provision which the

Government wishes to withdraw. And I do apologise that in accordance with Standing Order 52(2) I should have, by now, perhaps, served the House with written notice. The Government does, however, wish me to state that clause 4, which seeks to amend Section 15(1) of the Law, is to be withdrawn from the Bill. That was a proposal that seemed a little bit contentious in that it provided for the grant of Caymanian status by invitation and it was felt that, perhaps, further consideration might be warranted for that particular proposal.

Clause 5 of the Bill provides that a person cannot make an application for permanent residence within one year after having had an application refused. That would simply reduce the administrative load on the Immigration Board. Clause 6 is to provide that a reference to a person being gainfully employed is really a reference to a person being gainfully occupied and that was one of the minor anomalies that was discovered during the operation of the new Law. Clause 7 seeks to do two things. First it seeks to provide that in the future temporary work permits are to be issued jointly by the Chief Immigration Officer and the Chairman of the Immigration Board. Second, it seeks to reduce the period of temporary work permits from its current validity of 90 days to 30 days.

Clause 8 is a minor drafting amendment which will insert Section 57 of the Law under the correct part of the Law. Clauses 9 and 10 are simply additional minor drafting amendments.

Those are the basic Objects and Reasons of the Bill, Madam Speaker, and I commend it to the Honourable House accordingly.

THE SPEAKER: The question is that a Bill entitled The Immigration Amendment Bill, 1993, be given a Second Reading. The motion is open for debate.

The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker. I rise to speak on a Bill for a Law to amend the Immigration Law. I would like to point out that at the present time the Board has eight members; a Chairman, a Deputy Chairman and six other members, one each from the electoral districts. This Bill will put three other members on the Board and another four ex-officio members.

Those four ex-officio members will be: a member of the Central Planning Authority, the Director of Labour, and a member of the Public Service Commission. The Bill goes on to say any other members that the Board feels should be co-opted in the interest of the Board and gives the Board that power to co-opt these members.

I feel that the work of the Immigration Board is heavy and at this time many of the functions of the Immigration Board could be delegated to small sub committees. In fact, in my debate in March I made mention that I understood that the Government was in the process of amending the Immigration Law to this effect. I supported it then and I support it now, particularly if a member of the Central Planning Board is on the Board. He can be an excellent resource person and the same applies to the Director of Labour and a member of the Public Service Commission.

This is the kind of input that the Immigration Board will need from time to time. In fields outside the ambit of these three important Boards other member could be co-opted and similarly the Board can make proper use of their knowledge.

I also noted that Section 4, according to the Honourable Member who presented the Bill, is going to be withdrawn. There was some disagreement among Members about invitation for the grant of Caymanian status and I noted that this is mainly because of want of a better way, perhaps, to grant this very important honour to citizens of other countries and since then I have given this whole matter some thought. I will be discussing this with other Members of the Team, but I think it might be important to say here and now that I firmly believe that this should stay in the hands of the Immigration Board. It is a function of the Immigration Board, in my opinion, and it should stay firmly in the hands of the Immigration Board.

I received a letter from the Chamber of Commerce and I would like to thank the President of the Chamber of Commerce for sending that letter. But I daresay that I differ from the suggestions that he made in that particular letter. In my opinion, while the Board could accept nominations from important organisations in the country for consideration, I do not believe that a Select Committee or a Review Committee should be allowed to decide who will be granted status in this country and then by way of a lottery, after the various names are short-listed, the grant of Caymanian status is given.

I would rather suggest that strict and very defined guidelines be set down for the Immigration Board and on the basis of that a person should or should not be granted Caymanian status. For instance, I feel that the country of origin is very important, consideration should be given to the country of origin. Citizens of certain countries, because of their socio-political and cultural conditions, are more likely to blend into and enhance the Caymanian community. At the same time, the mistake of giving status to nationals of predominantly one or two countries, in my opinion, should be avoided. After all, most of us would agree that variety is the spice of life. I believe that a quota system should meet this requirement.

Political associations of the person applying should also be considered. Persons who are, or who have been connected with Marxist or Communist associations should be exempt, in my opinion. Their criminal record becomes very important and persons with criminal records, in my opinion, should also be exempt. Their contributions to the humanities, past and present should be taken into account. Their social-economic status should also be taken into consideration. And very, very important is their contribution to the Caymanian society during their tenure in this island, before they applied a record of their adjustment and integration into the Caymanian society.

I believe that it is very important that these individuals get personal references from trustworthy Caymanians, for example, Notary Publics, religious leaders, prominent

bankers, physicians, lawyers, businessmen and other Caymanian persons held in high esteem, whether they be poor or rich. I further believe that they should declare proof of solvency. Their educational standards and health status should all be taken into consideration before a grant of status. I would like to re-emphasise that the function of granting Caymanian status, in my opinion, should not be delegated to any Select Committee, but should stay with the Immigration Board. I further feel that whomever is granted Caymanian status that they all should have the approval of the Governor in Council.

The Governor in Council, the Executive Committee or the Executive Council, is a very, very important Council and the highest legislative authority that we have in the Island. If we can trust them to lead our country, I feel we can trust them to decide who should have Caymanian status. Here it would just be a matter of approval they would not have to invite but they could give approval to whomever the Immigration Board decides should have Caymanian status.

With that, Madam Speaker, I have made my contribution. Thank you.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I intend to speak on this Bill but the time that it is now I wondered if you would prefer if we start off in the morning, or if I should start off now.

THE SPEAKER: You have three minutes Honourable Member you can make a short...

MR. D. KURT TIBBETTS: Start now?

THE SPEAKER: Please do.

MR. D. KURT TIBBETTS: Thanks. This Bill, a Bill for a Law to Amend the Immigration Law, in making my contribution, I note the Mover of the Bill said that the Government was of a mind to withdraw clause 4 of the Memorandum of Objects and Reasons.

I would like to say that I think that was a very sensible move because if that remained as part of this Bill I, for one, would not be supporting it. While we are on this section, and even though it has been withdrawn, I feel that there are certain issues which this brings to mind that need to be spoken about publicly, and I cannot think of a better forum than this one.

If the grant of Caymanian Status was one that was to be left in the hands of the political directorate of this country, I cannot begin to fathom the eternal problems which that political directorate would face on a daily basis. I do believe that I understand the reasoning, when this was brought about in the original Bill before it was taken back, but I am glad that they have seen reason to withdraw it.

The things that I want to talk about with regards to this are, first of all, I would like to say that I have watched Government after Government, after Government, and now being a representative and a part of this Government we are still not addressing the main problem that we face in this country today with regards to the word "status".

During the last election when the campaigns were going on, I remember standing on the steps of the Court House and I spoke about the hundreds of people who reside in the Cayman Islands who have been living here for some 15, 20, 25 years living in this country, working and rubbing shoulders with Caymanians, most of them. All the Members of this Honourable House know some of them. I wonder if there is any thought that we are going to put in place to solving this problem about these people. There are hundreds of these people...

THE SPEAKER: Honourable Member, it is now 4:30 p.m.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker, I do wish to stop.

THE SPEAKER: May I have the motion for the adjournment of the House?

ADJOURNMENT

HON. W. McKEEVA BUSH: Madam Speaker, in accordance with Standing Order 10(2) I move the Adjournment of this Honourable House until Friday, 25th June, 1993.

THE SPEAKER: The question is that this Honourable House do now adjourn until 10:00 A.M., Friday, 25th June, 1993. If there is no debate I shall put the question. Those in favour please say Aye, those against No. The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 25TH JUNE, 1993.

FRIDAY
25TH JUNE, 1993
10:10 A.M.

THE SPEAKER: Prayers, the Honourable the Third Official Member.

PRAYERS

HON. GEORGE A. McCARTHY: Let us Pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed in the Legislative Assembly.

PRESENTATION OF PAPERS AND REPORTS

THE SPEAKER: Presentation of Papers and Reports. Financial Statement of Cayman Airways Limited for the year ended 31st December, 1992. The Honourable Elected Member responsible for Education and Culture and Aviation.

FINANCIAL STATEMENT OF CAYMAN AIRWAYS LIMITED FOR THE YEAR ENDED 31ST DECEMBER, 1992

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. I beg to lay upon the Table of this Honourable House the Financial Statement of Cayman Airways Limited for the Year Ended 31st December 1992, and to speak thereon.

In December 1992, Cayman Airways was in considerable financial difficulties. It expected a loss of approximately $9.1 million for the year, before subsidy, which in fact became $9.6 million before the unusual item was deducted. Cayman Airways was projecting a loss for 1993 of $12.8 million before subsidy. Urgent and significant action was required to stem the losses. The shareholders resolved that the Board of Directors consider instructing the new Acting Managing Director to investigate and report on the restructuring of staff at all levels, at the reduction of costs and expenditures at all levels, for the necessary reduction of jet aircraft which were not profitable, and for such resolutions in relation thereto as the Board of Cayman Airways may see fit. This was in keeping with Government's mandate to produce the least cost of an airline that services Miami, Kingston and Cayman Brac.

It was decided to examine all functions within, and attached to, the airline to determine whether they were contributing to the survival of Cayman Airways in the short term. Any functions which did not meet this test were to be terminated. In addition, the criteria of measurability, substantiality and achievability were applied. To down-size the airline in terms of route network which is shown as reflected in the accounts, it was necessary to have a plan to reduce the fleet size and overhead, as closely as possible, to the same time table.

In January 1993, it was decided to return the 737-300 with immediate effect, saving $185,000 in annual insurance costs. The following month the outstanding issues with relation to the lease contract for the B737-200s were resolved and a cancellation clause was immediately invoked. The return date for this aircraft was late May, however, it was subsequently extended to the end of June to cover the C-Checks on the 737-400 and the remaining two 737-200s. These are the first major checks to be done in Grand Cayman and the staff is to be complimented on this achievement. The final element of the fleet reduction plan was an extremely successful agreement with ILFC to return the 737-400 as of 31st July 1993; 10.5 years ahead of schedule. During the last six months of that contract, the monthly cost for this aircraft was reduced by $158,000; a total savings of $948,000 to Cayman Airways.

International Lease Finance Corporation was also persuaded to

return $500,000 of the $700,000 security deposit. The return of the 737-400 enables the airline to sell $4 million in spares which is reflected in these accounts. It further justified the successful efforts to persuade General Electric Company to take back a $3.5 million CFM56 engine. That debt had been outstanding since 1989.

The successful closure of the New York/Baltimore route was effected on April 17th to coincide with the start of the heavy maintenance programme. The projected savings on the closure is approximately $2.5 million per annum. The Turks and Caicos route will cease operations by June 30, 1993, when Cayman Airways will have successfully reduced the fleet to two 737-200 aircraft. Coincidental to the closing of this route, the Miami Airport staff numbers will be reduced from 33 to 19. The schedule from August 1, 1993, will be for 14 return trips weekly to Miami, three per week to Kingston and Houston, and four per week to Tampa/Atlanta, as well as five weekly trips to the Brac. These have, as I mentioned earlier, been improved and there will be this extra flight put in for the Sister Islands.

During 1993, Cayman Airways will operate 770 fewer flights than last year. In parallel with these, a ban on Capital Expenditure and Recruitment was implemented. It is interesting to note that even though fewer flights were flown, the revenue of Cayman Airways remained substantially the same; within about $800,000 of the revenue that it had with the larger number of flights.

The high cost of the Miami Office payroll was addressed in two stages. First, the Public Relations, Advertising, Sales and Training areas were tackled and subsequently the reservations numbers were addressed. Total numbers were reduced by approximately 40 in North America. Payroll savings amounted to $900,000 per annum. Checks have since shown that the standards have been maintained at a very high level. In fact, it was a matter of answering calls within 20 seconds, and that had increased by about 3 to 4 seconds per call with the reduction.

All contract pilots who are non-Caymanian were terminated in April 1993, as well as 11 foreign flight attendants. Ten jobs in Grand Cayman were either not replaced or were terminated, also in April 1993. By the end of July 1993, the down-sizing of Cayman Airways will have been completed. By that time, several more pilots will no longer be with the Company with approximately a further dozen flight attendants, all of whom are non-Caymanians. This has actually now been completed, from about a month ago.

In order to facilitate the reduction of the payroll and other overheads in the Head Office and Grand Cayman Airport, an early retirement package was introduced. This included an offer of two weeks' pay, per year of service, as well as other fringe benefits relating to health insurance and travel concessions. This package has attracted a good deal of interest. A group of approximately 17 staff members, together with another four senior staff members, have been granted early retirement. The payroll savings from those accepting the early retirement package will be $333,000 per annum.

Cayman Airways expects to reduce the rental shown in these accounts on the amount of rented office accommodation in the biggest plaza, saving between $32,000 to $46,000 per annum. As a result of the down-sizing there is a significant drop in our direct aircraft and passenger related costs which will be reduced by $4.9 million in 1993, over what was reflected in the 1992 accounts that are now laid on the Table. Indirect costs will come down by $7.16 million. The more significant of these is the reduction of $4.53 million in aircraft lease expenses, mainly as a result of the return of the 737-400 to ILFC. This represents reduction of almost 50 per cent in the aircraft rent. Overheads will decrease by $2.51 million in 1993. Included in this figure is a fall of $1.06 million in general administrative costs, whilst marketing and sales will go down by $976,000.

A rigorous appraisal of all outside contracts was undertaken during the early part of this year. Those contracts are reflected in these accounts now before us. All contractors were requested to look carefully at the contracts and to reduce costs if they wished to continue with the National Carrier. It was decided to reduce to an absolute minimum the use of outside lawyers. Cayman Airways had previously used services, extensively, of Lawyers in Grand Cayman, Washington and Miami. In August and September of 1992, as reflected in these accounts, fees for the Washington lawyers alone cost the airline $44,000. This legal service is now being provided by the Government's Legal Department, for which we are thankful.

We have in place an agreement to use the Government Departments to assist the Airline in areas such as computerisation training, and other specialists areas. From July 1993 the Accountant General's Office will act as agent for the Airline in salary payment. Significantly, as reflected in the accounts before the House, the Airline has subsequently dispensed totally with the use of consultants. This has saved expense which is somewhat difficult to quantify. For example, we know that the services of SH & E were previously used extensively and that a balance of over $44,000 remained unpaid to Robertson Associates earlier this year. We are continuing our efforts in amicably resolving the question of the Put-Agreement by GPA and, at this time, we can confirm that favourable progress has been made on this issue. This is extensively referred to in the accounts that are before this House now.

Finally, during June and July of this year, the emphasis will shift to re-organisation in Grand Cayman as we begin to grapple with the redistribution of duties to match the small organisation and the retirement of senior staff. All cuts that are to be made have now been made, as I understand it. From August of 1993, the duty of the Directors will be to begin to reform the Airline. A programme will commence to improve staff morale and much more attention will be directed towards improving the standard of service to the customers. This will be a period of consolidation for Cayman Airways during which we ensure that we hold on to the gains we have made. During the autumn months we will see a much more stable Airline as the emphasis shifts away from crisis management and toward strategic and tactical matters.

Much attention has been devoted to marketing Cayman Airways. The Department of Tourism has the most ads which now go out, including those on CNN. Part of it relates to Cayman Airways, and for this Cayman Airways is grateful to Government. Finally, I think that the message to this Honourable House, and to our people, is that Cayman Airways has tackled its problems head on and it has survived. It will be a leaner, fitter airline, well prepared for the challenges ahead.

Thank you.

THE SPEAKER: The Financial Statement is ordered to be laid on the Table of the House.

CAYMAN AIRWAYS LIMITED LOAN AGREEMENT

THE SPEAKER: Cayman Airways Loan Agreement. The Honourable the Third Official Member.

HON. GEORGE A. McCARTHY: Thank you, Madam Speaker. I beg to lay on the Table of this Honourable House the Cayman Airways Loan Agreement, and to comment thereon.

Madam Speaker, in accordance with Section 42 of the Loan to Cayman Airways Law, 1992, I beg to report that on the 30th of April 1993, the Government signed an agreement with a consortium of banks. The banks are; The Bank of Nova Scotia, who participated in the loan arrangement of $20 million to the extent of $5 million; Barclay's Bank, $7.25 million; Cayman National Bank, $.5 million; The Royal Bank of Canada, $7.25 million, making a total of $20 million (US).

Other terms and conditions were that for the duration of the loan Barclay's Bank be appointed as agent for the group. The banks stipulated that the purpose for which the loan has been granted is to facilitate the recapitalisation of Cayman Airways, a wholly owned company of the Cayman Islands' Government. The draw-down was stipulated to take place on the 30th of April 1993. Interest rate has been linked to libor plus three months libor, which is a London interbank rate plus 1.5 per cent above libor payable quarterly. The duration of the loan is for a period of seven years.

The repayment is repayable by 27 equal quarterly installments of US$714,286 commencing three months after draw-down with a final repayment of $714,278 upon maturity. Notwithstanding this repayment programme, the loan will remain repayable in full, upon demand.

PREPAYMENT

Prepayment is permitted without penalty on any quarterly interest payment date providing five business days' prior notice is given to the agent bank. Prepayments, which must be multiples of US $100,000 will be applied against installments of principal in the inverse order of their maturities.

FEES AND EXPENSES

The Banks charged an arrangement fee of one quarter of 1 per cent. Conditions subsequent to the draw-down of the loan were an interim loan of $2.5 or $3 million (US) that was arranged with Barclay's Bank while the loan negotiations were in progress had to be settled in full. However, this was rolled up as a part of the payment made to ILFC. There was also an increase in the overdraft facility arranged with the Royal Bank of Canada towards the latter part of last year to the extent of $3.6 million and that had to be paid in full. Therefore, the Honourable Member gave a breakdown of the disbursements yesterday but I will just repeat because there have been some differences in the figures. Not that what he gave was incorrect, only that there are reconciling differences and I will explain those because one of the figures he gave also came from the Treasury at a earlier date. The reduction of $20 million was applied as follows:

- A reduction of the overdraft with the Royal Bank of Canada; $3.6 million
- Payments to International Lease Finance Corporation as of 31/12/92; $3,901,705

The Honourable Member gave this figure as $5,165,431. But that was the position up through the end of May 1993.

What has happened, Madam Speaker, reconciliation has taken place and the payments made for 1993 have been applied against a subsidy that has been put in the Budget for 1993 as the subsidy CI$4 million. So, basically, this is where the differential comes about. The payments made to date, initially, were taken from the recapitalisation funds and it amounted to $5,165,431, so, it is just a matter of taking the differential between $5,165.431 and $3,901,705 and applying that difference to the subsidy.

The Honourable Member gave the payment of Guiness Peat Aviation, as $1,066,755. Since that figure was provided to the Honourable Member there has been a subsequent payment which brings the payment up through yesterday to $1,410,628. Payments to other creditors amounted to $3,715,339. As I mentioned earlier, there was a commitment fee charged by the group of banks for $50,000.

Total disbursements to date totals $12,677,672. There is an undisbursed balance to date of $7,322,328. However, inclusive in this undisbursed balance is the provision of $4.4 million that has been given under a guarantee by the Government in respect of GPA. I would like to point out that, excluded from the listing of creditors that have received payments was an amount of $3 million (since we are talking in US dollars I will just keep it in that currency) an amount of $3,159,289 due by Cayman Airways to the Civil Aviation Authority and also a sum of $808,958 due for Customs overtime payment, making a total of $3,968,247 owed by Cayman Airways to other Governmental Departments.

The Government will be seeking Finance Committee's approval

to assume this indebtedness. Therefore, the recapitalisation package, when taken in total, will amount to the $20 million loan that was signed for on the 30th of April, plus the $4 million, making it approximately $24 million. The view was taken, of which the Government was in full agreement, that it was much better to settle outside creditors and to seek for internal adjustments to recognise amounts due in to Government Departments. However the Civil Aviation Authority will not lose the benefit of the $3.1 million that was owed to it by Cayman Airways because, in turn, the Civil Aviation as of December 31st owed the Government approximately $1,343,990. This is in respect of payments made to Caribbean Development Bank for 1992 by the Government on behalf of the Civil Aviation Authority.

The differential therefore, between this $3.1 million or $3.2 million owed by Cayman Airways to Civil Aviation Authority and which, in turn, has been assumed by the Government and the $1.4 owed by the Civil Aviation Authority to the Treasury Department, the net difference is $1.8 million. This will be used as a further reduction and applied against the loan balance. This is the sum owed by the Civil Aviation Authority to the Government. This is to recognise the equity interest that has been translated into a loan owed by the Civil Aviation Authority to the Government due to the vesting of the assets which took place. These items will be coming at the next Finance Committee meeting in order to effect the adjustments.

Thank you, Madam Speaker.

THE SPEAKER: The Cayman Airways Loan Agreement is ordered to be laid on the Table of the House.

Questions to Honourable Members. The first question is No. 96, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 96

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

No. 96: What is the present legal status of the Cuban nationals in the Cayman Islands.

HON. J. LEMUEL HURLSTON: The legal status of the Cuban Nationals in the Cayman Islands is determined through the United Nations Convention relating to the Status of Refugees of 28th July 1951, and the protocol relating to the Status of Refugees of 31st January 1967. In order to gain the benefit of this Convention, an asylum seeker must prove that he is a refugee. The criteria for establishing whether or not a person is a refugee are set out in the Convention.

The Convention determines an asylum seeker to be a refugee if, "Owing to well founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, and being outside his country of nationality he is unable or, owing to such fear, is unwilling to avail himself of that country". Some of the Cuban Nationals who arrived in the Cayman Islands fall under such a category and may consequently be deemed as refugees. The refugees must comply with the Laws of the country in which they find themselves and the fact that they entered the country otherwise than in accordance with any Law or Regulation does not make their presence in the country unlawful.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Would the Honourable Member tell the House if the Government has done anything to determine how many of the Cuban nationals that are now in the Cayman Islands, indeed fall under the category of political refugee?

HON. J. LEMUEL HURLSTON: The Government has so far conducted interviews with asylum seekers. Another round of interviews have been conducted by the representative of UNHCR. Reports on the results of those interviews are currently being reviewed by the Government. No final decision has been taken regarding the final numbers.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: In the case of the situation where some of the refugees are not determined to be genuine asylum seekers, what has happened, or what will happen, to those persons?

HON. J. LEMUEL HURLSTON: Once an asylum seeker has been deemed to be a refugee all of the rights and privileges as spelled out in the United Nations Convention become operative and applicable. That includes the right to seek employment, the right to education, etcetera.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I understand what happens in the case of those deemed to be refugees. I asked what will happen, or what has happened, to those whom, as a result of the interviews, are deemed not to be genuine asylum seekers?

HON. J. LEMUEL HURLSTON: Those that do not qualify as refugees have to be removed from the Cayman Islands and in the majority of instances those seeking temporary asylum here have every intention of removing themselves as quickly as possible in any event.

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

MR. GILBERT A. McLEAN: Will the Member say if any specific details have been worked out by Government as to how it will integrate these Cuban nationals, who speak a different language and everything from us, into our society in terms of in the workplace, socially and otherwise?

HON. J. LEMUEL HURLSTON: The Government has no specific plan for integration at this stage as we have not, in fact, determined how many may be integrated.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say what kind of medical screening is given to these people before being accepted into our community?

HON. J. LEMUEL HURLSTON: A full, complete and thorough medical examination including complete blood testing is carried out on all persons who enter the Cayman Islands as asylum seekers.

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

MR. GILBERT A. McLEAN: Would the Honourable Member say if any attempts have been made to contact medical experts in the United States, or in Cuba for that matter, or, perhaps, the Centre for Disease Control, to find out how our doctors here should respond if, indeed, they identify the problem of the mystery disease which has been affecting some of the nationals in Cuba?

HON. J. LEMUEL HURLSTON: The Medical Officer of Health and all qualified Medical Officers in the Cayman Islands have an ongoing professional interest in the current epidemic that is spreading across Cuba. As soon as the disease has been finally determined, every effort will be made to ensure that appropriate remedies are available for prescription in the Cayman Islands. As I understand it, at the moment the disease is still in the process of being finally determined.

THE SPEAKER: The next question is No. 97, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 97

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE HEALTH AND HUMAN SERVICES

No. 97: What accommodation for the Cuban nationals is presently being provided and where and what is the long term projection?

HON. W. McKEEVA BUSH: The Cuban Nationals presently on Grand Cayman are being housed at three Government owned apartments on North Church Street. Those who recently arrived in Cayman Brac are being housed for the time being at the Ashton Rutty Centre. None of us can say what the long term projection is, beyond the fact that we are likely to continue to see more Cuban migrants arriving here in the future and these will have to be accommodated to the best of our ability.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, I think it was in the news and the media yesterday, or today, that the Government is setting up a tent city on what is the new hospital site. Is the idea to move the present persons that are in the accommodations that the Member mentioned to there, and has thought been given to bringing the Cuban nationals in Cayman Brac to this centre in Grand Cayman?

HON. W. McKEEVA BUSH: The plans are that when this is completed all the asylum seekers

will be housed in tent city at the new hospital site.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I wonder if the Honourable Member would say what is the approximate capacity of the accommodation at the Smith Road location, or where they are presently being housed?

HON. W. McKEEVA BUSH: Presently Madam Speaker, at the North Church Street apartments, there are 16 to date.

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

MR. GILBERT A. McLEAN: Would the Honourable Member say what in house arrangements, as such, are being looked at, or have been proposed, or prescribed, for the provision of food for example? All of these persons are not family, they are various persons. What about their cooking arrangements? Will it be the case that three meals a day will be provided, or will food be provided, or is one person designated to be the cook? What kind of arrangement has Government put in place to make sure that there will be no conflicts among this new commune?

HON. W. McKEEVA BUSH: As I understand it the arrangements for food, in the terms of cooking food, is a communal concept.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say what will be the cost of the site preparation at the new hospital site and where will these funds come from?

HON. W. McKEEVA BUSH: Cost of construction, really, is not in my Portfolio and I would like to make it clear that my Portfolio deals with ongoing services of food clothing and housing support. Internal and External Affairs deals with Immigration and Police, and Communication and Works deals with construction and development of housing facilities. We have been given a Grant from the British Government of $127,000 and we trust that this will be sufficient.

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

MR. GILBERT A. McLEAN: Madam Speaker, in Cayman Brac there are, I understand, 44 persons in the Ashton Rutty Centre and these persons have been supplied with bulk food items. They are cooking, and it is my understanding that the whole building, everything, is changing there, unhappily so. Would it not be better if the Government put in place an arrangement, since we are talking about cost anyway, so that meals are supplied to the persons there where Government has a more specific control over it rather than the communal manner in which it apparently be happening?

HON. W. McKEEVA BUSH: I believe that at this time Government has to provide any support services in the most cost effective manner and that is what we are doing.

THE SPEAKER: The next question is No. 98, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 98

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

No. 98: Which airlines flying into the Cayman Islands honour the tickets from Cayman Airways Limited and vice versa?

HON. TRUMAN M. BODDEN: All scheduled airlines operating into the Cayman Islands honour tickets from Cayman Airways Limited and vice versa. This includes Northwest, United, American, Air Jamaica and Sahsa.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say if this is a situation done outright? For example, if a passenger left here from Grand Cayman to go to Miami with a ticket to return on

Cayman Airways, can they simply go to another one of these carriers and present that ticket and fly on it without any other arrangement or endorsement or anything of that sort?

HON. TRUMAN M. BODDEN: Madam Speaker, I understand that all airlines who are Members of IATA, subject to their approving the passenger's ticket, will honour it. It is under that International Agreement that revalidating of tickets to another airline is done.

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

MR. GILBERT A. McLEAN: I did not quite get the last part of the Member's answer. What I am asking is, if one has to go to Cayman Airways to have them endorse that ticket over to the other airline and to get some special acceptance by the other airline for that ticket?

HON. TRUMAN M. BODDEN: I understand that it is normal and usual that it is accepted. However, sometimes it may be a special or a very low fare and in those instances it may not be accepted.

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

MR. GILBERT A. McLEAN: Has Cayman Airways experienced any ongoing refusals by other airlines to accept tickets on any of its routes?

HON. TRUMAN M. BODDEN: None that we know of.

THE SPEAKER: The next question is No. 99, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 99

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

No. 99: To list the administrative posts with occupants, qualifications and experience for the John Gray High School.

By way of explanation I did not mean the names, I meant the nationalities so it should have read by nationalities, qualifications and experience.

HON. TRUMAN M. BODDEN: Madam Speaker, to answer the question as it was put, the administrative posts at the John Gray High School are as follows:

- **Principal:** Mr. David Jarman, B.Sc, Post Graduate Certificate of Education (PGCE), 29 years experience in the United Kingdom, Barbados and the Cayman Islands.
- **Deputy Principal:** Mrs. Nyda Flatley, M.Ed, BA, PGCE, 17 years experience at the Cayman Islands High School, now known as the John Gray High School.
- **Deputy Principal:** Mr. Terry Hedger, B.Tech, Dip.Ed, 22 years experience in the United Kingdom, Jamaica and the Cayman Islands.
- **Senior Master:** Mr. Allan Jones, Cert. Ed, Dip.Ed, 28 years experience in the United Kingdom, Bahamas and the Cayman Islands.
- **Senior Mistress:** Mrs. Ummi Kapoor, B.Ed, Dip.Ed, 32 years experience in the United Kingdom, West Africa, the Middle East and the Cayman Islands.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member how do these administrative posts compare to those of schools of a similar size?

THE SPEAKER: Honourable Member I am afraid that would be an impossible question to answer. It does not really follow as part of the original question.
The First Elected Member for Bodden Town.

MR. ROY BODDEN: Then, I would like to ask what arrangements have been made for Caymanian understudies in those posts with no Caymanian understudies at present?

HON. TRUMAN M. BODDEN: I understand that there are understudies for the Principal and

the Deputy Principal, Mr. Hodger.

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

MR. GILBERT A. McLEAN: I would like to ask the Member if the qualification of the Deputy Principal would even remotely qualify her for ultimate promotion to that post?

HON. TRUMAN M. BODDEN: Madam Speaker, she has been appointed by Public Service Commission as Principal Designate in two years' time.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member if that means that the Deputy Principal will succeed the Principal pending a successful probationary period?

HON. TRUMAN M. BODDEN: I repeat, she is the Principal Designate.

THE SPEAKER: It is now 11:00. I will entertain a motion for suspension of Stand Orders.

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

11:00 a.m.

HON. W. McKEEVA BUSH: I move the suspension of the relevant Standing Orders to allow questions to continue.

THE SPEAKER: I shall put the question. Those in favour please aye... Those against No. The ayes have it.

AGREED. **STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE THE REMAINING QUESTIONS UPON THE ORDER PAPER TO BE TAKEN.**

THE SPEAKER: The next question is No. 100, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 100

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

No. 100: (a)How many children were suspended from the John Gray and George Hicks High Schools since September, 1992;

(b)What was the nature of offences which led to the suspensions; and

(c)To provide a breakdown of the suspensions showing age, gender and nature of offence?

HON. TRUMAN M. BODDEN: (a) Since September, 1992, 112 students were suspended from the John Gray and George Hicks High Schools. Forty-five students were suspended from the George Hicks School with an enrolment of 644, and sixty-seven students were suspended from the John Gray High School which has an enrolment of 750.

(b) The nature of offences which led to the suspensions were: abuse to Teachers; threats to Teachers; gross disobedience or disrespect; possession of offensive weapons; thefts; and possession and/or use of drugs and endangering the safety of other students. At the John Gray High School seven detentions in one term can also lead to suspension. At the George Hicks School misbehaviour in the detention room can lead to suspension.

(c) The breakdown of suspensions is as follows:

John Gray High School

	Boys	Girls
Abuse to Teachers	16	8
Threats to Teachers	3	1
Gross disobedience	8	2
Offensive weapons	3	2

Theft	3	1
Drug Offences	4	2
Fights	26	9
Seven detentions in one term	4	0

Total Suspensions: 92

With regard to age, suspensions were as follows

Year 9 (13-14)	10 suspensions
Year 10 (14-15)	51 suspensions
Year 11 (15-16)	31 suspensions
Year 12 (16-17)	0 suspensions
Year 13 (17-18)	0 suspensions

Total suspensions: 92

George Hicks School

	Boys	Girls
Abuse to Teachers	30	4
Threats to Teachers	16	3
Gross disobedience	13	3
Endangering safety	7	2
Possession of weapon	5	0
Disruptive behaviour	4	4
Misbehaviour in detention	2	0
Breaking of school rules	3	0
Possession/use of drugs	7	1
Fights	2	2
Firebombs	5	0

Total Suspensions: 113

With regard to age, suspensions were as follows:

	Boys	Girls
Year 7 (11-12)	20	6
Year 8 (12-13)	24	4
Year 9 (13-14)	54	5

Total Suspensions: 113.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, I would like to ask what alternate strategies to suspension are being used?

HON. TRUMAN M. BODDEN: Madam Speaker, the alternatives are cautions by police, strappings, detentions, and the "On Report" system.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Madam Speaker, I wonder if the Member could say if these statistics show a dramatic increase as compared to recent years?

HON. TRUMAN M. BODDEN: Madam Speaker, I would have to undertake to supply that information to the Honourable Member, as I do not have a comparison before me for this period of months.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you Madam Speaker, I wonder, then, if the Member could say, since this dramatic increase is certainly alarming, if the Portfolio, in conjunction with the Department and the Administrative Staff of the Schools, are attacking this situation since it seems that it is one that cannot be left alone?

HON. TRUMAN M. BODDEN: Madam Speaker, I have a rough estimate of the previous figures. In the John Gray School it is approximately a 50 per cent decrease and in the George Hicks School it is a slight increase over the previous period for suspensions. This, naturally, is an area and the behaviour of children in school is very important. Yesterday evening when this Honourable House adjourned, there was a meeting of the Education Council which dealt with an aspect of this. The meeting went from 5:00 PM to 9:30 PM. It included not only the Education Council but representatives of the students, the PTAs, the Principals of the Schools and also the Principals of the George Hicks and John Gray Schools looking specifically at the problem of drugs and the drug policies of the schools.

So it is very close to me and I can assure the Honourable Member that such long and difficult meetings at the time when the Legislature is sitting shows our concern and the concern of parents to improve behaviour and discipline at the school.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker, Can the Honourable Member say what conditions exist for monitoring the students during the suspension period?

HON. TRUMAN M. BODDEN: Madam Speaker, the Truant Officers, the Social Services Department, and the School Counsellors, in one way or another, monitor children when they are suspended and out of school. But, as the Honourable Member, I am sure heard, there is in line from the Member for Health and Human Services a specific school that is a programme that is now being looked at and should come on line in September. He made an extensive statement on it.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker, I am interested in what happens now. I would like the Honourable Member to tell us if these students have access to counselling, if their parents have access to counselling and how does the Truant Officer and all those who visit them ensure that the students are gainfully occupied during the suspension and that they realise the seriousness and the purpose of the suspension?

HON. TRUMAN M. BODDEN: That was, I presume, Madam Speaker, a part of a statement that I do not need to answer. All I can say to the Member is that what is now happening, I believe, is substantially more than what has happened in the past. Every effort is being made to monitor the children, to contact the parents, and to do everything possible with them during the period that they are suspended.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, can the Honourable Member say if each student is visited once per week, twice per week, or how many times per week during the suspension?

HON. TRUMAN M. BODDEN: Madam Speaker, that would depend upon each case. I know the Member has been out of practice as a teacher for probably 15 years, but all I can say is that it is a subjective test that is applied. It depends, really, upon the child and I am sure what prevailed then is substantially the same principle that prevails now.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, what I am determining to elicit from the Honourable Member is, what is the purpose of the suspension if the authorities of the school are not in a place to monitor the students to see that during the suspension there are some attempts to make corrective efforts in their behaviour?

HON. TRUMAN M. BODDEN: Madam Speaker, I have just previously stated that everything is done by the three officers that I have named to monitor and to assist the children. I have to make it clear that I inherited this system . In September, the new Government will have in place a proper and further programme, which the Member for Health and Human Services stated earlier, to deal with these matters.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Would the Member tell us Madam Speaker, if attention deficit disorders are presently a significant problem at the two High Schools?

HON. TRUMAN M. BODDEN: Madam Speaker, I understand that at present there is nothing done in relation to the medical term that the Honourable Member mentioned. But, in September, there will be a doctor here who will be speaking to the PTAs and the schools in an effort to deal with this matter.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Madam Speaker, I wonder if the Member could give some indication regarding the length of time or the range of the time period for these suspensions?

HON. TRUMAN M. BODDEN: Under the Law, the principal can suspend from one to seven days. The Chief Education Officer up to 30 days. After that the Education Council deals with the matter.

THE SPEAKER: The Second Elected Member for George Town. This is going to be the last supplementary on this question.

DR. STEPHENSON A. TOMLINSON: Would the Member tell us whether it is true that alcohol, drug and sexual abuses, in particular, are on the increase in the two schools?

THE SPEAKER: The Honourable Member can respond to the question on drugs, the other matter is not part of the question. So just reply to the drug offences, please.

HON. TRUMAN M. BODDEN: The answer is, yes, there is an increase in relation to drugs.

THE SPEAKER: The next question is No. 101, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 101

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

No. 101: What progress has been made toward the establishment of a National Curriculum since he took office in November, 1992.

HON. TRUMAN M. BODDEN: Madam Speaker, I fully support the establishment of a National Curriculum. When I took office last November I found that, like most other parts of the Education Plan, no detailed cost project document to establish the National Curriculum existed. Plans did exist to establish a National Curriculum Council and various groups and associations had been invited to nominate representatives. Parent forums were in the early planning stages, however no Curriculum Unit and no leader of this Unit had been established. One of the prime concerns raised by Teachers in my meetings with them was whether they would be expected to work on the National Curriculum in addition to their other duties.

Teachers and subject advisors have completed the curriculum for the Year 6 curriculum for Primary Schools. They have revised the Year 9 curriculum and they are currently working on the Year 7 and Year 10 curricula. However, to develop a complete National Curriculum for Years 1 to 12 is a massive exercise which will take a number of years. It calls for identification of curriculum leaders and for training. I believe this can best be done by establishing a curriculum team, as part of the Education Department, led by an Education Officer responsible for curriculum development. I hope to have this post established and filled early in 1994.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member what plans he has for involving the wider community in this exercise?

HON. TRUMAN M. BODDEN: Madam Speaker, I hope that we will have, as I did in the past few months, the input from the community at large; from the parents, from the teachers, from the students (I feel that the students should be involved in these matters), from people in the work force into which some of these students will go, and, perhaps, that may best be achieved through the public meetings or with the council that specifically deals with consultation on this.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member tell the House if, even at this stage, a National Curriculum Council has been appointed, and what has he said to the teachers who asked him whether they were expected to work on it in addition to their duties, what was his reply?

HON. TRUMAN M. BODDEN: Madam Speaker no council has been appointed and at present, until this is considered in some depth, I will not be able to give a direct reply as to the extent to which teachers may have to work in it. Obviously they have to be involved, they will do some work in it. What I was referring to is that now they do all the work.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member say why he has stated that it will take years to develop a National Curriculum and is there no available expertise in this field including our own teachers who, obviously, must have some ideas about it, and various persons in the wider environment in this country?

HON. TRUMAN M. BODDEN: Madam Speaker, the advice that I have had from practising teachers, who are now currently in practice as teachers, is that the establishment of 12 years of curricula will take several years. Further we have had a look at other countries and will be going to some other countries to look at how this was done. In the Bahamas for example, it took some five or six years to complete along with the help of the Team from the University of Cambridge that assisted them there.

THE SPEAKER: That concludes Question Time for this morning. The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:22 A.M.

PROCEEDINGS RESUMED AT 11:44 A.M.

THE SPEAKER: Please be seated.
Statements by Members of the Government. The Honourable Member for Health and Human Services.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. This statement is regarding the Government's Drug Rehabilitation Programme.

DEVELOPMENTS IN GOVERNMENT'S DRUG REHABILITATION PROGRAMME

This is an opportune time, Madam Speaker, for me to reaffirm Government's commitment to establishing a Residential Drug Rehabilitation Facility, and to indicate what progress has been made to date in this regard. While we would all hope, I am sure, that such a facility could be made obsolete in the longer term, this does not seem to be a realistic expectation, nor would it lead us to act to address the present pressing need for such a facility.

The Hawley's Estate, just outside of Breakers, has been identified as a suitable property for a rehab facility. The 7-1/2 acre property consists of 17 bedrooms, for a possibility of 23 beds. The necessary evaluations of land and physical integrity of buildings is now taking place. In the meanwhile, preliminary meetings have taken place with representatives of the owners, and it seems likely that terms acceptable to the Government can be arrived at. It is therefore hoped that such a facility will soon be a reality.

My Portfolio, including the Department of Social Services under which the Cayman Counselling Centre now falls, also met recently with directors of the Canaan Land Project. This is a proposed private, not-for-profit drug treatment facility as well, which would be affiliated to an organization of the same name in the United States. They were encouraged to pursue their vision, and requested to submit more detailed plans as they develop.

I should also like to give some general information on the development of the drug rehabilitation effort in view of the recent transfer of the Cayman Counselling Centre under the responsibility of the Director of Social Services.

A review of work done at Cayman Counselling Centre has revealed that the Centre's work has increasingly, over the past 18 to 24 months, largely centered around family counselling and associated treatment services, while work in the area of substance abuse has become proportionately smaller. In recent months that has begun to change somewhat. Two staff now work exclusively in the area of substance abuse. There is now an increase in the number of groups run, as well as an increase in work with individual clients. This review has, however, also brought to the fore the fact that a more comprehensive approach needs to be taken to the delivery of services in the area of substance abuse, particularly so as the use and/or presence of illegal drugs in our environment seems to be on the increase.

Presently, therefore, a proposal is being developed which seeks to provide a comprehensive continuum of services locally for persons who require any aspect of substance abuse services.

Last year some 12 persons required treatment services overseas for drug abuse, for an estimated

cost of $63,500.00. It is well known that there is a high relapse rate among persons who get help overseas and it is felt that this is at least partly because there are no comprehensive services locally to support the work done overseas. Thus, there is a need for a co-ed residential treatment centre which would add significantly to the continuum of drug treatment services locally, and which would allow for detoxification and transitional living, as well as inpatient care to be obtained. This complement of services would be supported by the work of the CASA District Committees, which are intended to broaden the impact of the drug educational effort across the community. In support of these activities our strategy would also seek to provide, at the district level, a complement of services which would support all efforts being taken at the drug rehab centre and ensure that the widest sector of our population would have access to these services. This is in keeping with Government's overall commitment to social development at the district level, close to the family network.

Figures for 1992 of new and active drug users who are known to the centre, are 167. Of this number an estimated 86 required detoxification, 96 needed inpatient care and 48 would have benefitted from transitional living. Clearly these figures illustrate that some individuals needed multiple services and, of course, in each case there would be a family member probably requiring some element of the services themselves.

The overall programme philosophy, which would also guide the operation of the proposed residential treatment centre, would be based on the principles of the 12 steps of Alcoholics Anonymous. The programme would provide assessment, referral, education and individual and group counselling.

This continuum of care would be designed to be flexible and easily responsive to possible services and resources which may emerge in the wider society from the private sector. This approach is pro-active in that it ensures that our people will have access to services in both the private and public sector which is in keeping with the needs of the widest sector of the population.

The overall objective of this strategy is to provide drug rehabilitation services in a culturally sensitive manner, within a structured supportive environment.

THE SPEAKER: A further Statement by the Member responsible for Health and Human Services.

HON. W. McKEEVA BUSH: This statement is on the Developments in Low-Income Housing Programme of the Government.

DEVELOPMENTS IN THE LOW INCOME HOUSING PROGRAMME

Much time and thought has gone into examination of ways and means of designing a programme which gives greater access to mortgage financing for low income Caymanians, in recognition of the fact that the Housing Development Programme really better responds to the needs of middle and some middle-low income earners. The new board has been very much concerned about this, sharing a concern I have had for some years. These efforts included investigation while on a visit to Bermuda, of their low-income housing programme, and discussions with key persons connected therewith.

While the discussions have been going on between the Portfolio, the Housing Development Corporation and the Department of Social Services, "feelers" were being put out into the marketplace by my Portfolio. As a result of these negotiations between myself and banks in the private sector, significant pledges of funds have been made, intended to be available to the type of programme being designed. Mr. Leonard Ebanks of First Home Banking and Mr. Duggan of the Bank of Butterfield have each pledged in principle CI$1 million per year for the next three years; while Cayman Affordable Housing is prepared to develop housing financing packages utilizing CI$17 million over a five year period. Within these proposals we would have some CI$16.2 million available over the next three years. At this stage, the principal concept being explored is one of Central Government providing a 10 to 20 percent guarantee to back a percentage of the loan funds in these cases in place of initial equity (downpayment, etc.) on the part of the mortgagee. The latter would acquire equity in the form of a percentage share of ownership of the property through the monthly mortgage repayments.

The details of such a scheme are now being closely examined to ensure that all parties agree it is workable and can further commit themselves to their roles in making it work. It seems likely that within a matter of weeks, we should be able to finalize the matter, at which point a detailed explanation of how it will work can be given, including what the prospective mortgagee has to do to gain access to the scheme, and so on.

Profound appreciation has to be expressed to those institutions which have come forward to offer assistance in this area of pressing need in the community. It seems we will soon take a great step towards enabling the target population to realize their aspirations, of achieving stability and security, not to mention the fundamental pride of ownership in their own housing.

It should be noted, in this context, that people who own their own housing are generally more contented, have more of a stake in the country, and are, therefore, better citizens as a result.

THE SPEAKER: Continuation of the debate on the Immigration (Amendment) Bill, 1993. The Fourth Elected Member for George Town.

GOVERNMENT BUSINESS

BILLS

SECOND READING

THE IMMIGRATION (A) BILL, 1993

(continuation of second reading debate thereon)

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. When we broke yesterday afternoon, I had just started my contribution to the debate on this new Bill for a Law to Amend the Immigration Law. I will deal with a few sections of this Bill before I go into what will be the longest part of the delivery.

Clause 3 of this Bill seeks to repeal and replace Section 4 of the Immigration Law, to increase the membership of the Immigration Board. It also introduces a new section to provide for committees of the Board and their functions. I understand the purpose of this section and if I read it correctly it will bring the new Board to having a membership of 14. I do understand that the additional members are intended to give a broader perspective and also there is a section which says, "Such other members as the members referred to in paragraph A, may from time to time appoint by notice in the Gazette...", that is that those people will be appointed by, and holding office at, the pleasure of the Governor.

This increase, I do trust, will allow the functions of the Board to be completed in a much more timely fashion. I think a lot of the problems that we face within the Immigration Department and the Immigration Board stem from an overload of stuff which takes them sometimes months to conclude. So, in that vein, I support that section without any problems. But it brings to mind Clause 5 which seeks to amend Section 20 of the Immigration Law to provide that a person cannot make an application for permanent residence within one year of having an application refused.

As I understand it now, there are many instances when an application for permanent residence is not dealt with within a year. I think, again, this is simply because of the way the system is set up. I certainly do not mean to cast any aspersions on the Department but I think we all willingly admit that in many instances the work load does not equate the staff being able to handle it.

This Section 20 amendment reads;

> "Where an application has been refused under subsection (1), the applicant shall not be permitted to make any further application until after the lapse of one year from the date of the communication of the decision; or, if the Board so Orders after the lapse of two years from such communication.".

I am here to tell this Honourable House that I know of an instance with an application for permanent residence where communication was not forwarded to the applicant after he made the application and handed it in, until very close to 16 months after that application. In essence, I do not have a problem with the intentions of this section but, in reality in drawing the parallel in regards to the time frame of getting answers to applications, it is very, very possible that the reasons for denial of the application could have been taken care of and sorted out during the time that the application is processed. So, if a person has to wait another year, or possibly two years, before he or she can apply again, I think that that may seem to be a bit unfair.

The solution then is to have in place some system where these applications can be dealt with in a more expeditious fashion. I would ask the Honourable Member to take note of that so that I do not have to get into a situation here where I have a problem in supporting the Bill simply because of this section. If things are able to be handled in a timely fashion then I have no problems with it, but I thought I would make the point because there is, as far as I know, no specific system that has been devised and implemented in regard to dealing with applications for permanent residence. What I get to understand is that they are simply bunched up and every so often, whenever the Board is able to, the Board deals with it.

I hasten to say again that it is not my intention in making these statements to cast any aspersions unto the Department or the Board. But, nevertheless, the end results are what we have to look at and, for whatever reasons, we are finding ourselves bogged down and not being able to deal with these situations and these applications as timely as we would like to. I know that it is not easy and I know that the problems will not be solved tomorrow, but I think that just as the Government Bench has continued to point out areas that they are tackling so, too, is this an area that must be dealt with as quickly as possible. So, Madam Speaker, getting back to the section which the Member has stated the Government wishes to withdraw, it comes to

my mind that while this section has been withdrawn there is an area of concern that I feel very strongly about and I feel must be addressed, if not immediately, definitely, as quickly as possible.

As I stated earlier, this problem is known by all of us, each and every Member in this Honourable House is aware of some level of this problem. Because it is not one that is easily solved, I take the position this morning that governments come and go, and governments change, and it has not been addressed because it is, as we term it, a ticklish situation. To draw an example, a few short weeks ago, I and other representatives from the district of George Town were faced with a situation where a young lady who has been continually resident on this Island for a period of 20 years, who went to school here, who has worked here, has a Caymanian child, was going into the courts to be charged with overstaying. In my estimation, this is nothing short of preposterous.

I do not, and I am not trying to suggest that this country must not have Immigration Laws that ensure the protection of the population of Caymanians. That is not my point. Every one of us, from time-to-time, gets into a deep discussion on who is a Caymanian, who should have status, and such the like. I say, today, that is not the main problem that we face in this country. The problem that we face in this country (and this Bill certainly does not address it), is that there are thousands (a few years ago I would have said hundreds, but today I have to realistically say thousands) of people in this country who have been accepted by Caymanians, who have been allowed to make families here, have been allowed to work here, who are expected to participate responsibly in civic matters, who are expected to give of their all within their communities, who are accepted within many of our families because our son or daughter married one of them and everybody is happy within their little individual self. But the entire picture is one it seems we are afraid to address.

There are people here who have been living here, and I go in stages, over 15, over 20, over 25 years who today do not know whether the next application for their work permit will be renewed. They are very nervous and I contend that it is unfair and not only unfair, but how can we expect these people to be what they should be within us if they are not in a situation where there is some comfort zone where they can be allowed to be themselves within our communities. I am making no suggestions that we should encourage foreign labour to prevent our Caymanians from having jobs. I am making no suggestions that we should open the flood gates and say, "OK fellows, come on in, we need another 50,000 people in this country so we can open more shops", I am saying nothing like that. I am simply saying that we have these people here, we know all of them, they are in each district, they are no longer just in the district of George Town, every representative who sits in this House has been faced with a situation of this nature since the November Elections and I dare anyone to say not.

I believe that there are many, many issues facing this Government and I believe that each and every one of the Members of this Legislature means well and wishes to do what is best for this country. I also believe that some of us, not excluding myself, may have some inner fears with regards to how some people feel about this issue. But, I believe that it is time that we understand the integration that has taken place within these Islands. Because we have no choice, not because we wish so, but because we have no choice, we need to address that situation to put ourselves and our communities right. Much of the division that we see, whether it be ethnic, religious, or otherwise, is caused from the discomfort of many people with whom we rub shoulders with every day.

While I lend my support to this Bill, bearing in mind that the Section which the Member mentioned regarding status has been withdrawn, I take this opportunity to challenge ourselves and the Government Bench to deal with this matter. I say, what I have said this morning, not dealing from any political standpoint with regards to knowing that some of these people can vote or some cannot vote, I am simply dealing with this from the point of view that we are all human beings and where we have travelled we have expected to be dealt with fairly and I think it is only fair that we reciprocate in kind.

We have young people in these Islands who have performed well in sports, who are leaders among their peers and I have spoken to some of those young people and I know that everyone of us here feels proud when we talk about some of these young people. The question we need to ask is who are some of these people and where do they come from? I do not have any fears with regards to the Indigenous Caymanian, population not understanding this. I think in their own way they are now beginning to feel the strains of this situation. If the Caymanian public does not want to have another 3,000 or 4,000 people with status, then, Madam Speaker, as far as I am concerned, we can forget that the word "status" exists, we can throw it through the window. I certainly do not care. I am simply saying that we need for these people to feel a sense of comfort, a sense of pride, a sense of self-esteem as we have accepted them in all other areas. They are not going to be taking away any jobs from Caymanians because they already have jobs. They, too, go to Foster's and buy groceries, just like we do. They pay their way just like we do. If we do not want them here tell them from now and let them go, do not leave them hanging.

Madam Speaker, I hope I did not stray with regards to this Bill. But I think this issue is one that is very important and I would ask that the Members responsible in this area look at their earliest possible convenience, to dealing with this matter and I am sure that the rest of this Honourable House, the Members here, also feel strongly and will support anything that comes back to this House that is able to deal with this matter in a sensible fashion.

Thank you.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. I rise to offer my contribution on the Bill for a Law to amend the Immigration Law. It is not extensive but I believe that the proposed amendments are useful. I do support the expansion of the Immigration Board by three additional members and also by having a

representative from the Central Planning Authority, the Director of Labour or his designate, and a member of the Public Service Commission also as ex-officio members of that Board. I believe that this is in keeping with our thoughts, that is, the previous Backbench between 1988-1992. We advocated a need for greater communications between what the Immigration Board was doing and the Central Planning Authority, the Labour Office, and even the Public Service Commission. I believe if all these respective authorities, or areas, are aware of what the other is doing then their efforts can be more effectively coordinated.

I do have a concern, though, with regard to the length of time the Immigration Board, and that is not necessarily this Board, but Immigration Board in general, in dealing with issues and applications. I believe, and we have advocated this before and I trust that steps will be taken to address this issue, that the work load that the Board is responsible for on a weekly basis is streamlined, reduced, and hopefully handled by a sub-committee of the Board or even administratively within the Department of Immigration. I believe that it is very important for the Board to be in a position where they can make a prompt decision with regard to the renewal or the approval of work permit requests or for the grant of permanent residency or status and the other much more important issues that they are responsible for.

I would also challenge the Government to shorten the appeal process that now exists, as to the length of time it takes for decisions which are appealed, or appeals on decisions taken by the Immigration Board. It has been my experience, and I have heard of other parties having the same experience, where those appeals can take as long as a year, a year and a half, before they are heard by Executive Council. I believe that this does lend itself to a lot of undue concern, some inconvenience, and I believe that matters of that nature have to be dealt with in a much more expeditious manner.

Section 4, even though it is being repealed, is dealing with status where the Government was proposing that it be by invitation only. I believe that the issue of status has to be addressed once and for all. Sooner or later it is going to have to be addressed, if not by this Government, by some future Government because I believe that we are not in a position where we can continue to offer Caymanian status to people here who qualify based strictly on residence.

Most of those people who are granted status under this section of the Law are people who are professionals, people, in most cases, that enjoy the higher income or salaries which are available in this country, and persons who are in a position where their children get the best of education and their children come back here and then are in a position to compete for jobs with our native born Caymanians. Our society is too small, our economy is too small, to continue to be in a position where it is called upon to accommodate each year a number of such persons. It is my personal view that the granting of Caymanian status should be restricted to the spouses of Caymanians, their dependents, and people with close Caymanian connections, be it a grandfather or grandmother or whatever. I am one Member who will be prepared to eliminate the idea of granting Caymanian status based specifically on a term of residence.

I do share the concern of the Fourth Member for George Town, and I believe that it is not those persons' fault that we have allowed persons to stay here 20 or 25 years and I believe at this stage we do have a moral obligation to deal with those persons if they are outstanding citizens and they are making a present contribution in our society and, like he says, they are not in a position where they are taking away any jobs from Caymanians. They are already actively involved in the community through businesses, etcetera. I believe that those persons, in that category, who have made a valuable contribution have to be given some security of tenure.

It is not an easy situation and these decisions are not very easy or popular decisions, but they are situations which have to be addressed. So I do support the Bill and I would just like to add that I feel that the Immigration Board, as a result of new membership, is in a position where they can deal with applications for the grant of work permits, in particular, in a much more expeditious manner, then the demand for the issuance of temporary permits will significantly be reduced. What is happening today is that because of the length of time it takes for the Board to make a decision, most businesses, who are not in a position where they can wait three or four months for a decision on an application, go the route of getting a temporary which, at the present time, can be extended for up to three months. This is the way that they go about taking care of their need for foreign labour. So if the Board is in a position to where it can be streamlined, the work load can be reduced significantly, then it will be in a position where it can provide a much more efficient service to our community.

I do support this Bill. Thank you.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, as stated by the Member who introduced the Bill, one of the functions of this new Bill is to extend the membership of the Immigration Board. Members have been lobbied on the membership. I received a letter from the Chamber of Commerce which suggested that it is not a good idea to have the membership made up by having one member from each electoral district. I do not agree with their idea. I think it is very necessary to have at least one member on the Board from each district. In this way there would be someone present who would have the local knowledge which is always vital in making the types of decisions which the Board has to make.

It has been suggested that the Board would be better made up if the membership contained one member from each of certain recommended organisations. Here again this would be worse than having them from specific electoral districts because, whether it is admitted or not, these special organisations only look after themselves. They are special interest groups and they were formed in the first place to protect the interests of their members and they are very selfish indeed. I think it is fair for the composition to contain members coming from island wide.

We know that a person will not be put on the Board simply because he comes from George Town or because he lives in West Bay. Within the district there has to be somebody with enough intelligence, enough common sense, enough knowledge of the local situation, to make a very good member who can make decisions.

The Bill extends the membership to include a member from the Central Planning Authority and other arms of the Government. But I am happy to see that these members are not allowed to vote because I have heard stories recently, one, in particular, from the Central Planning Authority about the way they are handling the plans for the new Catholic School. There is some neurotic person trying to enforce his or her idiosyncracies on this development. What I have heard is a horror story. I am glad that if these people are going to be put on this vital Board that, at least, we do not give them any vote. They can be put there, and they can make their comments, but they cannot make decisions. So that Clause 3 (2)(b), says that these additional members have no right to vote at meetings of the Board.

The original draft contained a provision, which the Member has said will be deleted, that was to have made a change which would have caused it, if it had been left, to be necessary for the Governor to invite people to apply for status. I believe the Government has done itself a big favour by taking this out. No matter how well they carried out their duties they would have been criticised by the opposition, and by people from their own ranks as well, for sending out the invitations to whomever they send them out to.

I feel that status must be granted by the Immigration Board to people who deserve it, to people who qualify. The Government of the day must decide how many it can afford to admit to full membership in our society. But I would not like to see invitations go out like the ones that used to go out from Government House and be taken back if you were not a good boy. I do not want to see that creeping into the Law.

The Section dealing with temporary permits is an important section and it reduces the time from 90 days to 30 days for a temporary permit. We know in the past no area of the law had been more abused than the one dealing with temporary permits. In fact, people that were unable to get Gainful Occupation Licences were able to use temporary permits to supply the labour. I feel that a temporary permit should only be granted where an emergency arises like, maybe, a break down in some equipment and a qualified person has to be brought in to repair it, or maybe it can happen in any category of work, even in a domestic situation, there may be old people needing constant care and if the person taking care of them has to leave it might be necessary to bring in somebody quickly until such time as a permanent person can be found. So, I agree with the reduction of time for a temporary permit from 90 days to 30 days. I also agree with the temporary permits being granted by the Chairman of the Board and the Chief Immigration Officer together. This allows the Board to have constant knowledge of what is going on.

A previous speaker mentioned his concern over the restriction that is put on people who have been refused their applications for permanent residence. The explanation in the Bill is that the reason why the Law will now say that they cannot make a new application is in order to cut down on the number of applications and the administrative work of the Board. Of course he has made a valid point that the applications should be dealt with quickly and that it should not take 16 months before a person knows whether the application will be granted or not. On the other hand, if an application is refused it would seem very silly to put the same application right back to the same people. There is not likely to be any change in the results.

I support this Bill and I, too, know that this amendment does not address all of the concerns that the people have about immigration into this country. It is something that has to be constantly monitored because it moves so swiftly and this is the business of the Immigration Board and the Legislators to constantly review the situation making whatever changes are necessary always remembering that we have a small community and we cannot allow this community to be destroyed by being overburdened. Neither can we let the community suffer because we lack the expertise to service the many needs which we have.

THE SPEAKER: The House shall be suspended until 2:15.

PROCEEDING SUSPENDED AT 12:45 P.M.

PROCEEDINGS RESUMED AT 2:20 P.M.

THE SPEAKER: Please be seated. Debate continues on the Immigration (Amendment) Bill, 1993. The Elected Member for North Side.

MRS. EDNA M. MOYLE: Madam Speaker, in my contribution on the debate on this Bill, I would like to deal with it section by section.

Section 3, where Section 4 of the Immigration Law is repealed and the following section substituted, whereby we will now be increasing the membership of the Board and also additional people, a member of the Central Planning Authority, the Director of Labour, a member of the Public Service Commission, I think that this is very good. I think that the normal procedure now is that when an application goes before the Board, the Board in turn sends back to the person applying to find out if they have dealt with the Director of Labour to see if there is any Caymanian available to fill these positions. In my opinion, this will cut down the time-frame in dealing with any application before the Board.

As the Member introducing this Bill said, Section 16 of the Immigration Law, the amendment that was proposed, has now been deleted. Although we have deleted this section, I would like to go on record as saying that the matter of Caymanian status has become one of urgency and

the Government of the day, or every Member sitting in this Chamber, must now put this on the agenda to sit down and come up with something so that we can handle this whether it be permanent residence with a right to work and we do away with Caymanian status, or whatever. I think that this matter must be dealt with as soon as possible.

I would just like to say that Section 15 subsection (9) of the Law, where it states that "any person who has attained the age of 17 years and has Caymanian status which status would otherwise expire upon his attaining the age of 18 years", it goes on where it says that "such application shall be granted by the Board unless the Board considers that there are exceptional circumstances why it should not be granted". I believe that a situation in this country where we have granted Caymanian Status to persons, they in turn have had children and we have granted the status until they attained the age of 18. We are putting in this word "shall". It is mandatory that these children must get Caymanian status, at least that is my interpretation.

What we are doing here, these children are going overseas to be educated, they are coming back to this country with a better education, maybe, than some of our own and the better jobs are going to these persons. Do not get me wrong, Madam Speaker, that I feel that kids who have lived in this country to the age of 18 should not be granted status, that is not correct. But I do not think that the word "shall", making this grant of status mandatory, should be included in our Immigration Law.

The other section is Section 31. I am certain that the Member bringing this Bill before the House, when we reach the Committee stage, will deal with this matter. We are amending Section 31 so that it will now read;

> "31. (1) The Chief Immigration Officer and the Chairman of the Board (or a member appointed for the purpose by the Chairman) may jointly on application in the prescribed form accompanied by such documentary or other evidence as may be prescribed by or on behalf of a visitor ....".

Madam Speaker, I do not feel that anyone entering this country as a visitor should be allowed to apply, or anyone on the behalf of that visitor, for a temporary work permit to remain in this country. I believe if one visits this country as a visitor it is exactly as it states, a visitor. Now I can see a temporary permit being granted to someone who needs domestic help on a temporary basis and some other person has a domestic helper who knows someone that we can bring in for a temporary permit for the purposes of this Law.

Subsection (2) of that same Section, while we are in subsection (1) trying to tighten up the issuing of temporary permits by including the Chairman of the Board, subsection (2) still leaves this to the sole responsibility of the Chief Immigration Officer. When we reach the Committee stage I would ask that we look at this very closely and continue the amendment which we have put in subsection (1) into subsection (2).

On the matter of Caymanian status in this country, I read in a letter from the Chamber of Commerce (and I do not agree with many of their points), but there is one point that I do agree with; that the applicant's primary contribution should be in personal time rather than money. Too often I have seen and I have known of persons who have prepared to contribute large amounts of money to charities in this country for the sole purpose of being recognised for Caymanian status. Once that status is granted those contributions, those efforts to help the people of this country, are stopped. In granting status it must be looked at very closely.

I agree with the Fourth Member for George Town when he states the number of people now living in this country for 24 or 25 years who have no security of tenure, we have got to deal with this matter. I would ask the Government of the day to sit down very soon and let us study this Immigration Law and the matter of Caymanian status to come up with something that will be pleasing to most, if not all, of the people living amongst us.

Thank you.

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

CAPT. MABRY S. KIRKCONNELL: I rise to make my contribution on this debate on a Bill for a Law to amend the Immigration Law. After having spent many years in Select Committee on the former Caymanian Protection Law (Revised) just a short period ago, I had hoped that we would not be facing amendments to the Immigration Law which that Select Committee brought into Law. But today we are seeing amendments to a Law which require a change in the composition of the Immigration Board.

It was said during the deliberations in Select Committee that the then Board was large and cumbersome, and it was suggested that it be reduced. It was thought that a good solution had been arrived upon with a Chairman, a Deputy Chairman, and one member representing each electoral district. We now see that, apparently, the Government of the day feels that it was not a proper decision and it is necessary to add three additional members, this will put it back to the number that it was before and I wonder if this will not then add to confusion.

I also note the addition of the ex-officio members, such as a member of the Central Planning Authority, the Director of Labour, a member of the Public Service Commission and any other member the members referred to in paragraph (e) may from time to time appoint by notice in the Gazette. It is my understanding that these ex-officio members have always been available to give advice to the members of the former Protection Board, now known as the Immigration Board. The Director of Labour, we have questioned him in Select Committee on a number of occasions. It was said that he was willing to attend any meeting and he was there whenever he was called upon to attend. The same thing with the Director of Planning. So this expertise has been available to the Board in previous years. Whether they have coordinated their thoughts

and they have worked together I cannot answer that question. But the provision has been available and I have had personal experience with the Central Planning Authority and although that does not designate the Fire Department and the others sitting on the Board in the Development and Planning Law, they sit. A member from Environmental Health or Public Health, a member from the Fire Department and whenever it is necessary one from Public Works will come and give advice and also a member of the Legal Department if that is required. So a statutory body has this built in power to get the necessary advice that it needs.

What I have experienced and one of the short falls has been with our Immigration, the former Protection Board, and it is possibly true with the Immigration Board, they have not had sufficient support services. On many occasions I have been told that applications had been dealt with but the clerical staff has not had adequate help to be able to get all of these in the hands of the people in need. I hope that adequate provisions will be made that sufficient support staff, and I advocate that special support staff should be assigned directly to the Immigration Board and not just as a member of the Immigration staff which, I understand, are grossly overworked. I think one of the very most important Departments we have is the Immigration. It is a serious problem for a small three Island Nation as we are and we must do everything to make it work efficiently.

I have looked carefully at section 4 and I am very grateful to the Honourable Member moving the Bill that the Government has agreed to withdraw this because, certainly, I do not feel that was an improvement. I think it was going to be grossly misunderstood and I think it would only put more pressure on the Elected Members of Executive Council and not be of any benefit in the long run. It would only be an avenue in which the Members of Executive Council would be accused of selecting few. I am sure being grossly overworked they do not need any additional pressure.

So I am glad to see that this has been withdrawn and I think, as other Members have said, that the provision of status and permanent residence is something that we, as Legislators, must address. We must find a solution. Many things compound our problems here in the Cayman Islands, as a dependent territory. One being that persons born in the Cayman Islands are not Caymanians, they are not British Dependent Territory citizens, and therefore the main formation of something similar to a green card, as it is in the United States, would not solve the problem and, I repeat, would not solve the problem because the offspring of persons having permanent residence would have a serious problem when they reach voting age; having been born here, raised here, and considering themselves "one of us", as the phrase goes, then to find that they have no right to become involved in the political well-being of this country. I think it would tend to create further social unrest.

So there is a lot we must consider when we attempt to establish a security of tenure for people who are living here. Previous speakers have spoken of those with a long tenure of residency and I lend my support to their thoughts. People who came here and really have no place to return to, this is their adopted home after long periods, up to 20 years. It is really difficult to tell them to go home because they do not know where that is.

Although I have had the opportunity of sitting in many Select Committees on former laws dealing with the subject, we have never been able to conclude something which I think is really the solution to the problem. I truthfully believe that the reason so many candidates for status are identified is the fact that there is no other security of tenure available to them. I think that we must find some other means of granting them permanent residence with the right to work. Something that will protect their children as well, some rights will have to be built in for their children.

Section 7, it gives me great concern where the amendment reads that the Chief Immigration Officer will no longer be allowed to issue temporary permits but it will be replaced by the Chief Immigration Officer and the Chairman of the Board or a member appointed for the purpose by the Chairman. Unfortunately, as we amend our legislation, we seem to alienate the Sister Islands, Cayman Brac and Little Cayman, and make life somewhat more difficult for those of us residing and trying to do business in those two Islands. We are striving to keep the economy going, trying to build the economy up, trying to get it into a position where it will not be so heavily dependent upon the Government for funds. But one of the many provisions that has been very beneficial to people doing business in the diving industry, watersports, tourism and general business, and was particularly very helpful during the ship-to-ship transfer operation, was the temporary work permit. Authority was delegated by the Chief Immigration Officer to the District Commissioner so that he could issue temporary work permits.

This amendment will eliminate that completely. I view this with great concern. It now means that every application will have to be dealt with in the normal way, sent to Grand Cayman and wait your turn. Many times, because of the nature of employment within the Brac, I have been told by people, particularly in the watersports industry, they employ people and shortly after they are there they decide that the social life is not what they anticipated it would be. They terminate their employment without notice and they need a replacement for their operation to continue, and with guests in the hotel they need it immediately. For them to have to sit down and wait months to get a regular work permit or to send down to get a temporary issued because, technically, what we are saying here today is we are eliminating temporary work permits we are just issuing a short term work permit because the Chairman of the Board is going to have to act on that as well. I conclude that what we are doing is we are issuing a 30 day permit with no extension and then we are issuing a one year and a two-year 1C permit. That is the category of permits that will be issued.

I also am greatly concerned that there is absolutely no discretion resting with the Chief Immigration Officer and/or the Chairman of the Board that a temporary permit can be extended beyond the 30 days. This sometimes is very necessary. We know, often times, material is not available in these Islands, someone is here doing a job, it is not completed within 30 days, it maybe takes 40 days, what is going to happen? Do they have to return and leave the job unfinished? Apply for another temporary? I think under special circumstances there should be a provision whereby the Chief Immigrating Officer and, I am sure this

amendment will carry, the Chairman of the Board, should have the authority to extend a temporary beyond 30 days. I am told it is renewed for another 30 days, but I do not see that.

I am always glad to see amendments come that move forward and make improvements, but today I do have concerns with what I have said, and I hope in winding up the debate the Honourable Member will be able to ally my fears on what I have said.

So, with these few words, I look forward to hearing from the Honourable mover.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker, in rising to make my contribution to this debate let me begin with the observation that it is positive in most instances when amendments are brought to laws and regulations because it means that the Government, or the authority, has been minded to make adjustments for the smoother functioning of those laws and regulations. In this instance the attention, I believe, is just that.

The Government has my sympathy because I believe they are in an unenviable position in dealing with this matter of immigration which we have been faced with for many years. Certainly, I believe that we made errors at the very beginning and it is unfortunate that we have so perfect a vision in hindsight that we could not see at the time to make the necessary stipulations and demands that we so readily agree are needed now, but yet we find difficult, cumbersome, inconvenient and sometimes objectionable to make.

I am in agreement with the move to streamline the Board by adding the additional members, although I would have hoped that the addition of the three other members which is proposed would have been made more specific to say exactly from what areas these members came, whether they were going to be from the professional aspect of the community, political appointments, that is, from the more populous districts, or whether they were going to be members who could offer expertise in one or other of the areas with which the Immigration Board deals.

Certainly, having a representative from the Planning Authority, the Public Service Commission and the Director of Labour can only serve to enhance the smoother functioning of the Board by virtue of the fact that these are resource people eminently qualified to offer expert opinions on matters facing the Board with regard to their decisions in terms of granting or not granting of work permits. I also concur that the role and function of these members should be limited to purely an advisory role and that they should have no right to vote. I think that there was a hue and cry for this kind of advice to be made available to the Board. I look forward to a smoother functioning of the Board by the advice available to it from these three members.

As regards Section 4, I join with my colleagues who have expressed relief that the Government is withdrawing this section. Let me avail myself of the opportunity to make some comments regarding the granting, or not granting, of Caymanian status. To be or not to be. To grant or not to grant Caymanian status is the single most exclusive question to answer in this country at this time. I can understand why the last four, if not more, political directorates have avoided addressing this issue. But let me say that we cannot, and we must not, avoid it any longer. The longer we postpone making such a seminal decision the more compounded the problem is going to be. I do not know how we are going to arrive at an answer which is going to satisfy those people who are, what I call, established Caymanians, like most of us in this Assembly, the Elected ones of us, and those people who have been here for so many years that they figure they have a moral right. According to the laws of natural justice, it could be argued that they have a right to remain here now.

Caymanians, established Caymanians, have genuine fears, for the statistics show that the rate of procreation among this element of our population is such that we will be outnumbered if this trend continues, if we are not now outnumbered. That has to be, in any society, an alarming factor. This is juxtaposed against the feelings of that element of the population who have been here for decades and have worked hard, have been loyal, law abiding, and have participated in all aspects of the development of the society and who, quite naturally, ask the question, "What is our share?"

I believe that one way of arriving at an amicable solution to this problem would be, firstly, to find out the number of such persons so what we have to do is arrive at a cut-off point. Whether we are going to make that cut-off point be 1990, the year 2000, or whatever, we have to set that cut-off point and say that beyond this, anyone who comes will not be eligible for certain things.

From my experience, many of these people would really be satisfied with something less than Caymanian status. Many of them air expectations of, what we call, some form of permanent residency, or what the Americans call a "green card" status. My understanding of that is that these people would be free of certain immigration controls, that is, it would be taken for granted that as long as they reminded in certain vocations and professions their right to work would continue from year to year and the applications to the Immigration Board would be a mere formality. They would be free to go and come without serious immigration controls.

I notice that my colleague, the First Elected Member for Cayman Brac, said that he would have some problems with that because arising out of that would be the question of succession in terms of future generations. I would propose that such a system be transferred down to the children as long as they met the residency qualifications. But, I must say that I have a problem with opening up the floodgates and granting Caymanian status, as we talk about it, to all people who, I understand, might be eligible for such consideration at this point. Because the sentiments expressed to me by my constituents are that they would find that a bit upsetting but they would have no serious objection to the granting of some form of permanent residency.

I recall when the Select Committee, working on this Immigration

Law, was meeting and we talked about the possibility, and we used the term 'sweeping up', these people who were here for 20 years, some of them, and beyond, and incorporating them somehow into our society. We discussed this to the extent that at the 28th of May 1990, I wrote a letter to the Honourable First Official Member, who was Chairman of the Select Committee drafting the new Immigration Law, regarding the concerns expressed to me by some of these people in my constituency who had lived there for as long as 20 years and beyond. I suggested that we should make some attempt to find out exactly how many of these people there are and then try to come to a decision as a result of some form of consultation, or interview, with some of these people as to what they expect. Take those expectations and balance them against what those of us, who are representatives of the people, of established Caymanians, think that our people would willingly concede to. I contend that in the absence of any more appropriate alternative, that this is the route to go. This problem should not be allowed to drag on for another four years. The longer it is drawn out, the more of these people we are going to have to deal with and we are going to find ourselves in a situation in which we cannot win.

I believe that if the decision is to give citizenship, then the criterion and the prerequisites for that citizenship must be publicly known. I believe that we must not get ourselves into an indefensible position. Politicians have a difficult enough time defending themselves from a myriad of other things. I would not like to see us get into the position where we have to defend ourselves because we have a system of citizenship where we recommend who should be considered. So I have to say that I am relieved that this is removed and would only ask the Honourable Member to take note that if the decision is made, let me stress that, if the decision is made to grant citizenship, that politicians be as far removed from having any say in who gets that citizenship as the east is from the west. We do not only want to be good, ethical and fair, but we want to be seen as being that way and we have enough troubles as it is in and amongst ourselves, let alone between ourselves and the public. I hope that whatever the decision is that it can be one in which politicians can easily exonerate themselves from any charges of influence-peddling and friendship-mongering.

I hope that we, during these four years, I will go further than that, I would say it is incumbent upon us to decide how many of these people there are and what we are going to do with them. Even if that means reconvening just to deal with this matter, I think it is high time that once and for all we settled it.

Regarding Section 7 of the amendment which deals with temporary permits, many people have expressed the fact that doing away with the old system of the three month work permit is going to cause some great inconvenience. I believe that there is merit to that expression. Certainly, there are cases where such a system served its purpose and I would hope that when we arrive at the Committee Stage the Honourable Mover can pay some attention to the arguments that I know Members will be putting forward regarding this.

I am told that some people seem to think that the Board, as it functions now, is a little better streamlined. By the comments I hear I would say that there is a balance between the negative and the positive. Certainly, people are pleased with the fact that there seems to be a quicker response when they make inquiries. Generally, they are satisfied that there is a liaison officer on duty most of the time where their queries can be hastily dealt with. However, there are some situations that we can still improve upon.

Just recently, I received a complaint from a constituent of mine who had Caymanian status up until age 18 and lost it, and now has to work on a permit. He complained of documents being lost a few times. That seems to me rather an unfortunate accident and it tells me that, perhaps, we can still tighten up on some of the organisational procedures. At one stage there was a bit of embarrassment because this person's application had been lost and they had a visit from the Enforcement Officers. It was a little unpleasant. It could have been embarrassing had it not been for the fact that there were copies of the application in the office files. So I say this to say that although the arrangements now are an improvement we can still be vigilant.

I am going to give my support to this Bill and look forward to being in a position to make a few suggestions on some of the other Clauses when it comes to the Committee stage.

Thank you.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I rise to offer my thoughts on a Bill for a Law to Amend the Immigration Law; perhaps the most amended law on our books. I hope in the very near future that I will have the opportunity of rising again to make contribution to amendments having to do with security of tenure like the previous speakers have all spoken about.

With any change of Government we get rumblings in our community and it is no different with the last few months than in previous years. I agree with the establishment of more members to the Board, especially from Planning, the Director of Labour and the Public Service Commission in the capacity of resource people and not with a voting right as I believe that the left hand should know what the right hand is doing and this will enhance these activities.

I am happy to see that three additional members will be added but, again, someone else voiced concern that it should have been explained a bit better. I believe that it will be done properly and with the Committees of the members of the Board this is very good. They will not be dealing with Caymanian status or permanent residency. I believe that the work load that the Board now has is very severe and the lives of people are put on hold while a permit is being processed because the work load is very severe, or long, I should say. These Committees will help, perhaps, in dealing with renewals and with Trade and Business Licences and this is good.

Section 4 was taken out and I am in agreement with this

because this leads to problems. Many of us touched on that in the debate.

Going on to Section 25(a). I believe that this is very good that when an applicant has applied for permanent residence that they cannot reapply under one year. I believe that reasons should be given here as well, if it is declined, so that they can understand why it is declined and, perhaps, be able to correct it.

In speaking with the Chairman of the Board several weeks ago, I voiced concern over divorced or single parents, women that is, with children, and the manner in which they are dealt with. I was assured that they were dealt with on a personal basis. Each case was considered. But I still wish that this had been placed within the Law in some manner so that they could be reassured that they would be given the opportunity to work, with children, even though they do not have a husband.

In dealing with the temporary work permits, I believe that this system has been abused because the Board has taken too long in processing the permanent work permits; businesses need to function. I believe that is the reason why they were abused. I believe they were also abused because of the fees, but that is another subject.

I believe that the Chief Immigration Officer and the Chairman of the Board jointly dealing with the applications for temporary licences is very good in that two people can work together much better than one person having all the power and, perhaps, no questions can be asked then. I will support this Bill and I look forward to further amendments being brought, as I mentioned earlier.

Thank you, Madam Speaker.

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

MR. GILBERT A. McLEAN: Madam Speaker, I rise to speak on a Bill for a Law to Amend the Immigration Law, 1992. In doing so I note that the Bill states it is aimed at increasing the membership of the Board and to introduce certain additional controls and to correct minor errors.

The Law that these amendments are to change, or to alter, has not been in operation yet for a year, or just about one year. We see amendments being brought to change certain parts of it. It is clear that there have been certain errors that need correcting and I have no problem with correcting those mistakes in it. I think that, perhaps, there is room in the future, when Bills are being drafted, that they be drafted in sufficient time for all of the editing, and whatever else might go into the preparation of these Bills, to be done so that we could avoid the number of mistakes which I see in this.

Certainly the new Immigration Law and Regulations came into effect quite quickly after the Select Committee completed its long exercise on reviewing the Immigration Law. In fact, I think, if I am not mistaken, that it took almost four years. Indeed, I believe that within the Minutes of the Select Committee one will find in-depth opinions by Elected Representatives, members from the then Caymanian Protection Board, and various other persons, groups and organisations, regarding the question of Immigration. It is surely one of the most important aspects in the Cayman Islands. I believe that it is so important that correcting this practically and resolving the conditions in these Islands with regards to the indigenous people, Caymanians, and those many thousands of others who live in these Islands and share these Islands with us, it needs to be resolved or it will ultimately cause us great problems, hardships, and conflicts.

The sections where there are corrections made, Section 8 which corrects a heading, and Section 9 removes a section that should be in the Trades and Business Law and/or the Local Companies Law, and Section 10 changes the name of the "Caymanian Protection Board" to the "Immigration Board", and there is also Section 6 which has been brought in for correction.

Now this Section 6 is not as innocent, in my opinion, as it might be taken to be at first glance. For the sections that I have cited here, according to an amendment to this amending Bill, says that these sections will come into effect as if they came into effect at the time that the 1992 Law came into force.

Section 6 is quite significant, in that in this amending Bill it reads,

> "27. Except as otherwise provided by this Law, a person who does not possess Caymanian status must not carry on any gainful occupation in the Islands unless authorised to do by a work permit.".

This amends Section 27 of the Immigration Law, the present Law we are functioning under. The way that reads is,

> "27. Save as otherwise provided by this Law, no person who does not possess Caymanian status shall be gainfully employed in these Islands unless a permit (in this Law referred to as a "work permit") authorising him to be so employed has been granted by the Board and is currently valid.".

Section 6 in that amendment removes the authority from what is quite specific, the Board. Other amendments in this Bill show where it has been given to other persons, other persons play a part in the granting of the work permit.

The Board has always been held to be the body, the group, the authority, that grants such a licence. For under the old Law as well, the Caymanian Protection Law, 1984 in Section 24 it says,

> "Save as otherwise provided by this Law, no person of non-Caymanian status shall be gainfully occupied in the Islands unless licensed in that behalf by the Board.".

Madam Speaker, I make that point to make the point that the Board, I think, should be the body which deals with the granting of work permits. I do not find it acceptable or agreeable that the authority of the body, or the authority so appointed, should be watered down to allow some of that Board to examine the situation when application is made for work permits. It is my belief and understanding that the whole idea of having a Board was to get the benefit of the wider public who normally would be reflected in the membership on that Board.

Exceptions were always made where the issuance of temporary work permits was concerned. In the 1984 Law, this authority was given to the Chief Immigration Officer. Under section 42(2)(l), it states that the Chief Immigration Officer had the authority to issue a temporary gainful occupation licence. Under the present Law, the 1992 Law, the Chief Immigration Officer is also given the authority to issue a temporary work permit. In the present Law a temporary work permit can be issued for up to 90 days, and in the Law prior to that it was for 30 days initially, with the right to apply for an extension of 60 days which still gave a total of 90 days.

The present amendment to this section provides that a temporary work permit would be issued for 30 days in the first instance and it will be renewable, or can be extended, for 30 days. I do not have a problem with the idea of reducing the number of days, although, I believe, having it at 90 days, or giving a maximum of 90 days, did come in well in various instances where labour was being recruited on a temporary basis. It is my understanding that temporary permits have been issued in many different areas in the construction industry in instances where there is illness and someone must be found quickly to assist. There have been instances of temporary work permits where one wishes to get a relief worker. So there is definitely a need, in my opinion, for a temporary work permit.

What I believe is very important is that the Government should make it clear that "temporary" means temporary. I have heard so often over the years that the temporary work permit was used by would-be employees, or employers, as a means of getting quick action rather than waiting for the process of applying for a full permit. My understanding is that it brought frustration both in the Department and to the Board, past and present I dare say (certainly the past), and there were various complaints from the public about what was happening where temporary permits were involved.

I recall at one stage during the last administration, I think, a directive was issued which said that the Board would be insisting that temporary work permits be just that, and perhaps it worked for a while. How well, and how strongly this was enforced, I really cannot say. But it seems as if there is still concerns about the issuance of temporary work permits.

This brings me to the point about who issues temporary permits. As I have noted, in the past it has been the Chief Immigration Officer. In my opinion this is an appropriate person to do so. A Chief Immigration Officer is the person who can be held singularly responsible for what happens, or does not happen, where immigration is involved. There is no buck-passing capacity within it. He is a person separate and apart, and is quite recognisable. One must also take into account that the Chief Immigration Officer is a Civil Servant and, therefore, finds himself bound under Personnel Regulations, under the Official Secrets Act, and under all the various constraints, and so on, which are in place for Civil Servants. The Chief Immigration Officer can be reprimanded, he can be scolded, he can be fired; he can be any number of things.

Having said that, I now look at Section 7 of this Law, which changes the present practice where it says, in section 31:

> "(a) By omitting from subsection (1) The 'Chief Immigration Officer may' and substituting 'The Chief Immigration Officer and the Chairman of the Board (or a member appointed for the purpose by the Chairman) may jointly'.".

Madam Speaker, why would that be done? I would pose the question. It would hardly be that the licence being issued would be more valid because it had greater weight with two signatures on it. I believe that it brings into question and suspicion the conditions relating to the issuance of temporary work permits and the person who is presently doing so. I think there is a high degree of distrust in it. It creates a high degree of suspicion, and, I suppose, at the least, it is an insult to the person who presently does so.

My opinion is, Madam Speaker, that if there is a situation that is wrong, if there is something which is being found within the Government service to be undesirable, unsatisfactory, it can be corrected by dealing with it head-on. Over the years I have marvelled at how successive Governments or political directorates go around in circles to try to come to a point. I am saying that if there is distrust, or questions of competence with the issuance of temporary work permits by the Chief Immigration Officer, then the Chief Immigration Officer should be so told, and told what the concerns are and, of course, he would correct it. He has to, he is a Civil Servant.

Does the Chairman of the Board, be he whoever, have greater capacity to determine what is a genuine temporary work permit than the Immigration Officer who is paid daily to be there to determine these things, full well knowing all the constraints and the questions that he/she must answer? I do not believe this is satisfactory. I am sure it will pass, Madam Speaker, but I do not see it as being a satisfactory thing.

We add to that, while it makes provision that the Chief Immigration Officer may issue a temporary work permit and the Chairman of the Board, it goes beyond that and it says, that if the Chairman might not want to bother with it he can appoint some other member of the Board. Now is that other member of the Board there as someone who is "watch-dogging" the Chief Immigration Officer, or

advising him? What is the story? These questions would seem as if they would deserve some answers. Two people signing it, including a member of the Board, brings about a larger amount of time to process these permits, I submit. It is my understanding that temporary work permits are applied for almost daily. But say they go to the Chief Immigration Officer who has processed tens of thousands of these straight forward, how long does he wait for a Chairman who might not be present, cannot be present, how long must he wait for a member of the Board who, one would assume, is a working person (unless they are going to be taken on as staff) to be there all the time? Is it a practical solution? I suggest not, Madam Speaker.

I believe that whatever the Government of the day wishes to achieve it could be achieved without this additional time consuming process. If it is to issue a temporary work permit, set down clearly, and expressly, what will constitute a temporary work permit if you will. But let the person who is paid for that job on a daily basis and the person who is being held responsible for immigration matters get on with it without all of the hoorah, and so on, from members of the Board who are not under any particular obligation, as is the Civil Servant in this post, and who, basically, has to answer to no one on this matter. Madam Speaker, I do not see it as an improvement, I see it as a deficiency.

The other matter that strikes me, and it is similar to the point that I commented on earlier, where in section 4A (1),

> "The Governor may appoint committees of members of the Board and may delegate to any such committee a function of the Board other than a function under Part III (Caymanian status) or Part IV (Permanent Residence).".

The Governor meaning the "Governor in Council". Why are the Elected Members of Executive Council getting into appointing sub Committees on the Immigration Board? If the Board, which has its own authority and existence, feels informally among itself that it wishes to say to two or three of its members, "Look you review these permits quickly for us before our next meeting, give us your ideas on it and let us speed things up", is one thing but where do the Elected Members of Executive Council come in at appointing sub Committees too of members of the Board, who can do everything besides grant Permanent Residence and Caymanian Status? Well, why not let the sub Committees deal with that too? We are talking about cutting back staff in Government and about the savings to Government (7.5 per cent retrenchment in the Civil Service). It goes on to say,

> "4A (2) The Governor may appoint a secretary (who shall not have a right to vote) to a committee appoint under subsection (1)."

So these subcommittees can be set up and then even have a secretary appointed to them. How many secretaries would be appointed when it is all over? There is no ready answer that grabs one as these amendments here are read. I do not believe that these are moves of efficiency. Then I look at the situation about the number of members on the Board, and we hear, and I have heard some members talk about, streamlining the Board.

Madam Speaker, I might be utterly wrong, but from all that I am aware of when you hear about an organisation streamlining itself, like the Civil Service was being streamlined and made efficient talking about cutting out 7.5 per cent of the body, but this is being streamlined by adding seven more. I do not know how that makes for streamlining. But, as it stands, the present Immigration Board is made up of a Chairman, and a Deputy Chairman, and six other members because there are six electoral districts, which makes a total of eight. What is being proposed now is to add three more members to that, making it a total of 11 and, in addition, adding three Civil Servants, that makes it, in my arithmetic, 14 members. The complaint has been that the Board has been too large over the years and it was unwieldy, and whatnot. Yet streamlining it and making it efficient is to add six more members to it?

I noticed that I do not see any mention made of a change of quorum. When, as it stands, the quorum is five, and it is being increased to 14 and the quorum is still remaining at five. It is fascinating, Madam Speaker. It is a new style of management and quorum does not seem very much to reflect a simple majority. But the Board does not have to end at just having 14 members because the Governor in Council, meaning the Governor with his elected Executive Council Members, can appoint such other members as the members referred to in paragraph (a), "may from time-to-time appoint by notice in the Gazette." So instead of 14 it might go to 20. Is that efficiency? Is this a solution to the difficulties or the problems, or the slow response, or whatever, the Board finds itself in? I wonder. Certainly, I cannot understand it, or fathom it, myself.

I have no problem with the idea of having a member from the Central Planning Authority who is to attend the meetings of the Immigration Board, or the Director of Labour, or a member of the Public Service Commission. But I would imagine that anytime an agenda is being prepared the Chairman is able to determine, "well we have someone who has a local company and he is putting down and wishes to do a big development and he wants 60 workers and so on, so we should have someone here from Planning to find out their views on it". I can see that. But is it necessary to have these persons attend the meeting every single time? I am not here to say, Madam Speaker, but I do know that in any organisation numbers create more inefficiency. You have more people at a table deliberating, therefore, everybody has more to say. It lengthens the time. Does it ultimately help the work being expedited? I do not believe so.

I believe that some of the problems with the relatively slow out put (or it is what everyone says) from the Immigration Board is the fact that the staff that is needed to get this work out is in short supply. Why not say, instead of putting three more people on the Immigration Board, they would hire three bodies and put in there to get the work out. To me that would be efficiency. I wonder, as I have heard, and I

suppose many people heard, there was such a line up of people who wanted to be members of this Board, is this a way of satisfying wants that are carried over? I would certainly hope that it is simply not creating a position for any political axe.

THE SPEAKER: Honourable Member, if you are not close to finishing, can we take a suspension at this time?

MR. GILBERT A. McLEAN: Yes, Madam Speaker.

THE SPEAKER: The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:42 P.M.

PROCEEDINGS RESUMED AT 3:59 P.M.

THE SPEAKER: Please be seated.
The Second Elected Member for Cayman Brac and Little Cayman, continuing.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. When we took the suspension I was speaking on the matter of the membership of the Board, the increased membership of the Board, and on the question of efficiency, which I do not believe an increase will bring about. Overall, and throughout these amendments, I gather that there is a central concern that things are not being done, or managed, in the most expeditious manner and that, perhaps, in instances things should be done in another way, or not done in the way they are presently being done.

I have gathered in recent times that the question of the issuance of temporary work permits is dealt with by more than one person on the Immigration Board. I do not know if this is the case, or if that is desirable, or if that is causing a number, in the number of these permits issued, which is not acceptable to the Government. Then, again, it is a question of making administrative decisions and making corrections in management practical in dealing with it. But, certainly, in creating more persons into the process, I do not see that as helping the situation.

Another matter that I would like to raise is the one dealt with under section 4 which deals with the question of granting Caymanian Status to a person who has attained the age of 18 years and has been living in the Islands for 10 years, when such a person is invited to apply for Caymanian Status. I do not know what mind conceived this amendment and certainly I share the view of Members who have spoken that they are relieved that it is not brought. I certainly share that view as well. For such a thing to be in this Law would strike at the very heart of an individual making up their mind whether they wish to stay in the Cayman Islands and be granted Caymanian Status, or making up their minds if they thought the people in the Cayman Islands would even conceive of them doing such a thing, and it would be entering into the question of consideration and the granting of Caymanian Status the strongest and most undesirable type of political element.

There is a case, Attridge v. Crown, I think, anyway, a man quite well known in the Island here, Ed Attridge, in a major law suit and to my understanding a major decision by the courts on matters related to what the Board can and cannot do. I might not be 100 per cent right in this understanding, but I am in the larger majority correct, I believe, that the ruling of the Court was that the decision of the Board in matters where the grant of Caymanian Status is involved is, basically, final. The Executive Council, as the Appellate body, cannot get involved in decisions made by that Board unless there is an appeal coming before it. The only thing that the Executive Council can do with regards to the Immigration Board (which was then the Protection Board), if they do not like the decision the Board is coming up with, is to appoint or reappoint another Board. For the case, as I recall it, there were 20-odd people who had been granted Caymanian Status and the information had not been sent to these people. Mr. Attridge, having learned about it, through whatever means it was, took the case to Court and he won it and I understand it was a landmark decision. So I think that, at least, has some bearing on this idea here now of the Executive Council, in effect, deciding who are best suited in this country to have Caymanian Status after living here for 10 years.

It stretches the imagination that anyone could conceive changing the position to where after the person has lived here for 10 years, and they believe they wish to continue to live here, that they should not have the right to apply to be granted. It would be as inconceivable a thing as saying that the Board should not have the right to determine that, "Yes they could", and grant them, or be in a position to refuse it. So, I trust that this idea here, and this particular amendment, is gone forever and that it was some great mistake that it should have ever come about in the first instance this particular amendment is one about which I have heard dozens of complaints.

There is one instance that comes to mind when a man said to me, "Well if this is going to come into effect, where the Governor is going to invite people to apply for Caymanian Status, do you believe that a mason man from Jamaica, or a carpenter from Nicaragua would ever again be able to apply for status?" I told him "No, certainly not." And that man's idea gives a very good reflection on what could occur if this was to be implemented.

Madam Speaker, one last point I would like to comment on (and let me say before I make the other point referring back to the question about granting Caymanian status by long residence that I was one of the people in the Select Committee who said that should not be changed, there were those who believed that should be changed) I believe that is as necessary a clause in the Immigration Law as is the

one for the grant to spouses and Caymanian connection and all the rest of it.

There have to be people in this country who have been here for 10 years, who have contributed enough, they like it enough, we like them enough, that we can grant Caymanian status to such persons. I believe it should be in the law and I believe it should be utilised. I do not know if it has changed under new policies, or whatever, but this fell that within that number of 12 persons in any given year that could be given Caymanian status and, unless it has changed, out of that number of 12 persons also came people who were granted Caymanian status under the section dealing with naturalization. So in any given year, where there was a grant to persons who applied under the section dealing with naturalization, it diminished out of the total number of 12 of who could get it by long residence. So the Board has at its absolute discretion the right to grant 12, or to grant none. So I do not see why that causes such extreme fear in this country.

The last point I would like to comment on is one that has been raised by various other Members here. That is the question about creating some condition for security of tenure for the people who have been living in this country for many years. I know, as a fact, that in the Select Committee it was discussed for hours, and on different occasions within the deliberations of the Select Committee on Immigration, this matter of offering a security of tenure to people who have been living in the Cayman Islands for a long time. In fact, I was trying to search it out to find exactly where it was in the minutes, but there is a section in the minutes which, as I recall, was 15 years. At that time, the administration that was in power was asked, and it was recommended by the Select Committee, that the Government should, like for a month, give the opportunity to people who are in this Island to apply for Caymanian status, all of those who have been here 15 years and over. Their applications were to come in and they were to be examined and at that it would be closed out. I well remember that.

Certainly the suggestions and the recommendations of that Select Committee were, at that time, that those persons, once they met the various requirements as set down in the Immigration Law, would be granted Caymanian Status. I believe there was some attempt made on that, and that was one of the things that was stopped (the granting of Caymanian status under that section) by the present administration. But I do know that was one of the decisions taken in the Select Committee and the then Government was to have issued it in a directive and to the best of my knowledge, it was. I believe that was a sensible thing to do then, and I believe that it is a sensible thing to do now. Why would I say that? I will certainly explain. In an answer to a question I posed to the Member for Tourism two days ago he said that the number of people employed in the Cayman Islands totals 17,165. Of that number 6,530 are non-Caymanians.

One thing that I believe is that as Caymanians we tend to not want to deal with a matter head on, we will circle around it. The truth of the matter, in this country, is that if, today, we were to take this 6,530 people and say, "alright, 3,000 of you, no more work permits, leave the Cayman Islands", major businesses would shut down, major services would come to an immediate end because we do not have in this country enough of us, the indigenous people, to do the jobs that the non-Caymanians are doing here. It is not a question of liking the particular job, there are simply not enough bodies of us. And Unless we get that idea affixed in our minds, we are missing the boat.

If we look at the birth rate in this country we can determine, on an average, how many are born each year. Let us not forget that it takes according to law, 16 years before a person can legally enter into the work force. So let us say we had 2,000 born this week, it is going to take us another 16 years from the year 1993 before they are going to be able to fill any jobs.

So what are we going to do, are we going to shut down the jobs now and wait 16 years? I suggest we cannot do that, Madam Speaker. We have a certain number of people in this country that, like it or not, are like "rock 'n roll"; here to stay. Whether we want to accept that outright or not, that is the way it is unless we want to shut down major parts of the commercial activities, services, and so on in this country.

So, either we must let the people who are here on work permits, and so on, know from day one, "Listen you are like a ticking clock, each year we are going to go through the full process of examining whether there is someone coming on line to take your position and you will have to leave," or whether we are going to say, "We are allowing you here in blocks of three, four, five, or how ever many, years." We have to come to a realistic position which creates certainty to all concerned, the employer, we here who are Legislators in this country, and the people who are employed by businesses, and employers in the Cayman Islands.

We have people who are here 15 years, 20 years as the Member cited, 20-odd years. Do we really want to say to them, "Get out, leave"? I do not believe so because they are part of us and we are a part of them. They are already here. One might say we are going to stop the development, at least at the rate we are going which is producing the jobs too fast. That is one thing that we can do. Then, on the other hand, we have to consider what effect that is going to have. But certainly, for what we have going right now, we need the extra bodies that are here. I would not say every single one. There would undoubtedly be some instances where the employment is superfluous. But, in general, the bodies that are here, just about everyone is employed and they are filling jobs and if we take 2,000 out of here tomorrow, businesses would shut down. That was a startling thing that was brought out clearly in the Tourism Study. We, as Legislators, can jawbone from now to the next 16, 10 or 20 years, and unless we accept the facts as they are, we are achieving nothing.

In dealing with facts, we have the various units, the Statistics Unit, and the Labour Force Survey, and so on, that are done regularly. Let those units, then, do certain statistical analyses to see how fast we can, perhaps, fill the jobs that are presently here on line, and the way they are coming on line, so that we can fix in our minds, once again, the facts and not the emotion. For all practical purposes, we are living amongst various peoples and we are pretty well integrated. We do not have a question here of racial killings, and this and that, so that you cannot walk down such-and-such a street because that is a white township and that is a black township or a section of town. So it is a matter of integrating what we have and deciding those

who meet the requirements we set. I say we should set stringent requirements for those whom we want to stay with us long term, and understand that we, who were born here (and believe me, Madam Speaker), I am one who is very proud of it and I have been able to trace my lineage back five generations so I know I am from around here, why should it not be that some others who were not necessarily born here but can live the way I live and accept the values and morals and our cultural differences, and so on, the way I have. So, if we keep fooling around with the situation of "them and us", and this thing about Caymanian status, and so forth and so on which, basically, only allows the person the right to work without a licence because in terms of the British Nationality Act, it certainly does not give these people any nationality because we do not have any we are non-entities as far as that is concerned it is only something we can differentiate within our own Law, we are going to have a serious problem.

So, Madam Speaker, I agree with the Member's views on that and all that I would say is for those who are in a position to do something about it and who have the authority to do it, deal with the situations head on, correct them, amend them, or whatever, but creating more ingredients into the pie will not necessarily make the pie taste any better.

Thank you, Madam Speaker.

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

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. Perhaps the most controversial issues that this House will ever see will arise around questions of Immigration and the Immigration Laws.

Since I can remember entering this House some 17 years ago we have always had differing views on different parts of the Caymanian Protection Law, when it first came up, and the Immigration Law as it is now called. We had a Select Committee that went on for about three years and subsequently produced, late last year on the 13th of July 1992, the present Immigration Law. Like all Laws of that size and complexity there are going to be some sections of it that will need amending and revising from time to time. This Bill does both. It deals with a tidying up of some areas where the drafting has been improved and other areas that deal with minor changes to the Bill itself.

The sections relating to the Board are in effect a replacement of section 4 of the new Immigration law and basically add to the Board three additional members under section 4(a), and a further three additional members who are representatives from the other respective Boards that have a relation to this. The reason for the addition especially of a member from the Central Planning Authority, the Labour Board, and the Public Service Commission, was one that was well established in the Select Committee that one of the problems that the Government has with its Boards is that of communication and a lack of liaison between them. This will now put on the Board members of these other three Boards which the Members of this House feel should be able to improve communication and liaison between the Boards.

Sometimes you will have one Board giving a decision and making it conditional upon another Board's granting approval. Many times that is done because the other Board sometimes knows nothing about it. It has to help the streamlining of the workings of the respective Boards, all of these Boards not just the Immigration Board, to have members who are directly or indirectly involved in the workings of the Boards and the Commission that deals with Immigration, with people in the country, people who are getting planning permission, or in the case of the Government, people who will be employed in Government.

On this specific point I think it makes good sense that anyone who is wishing to try to streamline the Boards and improve efficiency and communication would agree with these amendments, the addition of the three other members that it was felt should be added on, bringing it up to what was substantially the strength less the membership from the other authorities on the Board that it was before. It is important to note that there is some distinction showing that these members are on there for purposes of liaison and communication only in that they have all of the privileges of the Board except the right to vote at meetings of the Board because, indeed, they are members of their other Boards with their respective specialties in relation to those other Boards and that was the reasoning behind that section.

I would like to just look at a few other short sections rather than getting into the two long ones which are 6, 4 and 4A of the new Bill, and that is in section 10. It is merely tidying up and changing "Chairman of the Protection Board", to "Chairman of the Immigration Board". In section 8 it is basically only moving a heading from one area to the area upon which it is more appropriately put.

The section that deals with the question of Committees of the Board is one that is aimed at increasing the efficiency of the Board because the Immigration Board will be able to have many of the routine matters that now come before it (and I understand that in the run of a month there can sometimes be an excess of 1,000 items on the agenda, to give Members some idea of the volume of work that the Board deals with; the aim of this is that in relation to minor matters, I should not say minor, but in relation to important matters other than I think it is status and permanent residence), can be Committees of the Board and there they can delegate their authority to those Committees.

With it goes (naturally it must make sense that it goes with it), they should have a secretary to the Committee because it is no good appointing a Committee and not giving it a secretary or relying on secretaries who, for example, as the Second Member for Cayman Brac mentioned, are already overworked dealing with matters on the Board. At present what happens (and has happened in the past), is that many times some of this work such as routine trade licences and work permits were delegated to a few members of the Board but it had to come back to the Board for ratification by the Board because there was no power in the Law to delegate.

THE SPEAKER: Honourable Member, will you be finished in a short time?

HON. TRUMAN M. BODDEN: Not this afternoon, Madam Speaker, it has been a long week.

THE SPEAKER: Thank you. I shall ask for the motion for adjournment.

ADJOURNMENT

HON. W. McKEEVA BUSH: Madam Speaker, in accordance with Standing Order 10(2), I move the adjournment of this Honourable House until Monday, 10:00 A.M.

THE SPEAKER: The question is that this Honourable House do now adjourn until 10:00 A.M., Monday, the 28th of June, 1993. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 28TH JUNE, 1993.

MONDAY
28TH JUNE, 1993
10:00 A.M.

THE SPEAKER: Prayers by the First Elected Member for Cayman Brac and Little Cayman.

PRAYERS

CAPT. MABRY S. KIRKCONNELL: Let us pray.

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

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

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

Our Father, who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done, in earth as it is in Heaven. Give us this day our daily bread, and forgive us our trespasses, as we forgive them that trespass against us, and lead us not into temptation, but deliver us from evil. For Thine is the Kingdom, the power and the glory, for ever and ever. Amen.

The Lord bless us and keep us. The Lord make His face shine upon us and be gracious unto us. The Lord lift up the light of His countenance upon us and give us peace now and always. Amen.

THE SPEAKER: Please be seated.

Proceedings are resumed in the Legislative Assembly. Presentation of Papers and Reports. Report of the Agricultural and Industrial Development Board for the year ended 31st December, 1992. The Honourable Elected Member responsible for Communications, Agricultural and Works.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD FOR THE YEAR ENDED 31ST DECEMBER, 1992

HON. JOHN B. McLEAN: Thank you, Madam Speaker.

I beg to lay on the Table the Report of the Agricultural and Industrial Development Board for the year ended 31st December, 1992.

THE SPEAKER: So ordered.

Questions to the Honourable Members, No. 102 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 102

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

No. 102: Is there any particular plan for tourism being followed by Government at this time?

HON. THOMAS C. JEFFERSON: Madam Speaker, the answer. As the Member is aware, a 10 year Tourism Plan was tabled in this House late last year by the previous Government. This Plan was agreed to in principle by the former Portfolio of Tourism, Aviation and Trade and by the Department of Tourism. Implementation of the Plan has been delayed until this Government has had the opportunity to further study the plan especially as to the priorities of the recommendations made. In addition, the Department of Tourism, in consultation with its sales force and agencies, published our Annual Marketing and Promotion Plan as a guide to its sales and promotional activities worldwide.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Would the Member say how far the review of this Government has reached in determining whether there are any areas acceptable to the Government, and what might the areas of priority be?

HON. THOMAS C. JEFFERSON: Madam Speaker, the review is only in its early stage and I am not in a position at the present time to begin to pin-point what we accept and perhaps what we are doubtful about. But I will give the undertaking, Madam Speaker, that when the exercise is completed I will issue a statement to the Members of this House.

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member tell the House whether the Government of the day is not working to a particular plan but largely being guided by what the sales staff and sales personnel in the various locations are advising as needs as they see them?

HON. THOMAS C. JEFFERSON: Madam Speaker, I could probably answer in two different ways but I will answer in this way. Given the success of the present arrangement where at the end of January to May 1993, as compared to January to May 1992, the air arrival visitors are 21 per cent above 1992, I would say the present system that we are utilising and the present system which has been utilised for at least a decade or more is working fine.

THE SPEAKER: The next question is No. 103 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 103

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

No. 103: Is any Member of the Legislature, other than the Member for Tourism, assigned the responsibility for Labour or advisory or supervisory function on labour related matters?

HON. THOMAS C. JEFFERSON: Madam Speaker, this question was set down to be answered in the February/March 1993 Meeting, but the Business of the House ended before we got to the question. The Honourable Member for Health and Human Services is now charged with the responsibility for Labour.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, it would strike me as the responsibility of the Standing Business Committee or someone connected with the Business of the Legislature to direct this question to the appropriate Member to answer as is customary and is required. I have no problem if the Member for Health and Human Services should reply to it.

THE SPEAKER: Honourable Member, would you reply?

HON. THOMAS C. JEFFERSON: Madam Speaker, during the period for which I held the responsibility for Labour we utilised the assistance of the Third Elected Member for West Bay who had an interest in the subject. The National Team has always agreed that any Member of the team could give assistance on any subject that we have. I believe that system which was established then is still in place.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member say just what exactly this assignment involved, whether it was something formally done, or was it informal? Exactly what did this result in as far as labour is concerned?

HON. THOMAS C. JEFFERSON: Madam Speaker, the problems of labour are many and on a daily basis any Member of Executive Council could involve himself with it by staying out of the office every day of the week. It is the reason why we accepted that the Third Elected Member for West Bay, or any other Member of the National Team who has any special interest in a particular subject, to have him assist us. We cannot spend the time in the office planning the future and solving the other problems if we, as ExCo Members, spend all of our time in the field dealing with labour matters. The Third Elected Member for West Bay assisted the Director of Labour on various complaints and otherwise.

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

MR. GILBERT A. McLEAN: Would the Member confirm that the Governor did assign certain subjects, including labour, to the Executive Council and not to Members who are not on the Executive Council? The involvement, therefore, of ordinary Members in the subject areas of Members of Executive Council would have to be some sort of formal arrangement which would, in effect, be that of a Junior Minister or a Parliamentary Secretary. Could the Member confirm that he is totally against that particular concept?

HON. THOMAS C. JEFFERSON: Madam Speaker, it is no secret that I am totally against Parliamentary Secretaries and against Chief Ministers and against giving Chief Ministers absolute powers, but I am for utilising Members of the Legislative Assembly to assist me with any subject that I may have. It does not need the Governor to formalise it if we can agree among ourselves. The basic reason why this has not happened in the past, in my belief, is because of the lack of the trust of the Executive Council by the Members across the floor and I hold my head high and say that I trust the Members of the National Team working with me.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member say if the duties required of the Third Elected Member for West Bay included going into the Labour Department and inquiring into Departmental matters which could include information that an ordinary Member of the Legislative Assembly would not be privilege to, at least not in the first instance, and how does he cope with this particular aspect of things?

HON. THOMAS C. JEFFERSON: Madam Speaker, the Third Elected Member for West Bay is not taking over my responsibility for the subject, he is basically assisting me with it.

THE SPEAKER: The next question is No. 104, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 104

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

No. 104: Is the development or construction of a cruise ship dock being pursued by Government?

HON. THOMAS C. JEFFERSON: Madam Speaker, the answer. On the 27th of August, 1992, the Port Authority employed the firm of Post, Buckley, Schuh and Jernigan, Incorporated, as consultants to prepare a 10 year Master Port Development Plan (MPDP). This Plan will address the cruise industry issue and will detail how best the Authority can service the industry. The Master Port Development Plan will address the question of whether a dock should be built or whether moorings should be installed, or both. The Master Port Development Plan will also address the financial feasibilities of both dock and moorings. The Plan is due to be completed by December 1993, and will, after the approval of the Authority, be submitted to the Cayman Islands Government.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. As the study referred to by the Member was initiated by the past Government has the Member satisfied himself as to its objectives and terms of references that it will address areas which he might want answers to in deciding on the development or construction of a dock or a mooring facility?

HON. THOMAS C. JEFFERSON: Madam Speaker, as a result of looking at the scope of the consultancy, the Port Authority Board has decided that it did not have enough scope and that telling the consultants that the Port must be in George Town was not a good idea and we should take the restriction off to allow the consultants to decide which is the best site in Grand Cayman for a Port. Additionally, Madam Speaker, we also thought that since this exercise was somewhat centered around cruise ships we should also take on the consultancy for porting and put all the pieces together in a report and put it before Government for a decision.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. I gather from the Honourable Member that the terms of reference in effect have been altered to whatever extent it may have been. Will this also mean that there is a difference in the price or the cost of having this study done, and could the Member tell the House whether he or this Government has indicated to the people undertaking the study that West Bay in the Sound area would be the better place for having the dock facility?

HON. THOMAS C. JEFFERSON: Madam Speaker, I think the answer given previously to the Member was clear. We lifted the restriction on the dock site in George Town and asked the consultants to tell us what is the best location in Grand Cayman for a dock to be sited.

THE SPEAKER: Honourable Member, I think the Member also asked about the cost of the study.

HON. THOMAS C. JEFFERSON: Thank you, Madam Speaker. The total cost of the survey (if that is what the Member is seeking) is approximately US$266,000.00.

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

MR. GILBERT A. McLEAN: Madam Speaker, I understand from the Member that the Government has lifted the restriction on determining George Town to be the place selected. Did he or his Portfolio or anyone of the present Government indicate to the consultants that they should find West Bay, the North Sound, as a suitable location or give that particular preference?

HON. THOMAS C. JEFFERSON: Madam Speaker the answer to his present question is no.

THE SPEAKER: The next question is No. 105, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 105

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

No. 105: To state the number of children, under fifteen years of age, who have been suspended from the schools in the Cayman Islands since November 1992.

HON. TRUMAN M. BODDEN: Madam Speaker, the answer. During the period November 1992 to May 1993, 94 students under the age of 15 years were suspended from Government Schools. Of this number, 45 students (36 boys and 9 girls) were from the George Hicks High School which has an enrolment of 644, and 49 students (41 boys and 8 girls) from the John Gray High School which has an enrolment of 750. No students from the Cayman Brac High School were suspended during this period. Suspension is not used in Primary Schools except in the most severe cases. No Primary School students were suspended during this period.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Could the Member say how many of these students were scheduled to sit external examinations during this year?

SUPPLEMENTARY QUESTION DISALLOWED

THE SPEAKER: Honourable Member, I am afraid that that was not part of the original question and should have been included because it would require, in my opinion, some research. Would the Honourable Member care to undertake to provide this question at a later date? Thank you.

HON. TRUMAN M. BODDEN: I will provide the answer, Madam Speaker.

THE SPEAKER: If there are no further supplementaries. The next question is No. 106, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 106

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

No. 106: To state how many pupils at the John Gray High School will be sitting external examinations this school year and to give the total number of students whose ages would have made them eligible to sit external examinations.

HON. TRUMAN M. BODDEN: Madam Speaker, the answer. The total number of students at the John Gray High School who will sit external examinations (GCSE) this year is 350. The total number of students whose ages would make them eligible for sitting external examinations this school year is 356. The six who will not sit external examinations are students in the Special Education Department.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what provisions exist for bringing those students who are not scheduled to sit external examinations up to a comparable level with those who can sit external examinations?

HON. TRUMAN M. BODDEN: Madam Speaker, the six Special Education students are just not capable of sitting the external examinations. They are not to a standard where they can sit the exam.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Does that mean that these students were determined to be incapable from their inception into the High School, or does it mean that they were determined to be incapable only at the screening procedure?

HON. TRUMAN M. BODDEN: Madam Speaker, I cannot answer that. I do not know who would be able to give us an opinion for what he is asking. I cannot give an opinion, all I can say to him is that he knows what special education is and the children do not have the ability to sit the examinations. That is the problem with the six students.

THE SPEAKER: Honourable Member, I do not agree that it is an expression of an opinion, otherwise I would have stopped the question from the beginning. But I think what the Member wanted to find out is if the records would have shown the incapability of these students from the beginning.

HON. TRUMAN M. BODDEN: Madam Speaker, I would then have to pull the records on the six children. In that case, I will then have to provide a written answer.

THE SPEAKER: Thank you. If there are no further supplementaries. The next question is No. 107, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 107

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

No. 107: What criteria or guidelines will be used in selecting the external examination to complement the CXC at the High School level and how will the reliability and validity of this examination be arrived at?

HON. TRUMAN M. BODDEN: Madam Speaker, the answer. It is hoped that the external examination selected, after wide consultation of the public, to complement or replace the CXC will allow up to 85 per cent of the student population to show what they know, understand, and can do in a variety of subjects. The examination will focus on the development of the skills and abilities which students need in their daily lives. In addition, the syllabuses will include material that is relevant to our history, culture and environment.

I would like to see successful candidates awarded grades on a one to seven point scale with the first three grades being of the same standard as the GCE "O" Level. The lower grades would show that the applicant may not have mastered the subject, but has shown a knowledge of the content and is likely to be able to apply this knowledge. This examination will test the students' understanding of what is being taught rather than the memorisation of facts. It will encourage the development of practical and oral skills including the ability to communicate clearly in speech and writing.

We will study whether the examination will be administered by, or in cooperation with, a British Examination Council and fully accredited by them. The validity and reliability of the examinations would be a function of the examining body: that is, it would be entirely carried out by an Overseas

Examination Council, or if a local examination were developed it would be monitored by an Overseas Examination Council. This accreditation by an Overseas Examination Council will give the examination local and international currency for admission to universities and colleges. It will also aid employers in employee selection.

SUPPLEMENTARIES:

THE SPEAKER: Supplementary, the First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what time frame is anticipated to develop this examination?

HON. TRUMAN M. BODDEN: Madam Speaker, I would hope that within about a year the consultation process would be finished and then we would be able to make a decision.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I would like to ask the Honourable Member if it can be understood that after a consultation process has been completed then we have to enter into a process of designing and testing the examinations?

HON. TRUMAN M. BODDEN: Madam Speaker, depending on what comes out of the consultation.

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

MR. GILBERT A. McLEAN: Madam Speaker, I observed from the answer given by the Member that in his process of looking for another examination he is also considering that another examination might replace the CXC. Could the Member tell the House why would he be looking to replace the CXC when it has just been implemented and, indeed, at least one of the Principals of the school is stating that it is a superior examination in effect, and he himself is now admitting that it is a superior examination only capable of being passed by 30 per cent of the school population?

HON. TRUMAN M. BODDEN: Madam Speaker, if the Member looks carefully at the answer, it says to complement or replace, and that will be a decision to be taken after the consultation. The Member knows the problem, he has just admitted to it. It covers the upper 40 per cent and what are you going to do with the balance of the 60 per cent of students? This is something that has to be faced early and a decision made on what examination covers that 50, 60 or 70 per cent of the children.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Member say whether this new examination is going to have a technical and vocational orientation or if it is going to be very similar to the GCSE and GS "O" Level?

HON. TRUMAN M. BODDEN: Madam Speaker, this would depend on what the consultation produces. But, I would hope that it would cover all aspects including the technical and vocational.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I would like to ask the Honourable Member to what extent is the subject matter and content going to be local and regional?

HON. TRUMAN M. BODDEN: Madam Speaker, I do not know. This is subject to the consultation. If I had all of the answers then I would tell the Member, but the reason why we are going to consult the public, the teachers, the students, and everyone else is so that we can come up with what is best for the country.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Has the Honourable Member, or his advisors, given any thought to the terms of reference or the scope of research that they are going to give in arriving at this consultation point?

HON. TRUMAN M. BODDEN: Madam Speaker, we have given consideration but have come to no conclusion as yet.

THE SPEAKER: That concludes Question Time for this morning.
Government Business, Bills. The Second Reading of the

Immigration (Amendment) Bill, 1993. The Honourable Elected Member for Education and Culture and Aviation continuing.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

THE IMMIGRATION (AMENDMENT) BILL, 1993

(continuation of debate thereon)

HON. TRUMAN M. BODDEN: Madam Speaker, the amendment to this Immigration Law, which I had dealt with some parts of this, and I was dealing with section 3 of the amended Law which is section 4 of the Immigration Law (Law 13 of 1992), pointing out that the reason for adding the members from the Central Planning Authority, the Director of Labour and someone from the Public Service Commission, was in an effort to get communication between these three bodies and the Immigration Board better carried out and to try to ensure that what is being done is known to the three bodies (Central Planning Authority, the Labour Board and the Public Service Commission Department). This has to be, I think, a very important aspect because projects can then be looked at as a whole and I believe that it will assist in streamlining and speeding up the process.

The Honourable Chief Secretary, responsible for Immigration, along with the Executive Council, has had many meetings looking at ways in which the Department itself can be streamlined. We have looked at improvements to matters such as the speeding up of the administrative process, so that when decisions are made by the Immigration Board they can be dealt with and sent out very quickly. We have also looked at other matters, and some of these the Honourable Member has brought into effect. He has managed to deal with the incoming calls to the Department to see that these are more efficiently dealt with, areas such as the filing system, because from time to time departments of that size have misplaced files, to see that that is improved. He has also looked at the question of the computerisation of the Department; that is well on the way, and I believe there should be something in place in probably the next two weeks to a month or so.

All of these improvements have been geared towards speeding up and more effectively dealing with the public and in dealing with decisions of the Immigration Board. Within our policy of Caymanianisation we have to accept that we do need certain foreigners, a certain amount of foreigners in certain categories, and every effort, I think, has to be given, while protecting Caymanians too, to ensuring that those foreigners (non-Caymanians) who are necessary in continuing the businesses in the Cayman Islands are given approval within a reasonable time.

The Committees that are appointed under the Immigration Board, the Second Elected Member for Cayman Brac (or should I say the opposition Member), has mentioned that this should perhaps be done by the Board itself. But the Governor in Council appoints the Immigration Board and it is a proper place to appoint committees of that Board. There is a clear principle that you can delegate certain authority but normally the person to whom authority is delegated is not given a right to delegate further and, in fact, that is even brought out in the delegation to the subcommittees here.

It would be useless, as the Second Elected Member for Cayman Brac mentioned. He criticised why we would want to appoint Secretaries to the subcommittees, but it would be useless to set up subcommittees unless there were Secretaries to deal with the work, otherwise we are back to square one and the Secretary to the Board who is already overworked would then have to deal with the subcommittees who would be dealing with a lot of routine work. It just would not make sense because the efficiency of the committees would be lessened by that fact. You would probably have them sitting, but the letter would be going out a month, or two months, later because the matter had to be dealt with by the same single secretary. The whole idea of those committees would be to deal with routine matters and to speed up the process.

The removal of section 4(c) which dealt with invitation for Caymanian status by the Governor in Council, was really put in in an effort to see if we could avoid having the very large number (hundreds) of applications that are made every year for Caymanian status. People advertise in the newspaper and normally by the time the application comes to the Board the advertising is a year or two out of date. It was once again an effort to streamline this and really to reduce the very large number of applications. That did not meet with public approval and therefore the Honourable First Official Member has withdrawn that section. But the reasoning in it was largely, once again, to streamline the position.

I should mention that the whole idea of bringing in permanent residency with a right to work was that it would substantially take over what was being dealt with in the past through Caymanian status and it gives the security of tenure that is necessary. But it avoids having the general right to carry on any business or do any work on an unlimited basis. Normally the permanent residency with the right to work is granted on the basis of whatever the person is then doing, we have a right to continue doing, and it can be subject to the duration in time and geographic duration and any other conditions that the Board may wish to put on.

The First Elected Member for Bodden Town raised the question of permanent residency with a right to work and, indeed, I think one other Member, maybe the Fourth Elected Member for George Town, in relation to persons who have been here resident for 15 to 20 years. The Select

Committee on Immigration, and the subsequent directives that are being turned out under that Law by the previous Government, clearly set out the position in relation to persons who have been here for in excess of 15 to 20 years. Normally, that group of people (as I understood was just a little over 100), would have a right to apply for permanent residency with the right to work. It would be looked at, basically, in a very favourable way by the Immigration Board. Our directives are still in effect and in due course I am sure that as the applications come in they will be looked at. They are still subject to the several conditions that are set out in the Law in relation to permanent residency with a right to work.

Those directives originated from the Select Committee. In relation to section 6 (which dealt with section 27, and the Second Elected Member for Cayman Brac raised several matters under this section and I would like to deal with it now), it is a bit complex but hopefully he will endeavour to follow the legal reasoning as to why this section was changed. Section 27 of the Immigration Law (Law 13 of 1992) stated that:

> "Save as otherwise provided by this Law, no person who does not possess Caymanian status shall be gainfully employed in the Islands unless a permit (in this Law referred to as a "work permit") authorising him to be so employed has been granted by the Board and is currently valid.".

There were two flaws in that section. The words "gainfully employed" resulted from the previous Law and have not been defined in the new Law and the offence itself related to an offence in relation to a person who is in a gainful occupation. So the two words in that Law that had to be removed were the words "gainfully employed", and they were replaced by the words "gainful occupation". If we look at section 33(1) the offence is committed there. It says:

> "Whoever engages in any gainful occupation in contravention of any of the foregoing provisions of this Part or fails to comply with any condition or limitation contained in any licence is guilty of an offence.".

So there may have been doubts or there would have been doubts on this section as it stood because the offence created under section 33(1) referred to a "gainful occupation" and section 27 referred to "gainfully employed".

The Member went on in relation to this, but if he is following the legal reasoning on it he will see a further problem. Section 27 only related to permits that were granted by the Board and are currently valid. Therefore, they did not include temporary work permits, which are granted by the Chief Immigration Officer and not the Board. That was the reason why this section was changed and it is just one of several sections which, in the course of the drafting of a Law this complex (and it is a very complex Law), needed to be cleaned up and to be tightened in those two respects.

In relation to section 7 of the amendment, amending section 31 of the Immigration Law, the reason why there was a reduction of work permits from the three month to three month basis (total of six months) to 30 days for which there can be an extension for a further 30 days (total of 60 days) was that there is already in place within the directives the right to take a six month probation permit at a lesser cost than half the cost it would be on a person if you need him/her up to the length of six months. The temporary permit itself is meant to be exactly that, "temporary". I take the point, however, that unless the administration of the Immigration Department along with the Board is going to speed up the period when decisions are actually given to the public, then it makes it more difficult to work the sixty day period on this. But, as I said earlier, I think everyone in this House has spent a lot of time discussing this and the Member in charge of immigration matters is doing everything (we all are doing everything we can) to see that a reasonable period of time is put in from the time of the application to the time a decision is given. That should be able to be brought very easily, hopefully within the sixty day period.

The other matter that is important is if you are having a very large number of the temporary permits issued for periods up to six months it could totally undermine the granting of long-term permits, because people would opt to go for six months and renew it, rather than going for the full permit. For two reasons: one is you can get it very quickly because it is granted by one person. The other reason, and perhaps the most dangerous of them, is that the temporary permit does not carry with it the full requirements as does an application going up for a year or two years.

So many times temporary permits are issued and there is no underlying Police Record, no medical certificate, no accommodation sheet filled out, so you could be getting, for a long period of time, someone who is a criminal, or who may have a bad record, or who may really be undesirable to have here for a long period. That, to me, seems to be one of the most important reasons why temporary permits, which are granted very quickly, very easily and with very little information, should remain as temporary permits and not be allowed to extend into long periods where they are basically replacing the full and permanent work permit.

Also, there is very little use in putting a quota on the long-term permits if there is no quota (and there is no quota) on the temporary permits. It is no good fixing a certain amount then looking at the statistics within a month or two later and finding out that twice the amount of work permits have been issued but half of them were temporary (six months) permits and the other half were permanent. We just have to make sure that temporary permits do not undermine full work permits and do not become a short-cut for not giving police records, accommodation sheets, medical certificates and everything else that goes with it.

I am at a loss as to how the Second Elected Member for Cayman Brac perceives that by adding a second person to the Chairman or a member of the Board to issue work permits, that that was casting any suspicion on the Chief Immigration Officer. That has to be something in his mind for him to have come up with really such a suspecting approach to it. For example, we have added extra members to the Board, there will be two extra members there dealing with the planning of the minor things. There is a very good underlying reason, three of which I have just given, as to why I can assure him that there is no suspicion whatsoever on the Chief Immigration Officer. This was not done because of anything related to him and it never even went through my mind that such a reason may have arisen.

The aim of these amendments is to deal with speeding up and producing a more efficient procedure for the Immigration Department as indeed the Honourable Member in charge of the Planning Board is also attempting to do. We appreciate that there will always be some conflict and pointing of fingers in relation to the political aspects of immigration but I would, and I will, refer back to the section that dealt with the granting of Caymanian status by invitation, just to point out that in the United Kingdom (if you really want to see how political the decision of nationality is) the Minister alone decides on nationality and there is no appeal from him, he stands with the final and absolute authority. At least within our Law there is an Appellate System from status on to Executive Council and through the prerogative writs into the Courts.

In the United States it is no different either; the decisions there are dealt with normally by a single person. The court does enter into it in the formality stage, from what I can understand, and I am not saying that I understand a lot about the United States system. But, I think the importance of this is that these amendments have been brought with a view towards trying to speed up and to make more efficient and more effective, and I stress "make more effective", the Immigration Law, because it is the most important Law that this country has other than the Constitution.

The destiny and the future of the people of these Islands rests, from time to time, in the hands of the Immigration Board. It is important, and it is good that there should be close scrutiny of what the Board does, and what the Department does. But I can assure Honourable Members (as they well know) the sections here are meant to be constructive and to assist, rather than in any way deal with matters that are going to create further problems in it.

I would hope that Members of this Honourable House are aware and perhaps somewhat appreciative that when problems arise and we clearly understand that the public does not want something, such as the invitation for status by the Governor, then we are prepared to change it. We have done this in many instances including giving time on the Constitution and amending this. What I can assure Members is that for four years I was on the Backbench and I do not really think that I can remember one single outstanding event when the previous Government ever changed anything that was brought to this House (during those four years) unless it was a matter that they did not have the votes to carry it through which happened at some stages.

So all I would say is, I think a vast majority of the Members of this House meet often and that they should look at amendments such as this as being constructive, positive, and for the good of these Islands. Thank you.

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

HON. W. McKEEVA BUSH: Madam Speaker, the subject of Immigration to any country is a most important one, and one where there are always questions which, when answered, do not satisfy everyone.

Immigration, as we all know, is the gateway to one's country through which the good and sometimes the bad may gain entry. There is no question about the state of Immigration affairs in these Islands being unsatisfactory, not only to the indigenous people but also to persons here on work permits.

The situation we found in these past six months, in terms of immigration, is still not satisfactory to the Government. If we look at what has taken place over the past several years, it says to us that there existed an open-door policy where all and sundry came. They came, they saw, and they conjured. If they wanted to set up a business they found the way to do so even though they came here on a work permit. Set up a business, Madam Speaker, regardless of any consequence to existing businesses small or large. The result from that is that local people, and also persons who are long-term residents, suffered because of the business practices that were established. When you walk around the country you have to wonder how some of these people got into business in this country.

As a Government we found that even people who committed murder in another country were allowed entry here, stayed here and wandered about just like they owned these Cayman Islands. We have to, and we must, take a much closer look at the type of policy where persons are allowed in this country to do as they please. In my opinion, there were, before this administration took over, a lot of undesirables allowed here and still today make no valuable contribution to these Islands.

This entire matter for a revision of the Immigration Law took place because in 1988 I brought a resolution to this Honourable House asking Government to look at the situation that existed. At that time, people (and being an election year you get that sort of thing), both Caymanians and outsiders as well, were screaming at everybody because of the unsatisfactory situation of persons, especially those who had been here for 20 years and had no real security of tenure. I knew people who were here for 21 years and did not know what their situation was going to be. I would imagine that after their 21 years of having had a home, being settled into the community that they had a right to query, "well, ladies and gentlemen, what is my position? Am I to remain constantly on a work permit and thereby, even though I have a home and other property here in your Islands, by these work permits, I have to lay back to the whims and fancy of those who might even want to work me for less than what the normal going rate is?" These were the sort of complaints that we heard daily.

So, Madam Speaker, I said in regard to that aspect of the

Immigration Law that the entire matter needed to be revised. Straight away my position was that I did not believe in the granting of status within the context of the Cayman Islands, which does not have a nationality, as such, but is dependent upon the British Nationality Act. I heard a Member say that granting status is not a big thing (I think it was the Second Member for Cayman Brac) it does not give them any ... well what he was getting at, Madam Speaker, I do not have the exact quote, but what he was getting at was that it does not give a person on status anymore right over a local person. I find it unacceptable in many regards because there are people who once they get status, at that time, no matter what they did in this country, you could not get rid of them.

The Government, in majority, once that Immigration Law got into Committee you would go to committee one day and a Member would say one thing concerning status, "oh I am against status, I do not care who tells me so, I am against status". The next day that same Member would come back and change his opinion simply because of the fact that during that time someone had confronted him saying; "look I really cannot stay here for 20 years, or all my life, just on a work permit." So there were a lot of inconsistencies at Committee stage and my opinion is that those inconsistencies are still not resolved and are still not going to be resolved, simply because politicians are politicians and when the pressure hits us we move quickly; we find ways around in which to please the Caymanian and try to please the outsiders as well. That is a hard job to do.

I have always believed that if a man comes into my country and lives within the law, does the right thing, that we should treat that person properly. I made many references to it last week but there has to be a line drawn. We cannot absorb everyone that comes into the country and stays here five, six, eight or ten years which, by then, they have settled in and want to live here. But that has an impact on the indigenous population and as you move about from one home to the next these are the questions that you hear posed.

Even when some Members of this Honourable House get up in this Chamber in front of the mike and speak, they will say one thing, "yes we need to help these people", then they will go into the Common Room and say, "we really need to watch our education situation with too many people. We need to watch our roads with too many people". Honourable Members have to make up their minds as to what they want for this country. Either there is going to be an open-door policy or there is going to be a line drawn where only those people who are allowed here are people that will stay for a long time or people who are making decent and real contributions to the country. When I say making a contribution, it does not mean that they have to be working for Caymanians, it could very well mean that they are working for somebody else from outside who has a business here. But the fact is they have to make a contribution.

At the Committee stage of the Bill we asked the Immigration Officials to tell us how many people are here that have been here for 15 or 20 years. If I am not mistaken it amounted to approximately between 300 and 600 persons; that is just persons, you are not talking about families. At that point I felt good because I thought that finally we were going to get somewhere, people were going to make decisions. Politics being what it is, there was no decision made. So that group of persons is still left hanging in the balance.

I am not one that people do not know where I stand. I am not a wishy-washy person and I believe today that there must be security of tenure. We just cannot take that group of persons and say, "all of you are granted Caymanian status". I do not believe that that could be done easily because there are considerations. I believe that we must sit down as a Government and go through one by one and see who the undesirables are and remove them from the country. But there are persons, Madam Speaker, that I would never grant status to.

In this Island many things are seven-day wonders. Today you might find some people for the granting of Caymanian status, tomorrow that same person is completely against granting status. When it came down for this Government to examine the whole prospect of what should be done, some people said that we are against status, and others, by and large, were for it. The one thing that I believe found commonality was that we should not allow the Governor in Council to grant Caymanian status. Madam Speaker, if you put me in the driver's seat and say drive this truck, drive this car, then you expect me to be in charge. I must make sure that the brakes are working, the steering is properly working, and when I drive that car I must drive it with prudence.

As a politician I am dubious because I know of the kind of aspersions that can be cast on a politician, and some Members in this House would be only too willing to come here with a hundred questions asking why we granted so and so status. The Second Member for Cayman Brac would be the first one in line to question. But, for all that, I was prepared as a Member of Executive Council, to accept that responsibility. First, some people did not want you to grant status and others wanted you to grant, then some say let us take a small quota, let us take six and let ExCo grant, let them let ExCo say, "You, Mr. John Blow, are invited to get status in this country". They said make that one, two, up to six, make that be persons who have, to put it simply, Madam Speaker, done something great for the country. Then you move from there and offer security of tenure, by that I mean a type of green card with that person who obtained that green card having the right to work. You would offer that to this group of 300 to 600 families.

You take all that together and look at Members in the House, you get pressures from outside then you hear, "Well, that cannot be done either. Put it back the way it was". Madam Speaker, we will never get anywhere with it. I am only one person, but you will always have that same situation. People will not know where they stand, people are going to be complaining (locals and foreigners), you will never get anywhere.

When it came to adding more people on the Board, and for the Member who complained about a reduction in temporary work permits, the Government found out that there were persons who were able to get temporary work permits by the dozens and what happened was that these persons

on temporary permits were farmed out to somebody else. When you ask about the definition for a temporary work permit they say it must be a very special case where a person gets a temporary permit. If you were to go far back to the inception of the Immigration Law it says that a "temporary work permit" only meant that if you had a doctor coming to the Island and you needed to get him immediately that was where the temporary work permit applied.

Over the years, in the development of the country, that changed and, yes, I agreed that there had to be a change, because people come to me, too, for assistance. When you listen to people's problems you realise that old habits have to be changed. But the situation that exists today, where you do not know who is who in this country, you are having all sorts of criminal activities, there has to be some sort of streamlining.

Now in the amendment of the Immigration Law we were not casting anything untowards in regards to the Chief Immigration Officer. If you read from the *Hansard* what the Second Elected Member for Cayman Brac said, and you read between the lines, what he is telling the Government, directing it to us if you look at the *Hansard*, is to get rid of the Chief Immigration Officer. This is what he is saying....

POINT OF ORDER

MR. GILBERT A. McLEAN: Madam Speaker, on a point of order.

THE SPEAKER: May I hear the point of order.

MR. GILBERT A. McLEAN: Madam Speaker, "Erskine May", page 361 (2) "The misrepresentation of the language of another and the accusation of misrepresentation", I did not, and I do have the benefit of the *Hansard* and I think the Honourable Member does too, at no time in the *Hansard* did I make such a suggestion. At most I said that I thought it was a situation of distrust regarding the Chief Immigration Officer with bringing in a second person to issue the permits. I made no such statement that the Chief Immigration Officer should be fired.

THE SPEAKER: The Point of Order has been considered and according to "Erskine May" there has been a variation in the meaning of what the Honourable Member said. Honourable Member for Health and Human Services can you please quote exactly what the Member said?

HON. W. McKEEVA BUSH: Madam Speaker, I said when you read the *Hansard* of what the Member said and you read in between the lines, this is what he is saying to the Government. Madam Speaker, he might disagree with that. That is his prerogative. I listened to him and I have the *Hansard* in my hand. When you look at what he is saying, he is saying that if the Chief Immigration Officer is not performing, and you have all these troubles you have a mechanism because he is a Civil Servant; get rid of him. Of course he would not come out and say it as plain as "A-B-C", the opposition likes to do that. He will tell you that is the responsibility of the Government. His job is to get up and to not say things too clearly on these touchy issues. That is not what an opposition is supposed to be, but that is not the matter at hand. The matter at hand is that I listened to him and from what I heard him say, from what I see here, that is my impression of what the Member said.

We have no room as Elected Members to get rid of any Civil Servants. That Member himself is complaining most vociferously about this administrative responsibility which does not even give you the right to hire or fire. I made the point that that is what I read by what he has said, ... I do not know, Madam Speaker, if by the way he couched his language, whether he has any information or he has any cause, but if he has he should put in upon the Table of this House. We as Elected Members can get rid of no Civil Servants.

THE SPEAKER: Honourable Member, perhaps we can take a suspension at this time. The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:31 A.M.

PROCEEDINGS RESUMED AT 11:56 A.M.

THE SPEAKER: Please be seated.
The Honourable Member for Health and Human Services continuing.

HON. W. McKEEVA BUSH: Madam Speaker, there is also grumbling about the non-availability of permits. I do not believe that anyone in business in this country today is being denied a work permit for a person they genuinely need. I do not believe this.

In a question the other day on the number of work permits granted earlier this year (25th and 26th March, 1993) up until March, the total number of work permits in force on the 28th of February 1993, was 11,059. The total of temporary permits in force on the 28th of February 1993, was 918. In Little Cayman and Cayman Brac there was a total of 60 temporary work permits and 117 full work permits. I do not believe that anybody who genuinely can show a need for a work permit is being denied.

What the hullabaloo is all about is that there are people who refuse to accept that they could have only entered these Islands for a certain period of time and because of the air of "do what you want, when you please", it made those people believe that they were here forever. There are no

two ways about it, there were many instances when local labour could have been used but excuses were found not to use it.

So while the Government will not see any business go down, the Government must take into consideration the availability of Caymanian labour. Where a Caymanian, their spouse or their other family connection can be hired, he/she must be employed and the quicker these businesses accept that fact the better off this country is going to be, because for the next four years this Government is going to see that any Caymanian that is capable of working, has a good work ethic and is a responsible person, will be employed.

We are going to balance that by ensuring that any business that operates here will not go down for want of labour. There are Caymanians who have poor work ethics. We know this. I am a small employer and, by God, I know what they can do to you. But that is not all Caymanians. Not all Caymanians are like that and what needs to be done is that it needs to be encouraged. There has to be, at all times, communication. The employee cannot feel that because he is a Caymanian he can do as he pleases, he can go to work 10:00 even though he had to be there from 7:00. That should no longer exist. I believe more and more it is coming to bear on Caymanians that they cannot run from one job to the other, so they cannot say I can do as I please.

Times are different now and there is more demand for labour from everybody. At the same time the employer cannot feel that this is my business and I treat you like a dog. That cannot go on in this country, and the House heard awhile ago from the Member responsible for Tourism that labour has been transferred to my Portfolio.

There will be a policy where everybody will be treated right. There has to be a balance struck. I know that we have capable Caymanians who are given a hard time and I could go on this morning to give many cases, many cases. Sometimes it is not the expatriate that does it, it is our own Caymanians who work in certain places and do their endeavour best to keep down their own people. They find every kind of excuse.

I am a fair man, Madam Speaker, regardless of who likes me. I believe in treating everybody fairly and that is the way it is going to be in this country. There has to be a balance struck. If not, we are going to have problems that we cannot deal with in this country and Cayman is not like that; that is not Cayman's way.

For many years to come this country is going to need expertise from outside, and we must recognise this. All Caymanians must understand this for there is nobody that is going to come to a condominium or go to the Hyatt Hotel and pay $500 a night and when they want something, or order something, it takes two hours to three hours to get it. Nobody is going to come to this Island to do that. Caymanians and expatriates that are here on work permits have to understand this. Nobody is going to come here to invest in this country by putting up a multi-story building, spend $10 million, and have people telling him that "I can do this work how I please, when I please because I am a Caymanian." That attitude should not exist in this country. We cannot build a country like that. It is the same with the international business sectors. Nobody that has billions of dollars here wants a million dollars to be handled by a mediocre person. So we are always going to need the outside expertise. In the meantime, Caymanians must be assured of jobs where they can do it.

I believe that the Bill before the House is not a perfect Bill in certain areas, but I believe that after looking at our situation the few measures within this Bill will assist. The Board now consists of six members by Electoral District with a Chairman and a Deputy Chairman (making a total of eight members), and with three new members will give a total of eleven. I believe this will assist much better in dealing with such things as work permit applications, and so on.

We have always been saying this. This is not a new idea. This has been something that has been kicked around in this House since I was here in 1984. This has been talked about, and before that the long wait to get a work permit; today it is much worse. So we had to do something to assist the Board and this will assist the delegating by the Board to persons within it to deal with work permits and many other things. It can only mean a quicker process and the other members (from the Central Planning Authority, the Director of Labour and the Public Services Commission), will be there to supply information.

This can only be good, and I cannot see anything wrong with this as the Second Elected Member for Cayman Brac would like people to believe. But some people want chaos, they do not want to see this Government do anything. They would like to see this thing continue where they could ask questions and where they could rail and rant and misbehave. We are not about that.

We believe that to assist businesses this thing needs to be done and it is before the House for its consideration. The House heard this morning that the Portfolio for Health and Human Services now has Labour. In dealing with this situation of complaints about work permits and all the attendant problems with it, I want to say to the Honourable House that I support an immigration policy which would preserve and would strengthen and expand our economic health and, by doing that, enhance opportunities for Caymanians. A policy where long range growth for economic sectors can be determined between them and Government. I see where we need, devised for the future, a system in which labour budgets fit sustainable growth, and the availability of Caymanian labour and the amount of foreign workers required should be more accurately established to ensure quality growth.

As I have said we must strike a balance between what is needed to operate business and, especially, to strengthen and expand the international business sector. At the same time ensuring that Caymanians are not stunted in either the number or the quality of their career opportunities. I intend to expand the work of that side of Immigration, the work of the Labour Board, by being able to carry out a proper survey of manpower development on a regular basis and at the same time identify training needs for the Cayman economy and to work closely with the existing institutions already operating in areas of manpower development to

train and retain Caymanians to fill the gap.

I believe that we should have an apprenticeship scheme in certain sectors and to have the implementation of labour budgets for business where they may not exist and closer follow-up where they do exist; to work more closely with the school system in preparing students for the world of work.

I see the thrust of the Labour Department not only to get into dealing with grievances but we must now deal, or put emphasis on, manpower development. To organise things like seminars to ensure that those Caymanians who have a poor work ethic are offered assistance in improving it. This is going to be the thrust of the Labour Department under the Portfolio for Health and Human Services.

I trust that this Honourable House understands what I am saying, and I hope that all of us concerned will be able, at some point, to sit down and look sensibly at the policy where we have all these many people for all those many years out there in the left wing. But nobody should expect that this Member is going to support an open door policy where all and sundry just walk in and do as they please. We cannot run a country like that.

Thank you, Madam Speaker.

THE SPEAKER: Would the Honourable Member responsible for the Bill like to reply?

HON. J. LEMUEL HURLSTON: Madam Speaker, being grateful for the debate which clearly articulated the merits and principles of this Bill on both sides of the House, and in the interest of the time of the House, I gladly waive my right of reply.

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

AGREED. THE IMMIGRATION (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.

THE MUTUAL FUNDS BILL, 1993

CLERK: The Mutual Funds Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Thank you, Madam Speaker. I beg to move the Second Reading for a Bill entitled A Bill for a Law to Regulate Mutual Funds.

It was said during the last Meeting of this House that Government would be introducing into this Session of the House a Bill to regulate mutual funds. I am pleased to say that the Government is now carrying out that promise. In preparing this Bill, I have also carried out the Government's policy of inviting wide participation in the drafting process. I am therefore satisfied that the Bill now before this House is a Bill appropriate to the circumstances of the Cayman Islands.

Honourable Members can be assured that the Government is ever mindful that it is essential to be extremely careful when introducing any legislation that would seek to regulate, or control any section of our financial industry.

Honourable Members are also well aware that those seeking to establish mutual funds in the Cayman Islands have got other choices to make. It follows, therefore, that if we seek to impose too many restrictions or controls on mutual funds and those who administer them, or if we seek to impose too high fees this part of the financial sector will simply go elsewhere. This we cannot allow and the Government does not intend to allow for this to happen.

I said earlier that in preparing the Bill I had also carried out this Government's policy of inviting wide participation in the drafting process. For the information of Honourable Members and the general public I would therefore like to explain the form that participation took.

Honourable Members will know that there is an Advisory Committee known as the Private Sector Consultative Committee which is called upon to advise on financial matters. This Committee includes representatives from each sector of the financial industry in these Islands. As soon as a discussion draft of the Bill was prepared, copies were sent to each member of the Consultative Committee for consideration. Members were then invited to attend a series of meetings where each provision of the Bill was explained. Also in attendance at this meeting were Members of the Executive Council, the Inspector of Banks and Trust Companies, and the Registrar General.

As a result of these meetings, a Subcommittee of the Consultative Committee was established and charged with the responsibility to review the draft clause by clause and to then report back to the full Committee. This the Subcommittee did with great diligence. I must also emphasise that during this period certain Members of the Committee sent the draft overseas, primarily to New York, to those who instruct them, to find out how they felt about our proposals and, in particular, whether they believed its effect would alter their attitude to establishing mutual funds in the Cayman Islands.

I am pleased to say that all the feedback we received was

positive, since it was perceived that the course we were following was a very reasonable one. I am also pleased to say that during this period we received many helpful suggestions both from practitioners here and overseas for improvements and changes which we were pleased to take into account and adopt as appropriate.

The Bill now before the House can truly be said to be the work of many minds, and a representative of the financial industry. Having set the stage as to why and how the Bill now before the House came to be prepared, I have satisfied Honourable Members that this Bill will not introduce any harm to our financial industry but it is one that will be an enhancement and will continue to enhance the reputation of these Islands as a place where investors may safely invest their funds.

Before explaining the provisions of the Bill, there remains one other point that needs explanation. During the course of preparing the Bill one point was emphasised to me again and again, and this was the fact that if we were to introduce any draconian requirements in terms of beauracracy and make it difficult for the licensing procedures to be expedited in the normal process, this could have adverse implication.

It was forcefully pointed out to me that the mutual fund industry, is an industry that must take quick advantage of investment opportunity whenever it is being offered. A delay of only a few days could mean that an opportunity no longer exists. It is with these points in mind that the need not to over-regulate the industry, and the need for speed, and the arrangements set out in the Bill before the House were established.

Let me say at the outset that the drafting of this Bill has been made much easier by the fact that those participating in the mutual funds industry in the Cayman Islands are themselves already controlled in some way, either here or elsewhere. This has meant that to a great extent we are able to rely upon the reputation and good standing of these people and institutions and to introduce a system whereby they are allowed to continue to regulate the mutual funds industry themselves, as they have done very successfully for the last 10 years without incident, and with only the necessary minimum of governmental supervision.

I now come to the provisions of the Bill. The first problem, when drafting this particular Bill, was to try to define what a mutual fund is, since until we can define what it is you wish to regulate, you cannot regulate it. If one defines the term too widely it will include many normal business transactions that are clearly not mutual funds. On the other hand, if one defines the term too narrowly one will miss many arrangements that clearly need to be regulated.

The Consultative Committee, and its Subcommittee, therefore spent many hours considering the definition contained in the Bill. I believe we have gotten as close to defining the term as we reasonably can. However, for the benefit of Honourable Members, I will try to put it even simpler than it now appears in the Bill. A mutual fund is an arrangement by which investors pool their money with the intention of spreading investment risks and enabling them to receive profits from their mutually held investments.

To put it even simpler, a mutual fund is a way of spreading your eggs in a number of baskets, and so spreading the risk of any particular basket being dropped. In practice, a mutual fund is established by a promoter who, by way of an offering document, encourages people to invest in the mutual fund which will then be managed by an operator.

It should be possible, even from my brief description of a mutual fund, for Honourable Members to understand why the establishment and management of mutual funds should only be allowed to be undertaken by people with very sound established business reputations. This is why I said earlier that the drafting of this Bill has been made easier by the fact that those participating in the industry are already controlled or regulated either here or elsewhere.

The Bill gives those wishing to promote a mutual fund in the Cayman Islands a choice. This is provided for in clause 4 of the Bill. Firstly, this clause provides that the promoter may simply apply to the Inspector for a Mutual Fund Licence to carry on business on or from the Islands. Alternatively, the promoter can carry on business on or from the Islands, if a Licensed Mutual Fund Administrator is providing its principal office on the Islands. I will mention this term later.

In both of the preceding cases a promoter must have the offering document for the mutual fund, or the latest draft of it, filed with the Inspector. Honourable Members will recall that an offering document is the document by which people are encouraged to invest in the mutual fund. The Bill sets out in detail the matters that must be included in the offering document.

The Bill provides that before the Inspector can issue a Mutual Fund Licence, or before an Administrator can provide a principal office for a mutual fund, the promoter of the Fund must satisfy the Inspector or the Administrator that he has available sufficient expertise to administer the Fund; that he is of sound reputation and that the Fund will be administered in a proper manner. It is this provision of the Bill which is the key to the Bill. A person with a reputable track record will have no difficulty satisfying this test. A person without this record will find it very difficult to establish a Fund here.

When a financial institution with an established track record applies to the Inspector for a licence for a mutual fund, that licence can be granted extremely quickly, and it will be. This assurance I have had from the Inspector, equally. When I mention the Inspector, I should say that this activity will be placed with the Office of the Inspector for Banks and Trust Companies. That title will soon be changed to Inspector of Financial Services to reflect the amalgamation of that Department along with the Office of the Superintendent of Insurance also, to which Mutual Fund Regulation activities will be attached, as well as Companies Management.

Equally, when such an institution tries to place a Mutual Fund with a Licensed Mutual Fund Administrator, it will have no difficulty. However, since the Administrator is ultimately responsible for the funds it administers, the Administrator will require substantial proof of the worthiness of any promoter it is not familiar with before it takes on his fund. It is by this means, of Administrators knowing their clients and being responsible for them, that the Bill establishes an effective self-regulating system.

Because of the varied nature of mutual funds and, therefore, the need to deal with them in different ways, there are a couple of variations from the scheme I have just described. Two types of Mutual Funds need not obtain a licence, but need only register with the Inspector and provide details of their offering documents. These are Funds where the minimum investment by a prospective investor is $40,000, or where the fund is quoted on a major stock exchange. For these types of Funds, where the investors are likely to know their own business, or where the Fund is otherwise regulated by a stock exchange, our controls can be less.

There is one type of Mutual Fund we are not seeking to control at all. This is provided for in clause 4(5), and is a fund consisting of 15 investors or less who, by a majority, are capable of removing the operator of the Fund. In this case no control by us is considered necessary since the investors have their own means of controlling the operator of the Fund. The only other provision of the Bill I will deal with in any detail are those relating to Mutual Fund Administrators.

Under the term of the Bill any person who wishes to carry on Mutual Fund Administration in the Cayman Islands must obtain a licence. Mutual Fund administering is defined in section 3 to include managing or administering a mutual fund, providing an operator for a mutual fund, or providing a principal office to a mutual fund. Honourable Members will recall that this is a term I referred to earlier when I explained that a mutual fund must either hold a licence, or have its principal office provided by a Mutual Fund Administrator. I mentioned earlier that because speed was required in the issuance of licences for mutual funds, these would be issued by the Inspector. Speed is not so important in the case of Mutual Fund Administrators Licences which will be issued by the Executive Council. What is important, however, is that the applicant should satisfy Executive Council in respect of all matters referred to in clause 12(2), and, in particular, that the applicant has sufficient expertise to administer mutual funds, is of sound reputation and will administer mutual funds in a proper manner.

In addition, in some cases the applicant will need to show a net worth of at least $400,000. I say "in some cases", because with certain restricted Mutual Fund Administrators Licences, where the administrator will only be administering certain specified mutual funds normally within the same family of companies, this net worth requirement will not be applicable. There is included in clause 10(2) of the Bill a provision for the Executive Council to exempt a Mutual Fund Administrator from obtaining a licence. This is where Executive Council is otherwise satisfied that a licence would have been granted but the administrator is only administering one mutual fund.

In practice, this exemption covers the same Administrator who would now be exempted under the Companies Management Law, 1984, but who, in the future, will be covered by the present Bill before the House.

That covers the main points of the Bill I felt I should mention in some detail. The remainder of the Bill is taken up with the obligations of Licensed Mutual Funds, who must have annual audits and pay annual fees, and Licensed Mutual Fund Administrators, who also must have annual audits, pay an annual licence fee, and an additional fee based on the number of funds they administer.

I should draw to the attention of Honourable Members a point made earlier about how self-regulation is to work by mentioning, in particular, clause 16. Honourable Members will see that it is by virtue of this clause that Licensed Mutual Fund Administrators, at the risk of a $100,000 fine, are required to check on the standing of any mutual fund for which they provide a principal office. In this clause, above all others, that will ensure that mutual fund promoters with no track record do not operate here through a Licensed Mutual Fund Administrator.

Honourable Members will also see that by clause 17, and at the risk of a $200,000 fine, a Licensed Mutual Fund Administrator is required to tell the Inspector he has reason to believe that any mutual fund for which he is providing a principal office is going bad in any way. A further important part of the arrangement is provided by the powers given to the Inspector to keep a constant watchful eye on Mutual Funds and Mutual Fund Administrators. This is provided for by Part 4 of the Bill. Under this Part, the Inspector can require audits to be carried out, explanations to be given, and records to be produced.

The final part of the arrangement is provided by Part 5 of the Bill which sets out what the Inspector can do when she is satisfied that a Mutual Fund or a Mutual Fund Administrator is in trouble.

The Inspector's powers, which I believe will be rarely used, are all designed to protect the interests of the investors in the mutual funds and include appointing a person to advise the Fund or the Administrator on the proper conduct of its affairs or, where this is not likely to work, appointing a person to assume control of the Mutual Fund or the Administrator.

Because extensive powers are given to the Inspector, it was considered appropriate that there should be provision for appeal from any action of the Inspector to the Executive Council. This is provided for by clause 39.

As with similar Legislation, the Bill before the House contains a clause forbidding the Inspector and her staff from divulging information relating to the affairs of Mutual Funds or Mutual Fund Administrators except in a very general way for statistical purposes; this is clause 38.

There is one final clause I should draw to the attention of Honourable Members. This is clause 40, which puts certain obligations on auditors. Auditors are placed in an uncomfortable position since they have a special relationship with their clients which sometimes makes it different for them to reveal to the relevant regulatory body if the affairs of their clients are going wrong. In practice the auditor of a Mutual Fund or a Mutual Fund Administrator is likely to be the first person to know that the client is in trouble. The view has been taken that if an auditor finds this to be the case he is required to advise the Inspector so

that something can be quickly done before investor's funds are lost.

The Government appreciates that this clause causes concern with auditors, but on balance the Government believes that the provision contained in the Bill now before the House is in the best interests of the public. An auditor who complies with clause 40, even if he is wrong in his views of a client's affairs, is indemnified by clause 41 unless he acted in bad faith.

I do not, for one moment, doubt that within weeks of our Bill becoming Law we will see versions of it appearing from our competitors in the financial world. But if copying is the highest form of flattery we, in the Cayman Islands, can live with that. I should interject at this moment that this is why in the first instance the Government will be looking at its fees very carefully to make sure that we do not pass the advantages of our hard work, as such, on to our competitors, whom we know have taken the Legislation that we have worked hard to develop in the Cayman Islands and have developed standardised fees and have been using this, as such, to undercut the level of business that should otherwise remain in the Cayman Islands.

However, I think we can regard copying that has been taking place so far as a feather in our cap because it confirms that we are definitely doing something right. That we are, again, doing something right was recently confirmed at the International Business Communications Fifth Annual International Forum on Offshore Funds held in New York on the 8th and 9th of June, where details of the Bill now before this House were given and received the full support of the forum.

Finally, I would like to thank all those who had input into the Bill, particularly Mr. Tony Travers of Maples & Calder, and Mr. Clive Borrowman the Legislative Draftsman. There are many others including the Elected Members of Executive Council and the Honourable Attorney-General. The only person that has escaped the rigors of reviewing the Bill has been the Honourable Chief Secretary, but I am not sure if he will be so fortunate on future occasions. Many other people are to be thanked, especially all members of the regular Consultative Committee and the Subcommittee. I have to give thanks to the Honourable Thomas Jefferson who brought his expertise, because he was involved, at an early stage, with looking at the requirements for Legislation as well.

So overall there are a lot of persons to be thanked for their input into this Bill. I believe this Bill now before the House, strikes a very good balance of what is required as an enhancement to our financial industry and, accordingly, I commend this Bill to this Honourable House.

Thank you, Madam Speaker.

THE SPEAKER: The question is that a Bill entitled the Mutual Fund Bill, 1993, be given a Second Reading.

The debate will commence when the House resumes at 2:15 P.M.. The House is accordingly suspended until 2:15.

PROCEEDINGS SUSPENDED AT 12:40 P.M.

PROCEEDINGS RESUMED AT 2:23 P.M.

THE SPEAKER: Please be seated.

The debate on the Second Reading of the Mutual Fund Bill, 1993, will commence. The Honourable The Second Official Member for Legal Administration.

HON. RICHARD H. COLES: Madam Speaker, a Bill for a Law to regulate Mutual Funds. First of all I would like to congratulate the Honourable Third Official Member, the Honourable Financial Secretary, for bringing this Bill to the House at this time; a Bill that I know is very much wanted by the private sector and by the financial sector and this is a good example of Government responding to a request, positively, from the private sector.

Mutual Funds, at this time, is a very popular form of investment and savings and becoming more and more so. They are a very tax efficient way of investing money particularly for tax bearers in the United States where, I understand, it is anticipated much of this business will originate.

The Government has worked very clearly and very closely with the private sector in preparing this Legislation and bringing it before the Assembly in this Honourable House at this time. Of course, the private sector is looking to simple Legislation to encourage promoters and investors to use this jurisdiction to invest in mutual funds, and the Government is very sensitive to having the proper regulatory frame work in place to make sure that their funds are safe and secure. I would like to think that this particular Bill gets the balance right, between regulatory necessity and commercial expedience.

To my knowledge, Cayman is the first offshore jurisdiction to enact Mutual Funds Legislation. As the Honourable Financial Secretary referred to in his opening speech, it is highly likely that other jurisdictions will copy this Legislation and, no doubt, some of them are actively involved at this precise moment. However, equally, to borrow his quotation, imitation is the sincerest form of flattery and others may copy but only one can be first.

I hope that this cooperation between Government and the private and financial sector, which the Honourable Financial Secretary has referred to, will continue for the mutual benefit of both sides of the fence (if I can put it like that), and I am sure that this legislation will enable the Cayman Islands to remain as one of the leading financial centres in the world. I commend this Bill.

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

HON. THOMAS C. JEFFERSON: Thank you, Madam Speaker.

I rise to support the Bill presently before the House, the Mutual Fund Bill, 1993, and to congratulate the Honourable Financial Secretary for bringing this important piece of Legislation to this Honourable House, and to add another arm to the financial industry.

It was about 14 years ago that my predecessor (the former Financial Secretary), brought the Insurance Bill to this House and we have seen the benefits accruing to this country as a result. I believe that the mutual fund industry, which is comprised of billions of dollars, in recent years, perhaps as much as nine years, Cayman began to attract mutual funds to this country.

I believe, too, that the Cayman Islands' Conference, held in New York roughly three years ago, helped to bring some of this business to the Cayman Islands and it is important for us to be saying, to be policing and controlling all of the business that comes to the Cayman Islands.

The Cayman Islands has been for some years the fifth largest banking centre in the world and if we go down in order, it is the United Kingdom, Japan, the United States, France and then the Cayman Islands. When we put these little Islands' facilities in that context I believe that the majority of people who live here and hear of us can see the accomplishment that has taken place in this country in a very short time. The previous Members of Government, the Legislative Assembly, and Civil Servants, all share in that credit. But it is left to us at the present time to ensure that any business conducted in this country meets a particular standard. Gone are the days when we accept everything that happens, and gone, too, are the days, in my mind, when we worry about other countries which register 20,000 or 21,000 companies a year.

I believe the Cayman Islands, for the future, has to keep some things in mind: service, professional service, ethical standards and more service. I think that is the key to maintaining the cherished position that we have been able to reach. We cannot compete with some of the countries in the Caribbean who are trying to make it in the Offshore Financial Service by charging $200 or $300 a year. When you examine it carefully the quality of service provided still has a long way to go to reach the quality of services provided in the Cayman Islands.

I am happy to know that the Honourable Financial Secretary has brought this piece of Legislation to this House and I am happy to know that the Members of this House accept the Legislation. Because the financial community is unanimously behind this Bill, it is easy for us to agree to suspend Standing Orders to deal with it.

Thank you, Madam Speaker.

THE SPEAKER: If there is no further debate, will the Honourable Third Official Member wish to reply.

The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker.

I, too, must rise to congratulate the Honourable Financial Secretary and the other people involved in bringing this Bill to this Honourable House. It is a relief to know that we now have a Government in place that will look around to find ways and means of stimulating our economy instead of looking at how further, each year and in the past two years prior to this, the people of this country were taxed to a tune of approximately $20 million. This is certainly a relief to the Cayman people.

I would like to read, once again, the meaning of Mutual Funds for those who may be listening but did not get the first part when the Honourable Financial Secretary defined it:

> "Mutual Fund means - a company; or a unit trust; or a partnership, that issues equity interest, the purpose or effect of which is the pooling of investors' funds with the aim of spreading investment risks and enabling investors in the mutual fund to receive profits or gains from the acquisition, holding, management or disposal of investment.".

Once again this country has demonstrated its intention to stay at the forefront of the financial industry by introducing this type of Legislation.

In "Time" magazine of 17th May, I will briefly touch on this to show the effects and the amount of money that is spent in these mutual funds in the United States. With your permission Madam Speaker, I will briefly quote from one of their articles.

"How Long Will the Bull Run?

> Much of the money propping up share prices comes from the small savers who have put their money into mutual funds simply because returns on alternative investments have got so low. With money market deposits and CDs barely eking out 2% of interest, individuals poured a record US $11.3 billion into stock mutual funds in March.".

This was one month, US $11.3 billion. So this goes to demonstrate the kind of money that is involved with these transactions.

This legislation will also provide a source of extra revenue for Government which means that it will relieve us of a further tax burden down the line on our Caymanians. We have seen this type of legislation with the Insurance Law and the Companies Law and I feel sure that this will also provide a good source of revenue for this country thus helping all Caymanians.

I, therefore, support this move. Thank you.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I hasten to debate this Bill in order that the debate may not be so lopsided or one sided. This Bill is either a good Bill or a bad Bill, as in an unprecedented move three Members of the Government rushed out to sing the praises of this Bill. The Cayman Islands, traditionally, amongst small countries have been leaders in the field of innovative offshore banking. There was a time when Switzerland had all of the offshore money to itself. This ended when the Channel Islands and the Cayman Islands got into the picture and ever since, the Cayman Islands have continued to be the leader.

The Leader of Government Business mentioned that in 1978 a former Government introduced the Insurance Law which today is bringing to the Government revenue of many millions of dollars per year just in licence fees. In the 60s we started the banking business, in the 70s the insurance business, in the 80s not much seems to have happened because of the poverty of imagination which existed during that time. But now in the 90s we see a new scheme put into place. The stage is set to take advantage of the mutual fund business.

It is not only the revenue which this country will derive, there are all the other benefits. There is bound to be some extra employment even if the mutual funds are handled by people who already work in the financial industry. There will be revenue from the additional postage, there may be additional rent. We might even see a resurgence in the real estate market. Who knows, the possibilities are limitless.

The Member who spoke before me mentioned the vast sums of money being put this year by the small investors into mutual funds and that highlights a point which I had made in my notes that this is the ideal time to be getting into the mutual fund business, because mutual funds historically have flourished when the investment yield from other types of savings are small. We know that our banks here today are paying a maximum of two per cent on fixed deposits and sometimes even less than two per cent when anyone will accept it. So this is yet another vehicle. Of course, I am not advising any small investor to get into mutual funds. I believe that mutual funds in any large quantity should only be bought by investors who have plenty of money to play with and, in fact, although I am not a financial counsellor, anybody's financial portfolio should be well balanced and should contain within it the savings account, the life insurance, the real estate and maybe, with money left over, your mutual funds, stocks, bonds etcetera.

But as the Member who introduced this Bill said, it is wrong to put all of your eggs into one basket. So this opens up a new vehicle for those who have the spare cash to invest. Mutual Funds tend to grow very fast, or not grow at all. We know that in the mid 80s some of the mutual funds investors found themselves in trouble and this was simply because some of them overextended themselves into very high risk areas where the profits were good but the risks were great. Anyone who goes out to look for large profits must also remember that he may incur a large loss. But the effect of that was that more stringent regulations were put in regarding mutual funds.

Today the industry is stronger and better than it had been in the early 80s. This Government is on the right path by putting forward this Law which, in itself, will be a regulator of the funds which will be sold here. I totally agree with section 33 of the Bill which gives the powers of inspection and gives the Inspector the power to act and to act swiftly. It is my belief that whenever a Fiduciary Company holding the assets of the public at large operates in a place, there should be Government regulations so that the public may be protected from the loose operations of those few who would take advantage of the innocent or unsuspecting investor. So all those who handle the assets of other people have an obligation, which it is the business of Government to control.

The Member who introduced the Bill touched upon the penalties in Part III of the Bill, penalties which in some instances are quite substantial but are not out of line. I think those penalties are needed because, as I mentioned earlier, one crooked investor could wipe out the fortune of an unwary speculator overnight. So Part III with its penalties of $200,000 is quite in keeping with my thinking on this Law.

Two of the Government Members who spoke on the Bill mentioned the advantage that we have in that many of the particular Funds being sold here will already have been regulated in their country of origin. This has served us well in the past in banking, and in the insurance industry where we attracted long established and well established Banks and Insurance Companies which had grown strong because of the regulations in their own countries.

A bill such as the one before the House is needed, as mentioned by the Second Member for Bodden Town, to stimulate the economy to bring in revenue from the outside, to put new life into our industries. For the last eight years we have seen nothing but putting up the tax on alcohol and all the existing fees, until today in many areas we have priced ourselves out of the market. It is time that a new look be taken.

The Bill itself is an extensive one, one which, if I were to debate in depth, the 47 sections could well take at least another hour of my time, but I have no intention of doing that. What I would like to say is that I am happy that these Funds will be put under the supervision of the Inspector of Banks and that the title will be changed to reflect the enhanced stature of the office. I would also recommend that the person in charge be given every opportunity to keep up with what is happening in these Mutual Funds, whether by way of attending conferences or taking a course if that is necessary, or subscribing to the proper publications.

I guess the Government knows more about this than I do, but we are entering upon a field of endeavour that today is foreign to us and we cannot leave anything to chance. We must not only appoint an Inspector and we must not only arm the Inspector with the tools to enforce the penalties but must also arm the Inspector with the knowledge which is very necessary in our modern day business world to

follow all the trends.

When I got up to debate, I was not certain whether this was a good Bill or a bad Bill. But having listened to myself I am convinced that it is a good Bill and I recommend it.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

I would like to congratulate the Honourable Financial Secretary for this very timely piece of legislation, the Bill for a Law to regulate Mutual Funds.

The Memorandum of Objects and Reasons has four sections in it which I think warrant reading.–

> "This Bill seeks to regulate mutual funds and those who administer them.
>
> It attempts to do so in a way that recognises that most of those engaged in the industry are already strictly regulated or controlled either here or elsewhere and that therefore a large measure of self regulation within the industry is justifiable.
>
> What the legislation therefore attempts to do is to introduce a system that can be seen by the mutual fund industry to be reasonable and appropriate whilst establishing a quick, not overly expensive but well regulated arrangement.".

The final section of the Memorandum of Objects and Reasons reads:

> "Legislation regulating mutual funds is now considered necessary. This legislation is the result of negotiations between the Government and the financial industry both in the Island and elsewhere, and has general approval.".

In reading some articles I have gleaned that mutual funds are reshaping investment, finance and even the world economy. In a recent edition of "Business Week", there is an article regarding 'The Power - Mutual Funds'. Just to add a few more facts, some facts have been laid to this Honourable House by other Members, but there is a section which says:

> "People are pouring money into mutual funds to the tune of $1 billion a day. The mountain of mutual fund assets now stands at $1.6 trillion compared with less than $50 billion in 1977, and the last $600 billion has piled up only since 1990.
>
> Fund Managers - The top two fund managers in the United States; the number one has assets of $164.3 billion; number two [who coincidentally is registered in the Cayman Islands] has assets of $107.6 billion.".

I quote those references simply to back up the importance of the Cayman Islands in maintaining the status as a leading financial centre to be dealing with legislation regarding mutual funds.

The final section of an article that I would like to read is:

> "The fund industry itself is the biggest booster for stronger enforcement. The investment company institute which represents 95 per cent of mutual funds has lobbied to bolster the monitoring effort. The industry is very cognisant that any guy messing up is going to have horrendous consequences across the board.".

This simply proves to us that the people within the industry itself have strong desires for proper regulation so that we do not have some fly-by-night messing up an entire situation which is good for all concerned.

I wish again to congratulate the Honourable Financial Secretary and the other individuals who played their part in creating this legislation and again I give it my full support. Thank you.

THE SPEAKER: Hon Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. This Bill is important to the Cayman Islands and specifically the offshore industry as it adds a further companion to the other Laws that exist in this industry. It has been brought about by very good cooperation through the Honourable Mover's Financial Consultancy Committee, which is made up of a broad spectrum of the financial industry members and it, as he has mentioned, has a lot of input from them.

I think it is important that wherever possible we expand the industries, in this instance the area of mutual funds, and diversify as much as we can in the offshore business. Sometimes one has to choose between quality business and business which sometimes brings with it more money but a lot more problems than it is worth. I think that it is clearly, as we see in this Bill, the Honourable Financial Secretary and previous Governments (not just this one) have taken the course of the high road and have moved towards legislation which has in it the necessary controls for the industry.

With the large amount of money involved with these funds there has to be some control and I am happy to know that this will be in the hands of the Inspector of Banks and as she will subsequently be regulating this and the other areas of the finance industry with the Honourable Financial Secretary responsible overall for it and for bringing it to this House.

I think we have shown, especially in the last decade, that we can put in proper and reasonable controls in the finance industry and that people will accept them. The overall benefits can be such that they are good for the country, they are good for our international reputation which we have to look at very carefully and guard jealously. It is one bill that obviously has the support of the finance industry and I wish the Honourable Mover all the best in the introduction and the future on this Bill. Thank you.

THE SPEAKER: Would the Honourable Member in charge of the Bill now wish to reply.

HON. GEORGE A. McCARTHY: Madam Speaker, I would like to comment by thanking all Honourable Members who have supported this Bill, those who have spoken and those who have not, because everyone recognises it as something that will be beneficial to the Cayman Islands.

Conceptually, we have got something in front of us today which is an achievement of the entire financial industry working in cooperation with the Government. What we have is a piece of legislation in front of us that will assist the mutual funds operators and administrators in regulating themselves. We have had two quotes so far that have indicated to us the magnitude of this industry and I would like your permission, Madam Speaker, to just also quote form the same article that was used by the Fourth Elected Member for George Town. The "Business Week" issue of January 18th, and it reads:

> "The power of mutual funds is most obvious in their impact on the stock market. In fact, now they are the stock market. Over the past three years mutual funds have put more than $300 billion in equity giving a huge lift to stock prices. The Funds are making it easier for emerging companies to get new equity capital even mature companies can now raise equity more cheaply.".

This says a lot for the United States, Madam Speaker, and also the other economies of the world.

Madam Speaker, why is mutual fund so attractive? Again, another quote:

> "The idea of mutual fund is simplicity itself. Funds pool investors' money and buy stock, bonds and money market securities. Individuals get greater diversification, less risk, lower transaction cost and far more professional management than they could achieve on their own.".

This morning it was remiss of me in moving the Bill not to have mentioned the Bank Inspector and her involvement in this bill so far, or at least with the subcommittee. Once it became known to her that this would have been placed under the domain of her purview, she took the idea and she rolled up her sleeves, as such, and went to the task at hand to attempt to understand what mutual funds regulations would mean and also what this activity would involve. She went around to the various firms in the private sector and spoke with individuals there and also made a substantial input into the legislation itself along with the Legislative Draftsman.

I have no reason to doubt that we are going to achieve the same high level of credibility that we have been reputed for in terms of our regulatory practices and procedures that we have established so far. The banking industry today is quite happy and they recognise that they have a Bank Inspector that is very responsive to any questions that they may wish to raise in this area.

We are also tying in Companies Management, as I mentioned this morning, and also, the insurance industry. Not that these areas were not also well regulated but it is intended to achieve the synergetic effect of ensuring that there is a carry over of the expertise from one industry to the other.

I would like to thank Honourable Members of this House for their support of this Bill. Thank you.

THE SPEAKER: The question is that a Bill entitled the Mutual Fund Bill, 1993, be given a Second Reading. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE MUTUAL FUND BILL, 1993, BE GIVEN A SECOND READING.

THE SPEAKER: The House will now go into Committee to consider four Bills.

HOUSE IN COMMITTEE 3:12 P.M.

COMMITTEE ON BILLS

THE HEALTH CARE INSURANCE (SUSPENSION) BILL, 1993

THE CHAIRMAN: Please be seated.

The House is in Committee. The first Bill is the Health Care Insurance (Suspension) Bill, 1993, and as is customary I assume the Committee will give permission for the Honourable Second Official Member to make any minor amendments to the Bills after they have been passed.

The Clerk will now read the Clauses of the Bill.

CLERK: Clause 1 - Short Title.
Clause 2 - Operation of Law Suspended.

THE CHAIRMAN: The question is that Clauses 1 and 2 do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to suspend the operation of the Health Care Insurance Law, 1992.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE TITLE PASSED.

THE CAYMAN ISLANDS NATIONAL HEROES BILL, 1993

THE CHAIRMAN: The next Bill is the Cayman Islands National Heroes Bill, 1993.

CLERK: Clause 1 - Short Title.
Clause 2 - Interpretation.
Clause 3 - Declaration of Cayman Islands Heroes.
Clause 4 - Token of Recognitions.
Clause 5 - Governor to Bestow Award.
Clause 6 - Revocation of Declaration.
Clause 7 - Abuses passed.

THE CHAIRMAN: The question is that Clauses 1 through 7 do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 1 THROUGH 7 PASSED.

CLERK: A Bill for a Law providing for the declaration of Cayman Islands National Heroes.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE TITLE PASSED.

THE IMMIGRATION (AMENDMENT) BILL, 1993

THE CHAIRMAN: The next Bill is the Immigration (Amendment) Bill, 1993.

CLERK: Clause 1 - Short Title.
Clause 2 - Commencement of Certain Sections.

THE CHAIRMAN: There are certain amendments which will be dealt with by the Honourable Second Official Member.

HON. RICHARD H. COLES: Madam Chairman, I move an amendment to Clause 2 of the Bill that the numbers "5, 7, 8 and 9" in that clause be replaced with the numbers "6, 8, 9 and 10", and that in Clause 5(A) of the Bill that 5(A) be replaced with the (1A). And finally, Madam Chairman, in accordance with the statement that was made by the Honourable First Official Member, I move that Clause 4 of the Bill be deleted and that subsequent clauses be renumbered accordingly.

THE CHAIRMAN: Can we go back for just a moment, I think the Clerk just read Clauses 1 and 2 so we will deal with that first. There is an amendment to Clause 2 that numbers "5, 7, 8 and 9" be replaced by "6, 8, 9 and 10".

I shall put the question that Clause 2 as amended do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSE 2 AS AMENDED PASSED.

CLERK: Clause 3 - Section 4 Repealed and Replaced.
THE CHAIRMAN: The question is that Clause 3 stand part of the Bill. If there is no

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

AGREED. CLAUSE 3 PASSED.

CLERK: Clause 4 - Section 15 amended.

THE CHAIRMAN: The question is that Clause 4 stand part of the Bill.

HON. RICHARD H. COLES: Madam Chairman, I move that this Clause be deleted from the Bill.

THE CHAIRMAN: The question is that Clause 4 which will amend Section 15 of the Law be deleted and accordingly the subsequent clauses will be renumbered. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSE 4 BE DELETED AND THE SUBSEQUENT CLAUSES BE RENUMBERED.

CLERK:
Clause 5 - Section 20 amended.
Clause 6 - Section 27 repealed and replaced.
Clause 7 - Section 31 amended.
Clause 8 - Heading removed.
Clause 9 - Section 81 repealed.
Clause 10 -First Schedule amended.

THE CHAIRMAN: The question is that Clauses 5 through 10 do stand part of the Bill.

HON. RICHARD H. COLES: Madam Chairman, I move an amendment that Clause 5 "(A)" of the Bill be renumbered with "(1A)".

THE CHAIRMAN: The question is that Clause 5 as amended by the re-numbering of "(A)" to "(1A)" do stand part of the Bill. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSE 5 AMENDED.

THE CHAIRMAN: The question is that Clauses 5 through 10 with Clause 5 (A) having been amended stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 5 THROUGH 10 PASSED.

CLERK: A Bill for a Law to amend the Immigration Law.

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

AGREED. TITLE PASSED.

THE MUTUAL FUND BILL, 1993

THE CHAIRMAN: The next Bill is the Mutual Fund Bill, 1993.

CLERK:
Clause 1 - Short Title.
Clause 2 - Commencement.
Clause 3 - Interpretation.

THE CHAIRMAN: The question is that Clauses 1 through 3 stand part of the Bill. I think there are various amendments which are being put forward by the Member in charge of the Bill.

HON. GEORGE A. McCARTHY: Madam Chairman, since there are several amendments, I beg to move that the amendments be accepted as having been read.

THE CHAIRMAN: The question is that the amendments which were circulated quite some time ago be accepted. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE AMENDMENTS ACCEPTED AS READ.

THE CHAIRMAN: The question now is that Clauses 1 through 3 stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

CLERK:
Clause 4 - Regulated mutual funds.
Clause 5 - Mutual Fund Licences.
Clause 6 - Name of regulated mutual fund restricted.
Clause 7 - Misrepresentation as mutual fund.
Clause 8 - Annual audit of regulated mutual funds.
Clause 9 - Regulated mutual fund to pay annual fee.

THE CHAIRMAN: These amendments were also circulated. Would you also move that they be taken as read?

HON. GEORGE A. McCARTHY: Yes, Madam Chairman, I would like to move that they be taken.

THE CHAIRMAN: The question is that the amendments circulated should be taken as read. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE AMENDMENTS AS CIRCULATED TAKEN AS READ.

THE CHAIRMAN: The question then would be that Clauses 4 through 9 as amended do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 4 THROUGH 9 AS AMENDED PASSED.

CLERK:
Clause 10 -Person to be authorised to administer mutual funds.
Clause 11 -Types of Mutual Fund Administrators Licences.
Clause 12 -Mutual Fund Administrators Licences.
Clause 13 -Restriction on issue, etc. or transfer of shares in licensed mutual fund administrator.
Clause 14 -Annual fee for providing or acting as principal office of mutual fund.
Clause 15 -Inspector may direct licensed mutual fund administrators to increase capital value, etc.
Clause 16 -Licensed mutual fund administrators to be satisfied in respect of mutual funds.
Clause 17 -Licensed mutual fund administrators to give notice of certain matters.
Clause 18 -Name of licensed mutual fund administrator restricted.
Clause 19 -Misrepresentation as fund manager.
Clause 20 -Licence mutual fund administrators to have annual audit.
Clause 21 -Approval to be sought to appointment of director, etc. of licensed mutual fund administrator.
Clause 22 -Certain licensed mutual fund administrators to have 2 directors.

THE CHAIRMAN: There have been amendments, Clause 10 with one amendment and Clause 16.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move that the amendments be taken as read.

THE CHAIRMAN: The question is that the amendments that were circulated be taken as read. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. AMENDMENTS BE TAKEN AS READ.

THE CHAIRMAN: The question now is that Clauses 10 through 22, with the amendments, stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSES 10 THROUGH 22 AMENDED PASSED.

CLERK:
Clause 23 -Special audits of regulated mutual funds.
Clause 24 -Promoter or operator of regulated mutual funds to give Inspector information or explanation.
Clause 25 -Promoter or operator of regulated mutual funds to give Inspector access, etc. to records.
Clause 26 -Inspector may require information in respect of alleged breach of section 4.
Clause 27 -Inspector may take action in respect of unregulated mutual funds.
Clause 28 -Special audits of licensed mutual fund administrators.
Clause 29 -Licensed mutual fund administrators to give Inspector information.
Clause 30 -Licensed mutual fund administrators to give Inspector access to records.
Clause 31 -Inspector may require information in respect of alleged breach of section 10.
Clause 32 -Inspector may take action in respect of unlicensed mutual fund administrators.

THE CHAIRMAN: The question is that Clauses 23 through 32 stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. **CLAUSES 23 THROUGH 32 PASSED.**

CLERK:
Clause 33 -Inspector to administer Law.
Clause 34 -Powers of Inspector in respect of regulated mutual funds.
Clause 35 -Powers of Inspector in respect of licensed mutual fund administrators.
Clause 36 -Powers of Inspectors, etc. to search in accordance with search warrant.
Clause 37 -Inspector must not be hindered.

THE CHAIRMAN: The question is that Clauses 33 through 37 do stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. **CLAUSES 33 THROUGH 37 PASSED.**

CLERK:
Clause 38 -Secrecy.
Clause 39 -Appeal to Executive Council against any action of Inspector.
Clause 40 -Obligation of auditors.
Clause 41 -Indemnity.
Clause 42 -Common law restriction on alienation clarified.
Clause 43 -Regulations.
Clause 44 -Exemption from compliance with Trade and Business Licensing Law (Revised).
Clause 45 -Transitional provision.
Clause 46 -Companies Management Law, 1984 amended.
Clause 47 -Local Companies (Control) Law (Revised) amended.

THE CHAIRMAN: The question is that Clauses 38 through 47 with amendments on clause 40, and a motion that those be taken as read.

The question is that the amendment be made to Clause 40. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. **CLAUSE 40 AMENDED.**

THE CHAIRMAN: The question is that Clauses 38 through 47 with the amendment to Clause 40 stand part of the Bill. Those in favour please say Aye... Those against No. The Ayes have it..

AGREED **THAT CLAUSES 38 THROUGH 47 AS AMENDED PASSED.**

CLERK: A Bill for a Law to Regulate Mutual Funds.

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

AGREED. **THE TITLE PASSED.**

THE CHAIRMAN: The question is that the Committee do now report to the House. Those in favour please say Aye... Those against No. The Ayes have it.

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

HOUSE RESUMED 3:29 P.M.

REPORT ON BILLS

THE SPEAKER: Please be seated. Proceedings are resumed. Reports of the Health Care Insurance (Suspension) Bill.

The Honourable Member for Health and Human Services.

THE HEALTH CARE INSURANCE (SUSPENSION) BILL, 1993

HON. W. McKEEVA BUSH: Madam Speaker, I have to report that a Bill entitled a Bill for a Law to Provide for the Health Care Insurance Suspension Bill, 1993, was considered by a Committee of the whole House and passed without amendment.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

CAYMAN ISLANDS NATIONAL HEROES BILL, 1993

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

HON. W. McKEEVA BUSH: Madam Speaker, I have to report that a Bill entitled a Bill for a Law Providing for the Declaration for Cayman Islands National Heroes was considered by a Committee of the whole House and passed without amendment.

THE IMMIGRATION (AMENDMENT) BILL, 1993

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, I have to report that a Bill entitled a Bill for a Law to Amend the Immigration Law was considered by a Committee of the whole House and passed with minor amendments.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THE MUTUAL FUNDS BILL, 1993

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I have to report that a Bill entitled a Bill for a Law to Regulate Mutual Funds was considered by a Committee of the whole House and passed with amendments as approved.

THE SPEAKER: The Bill is accordingly set down for a Third Reading.

THIRD READING ON BILLS

THE HEALTH CARE INSURANCE (SUSPENSION) BILL, 1993.

CLERK: The Health Care Insurance (Suspension) Bill, 1993.

THE SPEAKER: Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker I beg the Third Reading of a Bill entitled The Health Care Insurance (Suspension) Bill, 1993.

THE SPEAKER: The question is that a Bill entitled the Health Care Insurance (Suspension) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. **BILL GIVEN A THIRD READING AND PASSED.**

THE CAYMAN ISLANDS NATIONAL HEROES BILL, 1993.

CLERK: The Cayman Islands National Heroes Bill, 1993.

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

HON. W. McKEEVA BUSH: Madam Speaker I beg the Third Reading of a Bill entitled The Cayman Islands National Heroes Bill, 1993.

THE SPEAKER: The question is that a Bill entitled The Cayman Islands National Heroes Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. **BILL GIVEN A THIRD READING AND PASSED.**

THE IMMIGRATION (AMENDMENT) BILL, 1993.

CLERK: The Immigration (Amendment) Bill, 1993.

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker I beg the Third Reading of a Bill entitled The Immigration (Amendment) Bill, 1993.

THE SPEAKER: The question is that a Bill entitled The Immigration (Amendment) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye... Those against No. The Ayes

have it.

AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE MUTUAL FUNDS BILL, 1993.

CLERK: The Mutual Funds Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I beg the Third Reading of a Bill entitled The Mutual Funds Bill, 1993.

THE SPEAKER: The question is that a Bill entitled The Mutual Funds Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. BILL GIVEN A THIRD READING AND PASSED.

THE SPEAKER: That concludes the Business for today with the exception of the other items which have been circulated and which will be part of a suspension of Standing Orders. However, Members should bear in mind that you were asked to suspend proceedings at 3:30 P.M. so that Members could have discussions with His Excellency the Governor.

I would like to know whether it is the intention of the House to resume after that or do we ask for the adjournment until Wednesday?

HON. THOMAS C. JEFFERSON: I think I, too, am in the hands of the Members but, personally, I would prefer to take the business, even if we have to go into the night and not have to come back Wednesday. But I need a reaction from the Members in order to decide what to do. I think there is agreement that we suspend in order to meet with His Excellency and then come back once that is finished.

THE SPEAKER: Irrespective of how long that discussion will be?

HON. THOMAS C. JEFFERSON: I do not think that the discussion is going to take longer than an hour, Madam Speaker, probably less.

THE SPEAKER: Accordingly, the House shall be suspended until such time as discussions have been completed with His Excellency the Governor.

PROCEEDINGS SUSPENDED AT 3:35 P.M.

PROCEEDINGS RESUMED AT 4:53 P.M.

THE SPEAKER: Please be seated. Members will all have been circulated with the paper containing additional business which I understand the House wishes to deal with this evening. I would ask for suspension of Standing Orders for this to be done.

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 10(2) to allow the House to proceed to take the Business. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. STANDING ORDER 10(2) SUSPENDED.

THE SPEAKER: The 1992 Annual Report of the Civil Aviation Authority of the Cayman Islands. The Honourable Elected Member responsible for Education and Culture and Aviation.

PRESENTATION OF PAPERS AND REPORTS

1992 ANNUAL REPORT OF THE CIVIL AVIATION AUTHORITY OF THE CAYMAN ISLANDS

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. I beg leave to lay on the Table of this Honourable House the 1992 Annual Report of the Civil Aviation Authority of the Cayman Islands.

THE SPEAKER: So ordered.

HON. TRUMAN M. BODDEN: Madam Speaker, I will be very brief because it is somewhat late in the afternoon. Members will see that the Authority continues to be very efficiently run, it makes a reasonable net

income for the year. I would like to thank all of the staff, the Director, and all those involved with it. It is, perhaps, one of the most trouble free statutory corporations that the Government has and I would ask Members' continued support of it in the years ahead. Thank you.

THE SPEAKER: Additional Government Business, Bills.
The Honourable Member responsible for Tourism, Environment and Planning.

GOVERNMENT BUSINESS

BILLS

SUSPENSION OF STANDING ORDERS 46 AND 47

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe it may be correct here, as well, to move the suspension of Standing Orders. In accordance with Standing Order 83, I move the suspension of Standing Orders 46 and 47 to allow the Bill to be taken and a Third Reading to be had.

THE SPEAKER: The question is that Standing Orders 46 and 47 be suspended in order that the Traffic (Amendment) Bill, 1993, be taken through all of its stages at this sitting. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. STANDING ORDERS 46 AND 47 SUSPENDED.

FIRST READING

THE TRAFFIC (AMENDMENT) BILL, 1993

CLERK: The Traffic (Amendment) Bill, 1993.

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

SECOND READING

THE TRAFFIC (AMENDMENT) BILL, 1993

CLERK: The Traffic (Amendment) Bill, 1993.

THE SPEAKER: Honourable Member for Tourism.

HON. THOMAS C. JEFFERSON: I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Traffic Law, Revised.

This Bill seeks to repeal Section 12A of the Traffic Law, Revised, which presently contains a complete restriction on the importation of double decker buses and replaces it with a section that will allow the Governor in Council to authorise the importation of large buses and to control their use. A large bus is one in which any of its measurements exceeds that set out in the Clause. Those measurements are: A bus which is more than 10 feet high, or more than 30 feet long, or is more than 9 feet in width.

Clause 2 seeks to amend Section 12A of the Traffic Law, Revised, and to substitute the following:

> "1. A person must not bring a large bus to the Islands without first obtaining the written approval of the Governor for the importation of the vehicle.
>
> Penalty: Fine not exceeding $5,000
>
> 2. A person must not use a large bus in the Islands except with and in accordance with the approval of the Governor.
>
> Penalty: Fine not exceeding $5,000.".

Maybe it should be written approval here as well, maybe we will seek to amend it in the Committee stage.

I believe it is in the interest of the Cayman Islands to require that persons who wish to import large buses to this island must first get permission. We know that there are constant complaints, and some degree of friction between taxi drivers and tour bus operators. As I might have mentioned in the House, the Port Authority Board is seeking to put together terms and conditions for operating at the Port the vehicles which I have mentioned, large buses, tour operators, and taxi drivers.

I believe also that before the buses being put into use in the Cayman Islands, that persons should also have permission from the Governor for them to be put into operation. I believe that those two amending clauses would give the proper control to the Government in this issue which I believe will become problematic if we do not take steps to bring it under control. I recommend this Bill to all Honourable Members.

THE SPEAKER: The question is that a Bill entitled The Traffic (Amendment) Bill, 1993, be given a Second Reading.

The Motion is open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I, too, will be brief as I rise to speak on this brief amendment. The section of the Traffic Law which this Bill proposes to amend is 12A, which reads: "12A No Double Decker Omni Buses shall be imported into or used in the Islands.". Madam Speaker, I think most of the country knows that already there is at least one double decker bus on the Island where it has hit the headlines in the newspapers over the past weeks. Even in the definition of a large bus, which is one not more than 10 feet high or 30 feet long, or is more than 10 feet high, 30 feet long and 9 feet wide, there already exists, I think, two such vehicles in this Island.

It appears to me and, indeed, it might also appear that way to a blind man, that this amendment is to accommodate these two situations and, I daresay, to allow approval of these vehicles. As I see it, the importation into the Islands of these vehicles was in absolute breach of this Traffic Law. Much has been said regarding the size of buses in the Islands that drive these roads and one only has to be standing on the roadside when one of these two huge, what would now be termed "large" buses passes by and observe it from the building across from this Legislative Assembly where the tops actually reach up to the second floor level.

I do not believe that this type of bus is necessary in these Islands, or should really be allowed. They carry a large number of passengers, albeit the furnishings in the buses are modern and comfortable and so on. They move large numbers of people which, indeed, gives unfair disadvantage to the majority of buses that operate in this country.

Some of us might remember the Jolly Joseph buses in Jamaica, which were destroyed, burned in riots and otherwise and now they no longer exist. The argument was that transportation should be in the hands of independent buses which is, basically, now the case in that country. We were fortunate that we did not start with the huge buses which could virtually monopolize the number of people looking for transportation, by shear size.

Here in the Cayman Islands we have a number of independent operators, 15 seaters, 16 seaters, as the case may be, and a larger number of people are earning a living through having these smaller buses in operation. There has been considerable outcry within the taxi operators who move people mostly involved with the tourism side of things and their complaint is against these large buses.

I think this Law is here simply to accommodate the situation in the Islands and by putting this Clause in here it allows them to operate, whereas, under the present Law they could not. I feel that either we believe large buses or double decker buses are the thing for the Cayman Islands, or they are not. I do not believe that this Clause should be put in there simply to accommodate this situation or to accommodate situations where more such buses might be brought into the Islands in competition with smaller operators.

So, in principle, I do not support these amendments.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker. I note that in Section 2 a person who does have a large bus already present in the Islands can, in fact, operate that bus if he gets the approval from the Governor. I am very glad that this subsection is in here.

I see the Bill as being one that will prevent any other large buses from coming into the Island and I certainly support the view that very large buses should not be allowed to come into the Island because of the size of the roads and the traffic congestion that we already experience here.

I support the Bill.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker.

I rise to offer my support of this amendment to the Traffic Law. I believe it is a very timely and wise move by Government if we are going to be in a position to protect the small taxi operators in this country. As a result of the two big buses which have recently been brought in, other tour operators were lining up to do the same thing as far as bringing in large buses larger than the 25 or 30 seaters.

All this does is aggravate the situation which has existed for some time between the small taxi operator and the large tour bus operators. There has been a constant conflict between these two groups because of the volume of business which is controlled by the large tour bus operators.

I believe, in addition to this, that Government has to look creatively at ways in which to increase the amount of business which the small taxi operators enjoy in this country because the majority of these small taxi operators are Caymanians and they do depend on the business from their transportation service to support themselves and their families in this country.

I believe that Executive Council should have the discretion to say yes or no in regard to any large buses being imported in the future, and I certainly support this measure. Thank you, Madam Speaker.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I rise to lend my support for a Bill for a Law to Amend the Traffic Law, Revised.

I believe that this is long overdue and that it will address the problems of large buses that we are presently faced with and with the problem of the double decker bus. The two large buses that are presently operating on the Island, I feel, are not in keeping with our roads or our life-style. I think it is a threat to the smaller tour and taxi operators and I believe that this Bill is a good measure to alleviate the problem we are faced with.

Unfortunately, we have had to deal with this and previous Governments have not addressed this problem. I believe this Bill will address some of the problems that the smaller taxi and tour operators face and I will support this Bill.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: This Bill, Madam Speaker, is a face-saving method that the Government has adopted to save importers of these buses some embarrassment. I support the move that the Government has made and the people who imported these buses can consider themselves fortunate, indeed, that the Government decided to take such a step.

I question the reason why the buses were imported in the first place if the Traffic Law, as it existed then, included the importation of these types of buses. I believe that in light of the circumstances which have transpired, it is a good move to make because there are people in the transportation industry, and it was brought to the attention of some of us by virtue of a couple of meetings held by these people who are very concerned that these huge buses would cause unfair competition to, and jeopardise their ability to be competitive in the industry. In the light of those circumstances, I believe it is a good move and it certainly will allow for more control and better control in the future, to avoid these types of circumstances.

The transportation industry, particularly as it relates to tourists, is a very sensitive industry and, indeed, it is one in which Caymanians, those who are established Caymanians and those with status, have been practising for many years. There are a fair number of honest and hard working people in that service industry who continue to provide honest and dependable service. So this Bill will enable them to function with some degree of parity and will certainly keep them from the unfair competition of the larger buses.

THE SPEAKER: If there is no further debate, would the mover of the Bill wish to reply?

HON. THOMAS C. JEFFERSON: Briefly, Madam Speaker. I wish to thank Members who have voiced their support and others who have silently indicated their support for the Bill.

I think the Second Elected Member for Cayman Brac and Little Cayman sort of went off the rails with his contribution because he said that this Bill was seeking to deal with the two large buses. I am not going to try to quote exactly word for word what he said, but if this Bill were to deal with them, how were they imported, and how were they licensed and on the street? This Bill has nothing to do with those two buses that are presently on the street. It has, in effect, to deal with buses of that size which are going to be imported into this country in the future.

I thank Honourable Members.

THE SPEAKER: The question is that a Bill entitled The Traffic (Amendment) Bill, 1993, be given a Second Reading. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. BILL GIVEN A SECOND READING.

THE SPEAKER: The House will now go into Committee to study the Bill.

HOUSE IN COMMITTEE 5:18 P.M.

COMMITTEE ON BILL

THE CHAIRMAN: Please be seated. The House is in Committee and, as is customary, the Honourable Second Official Member will be authorised to make any minor amendments to the Bill after its completion.

THE TRAFFIC (AMENDMENT) BILL, 1993

CLERK: Clause 1 - Short Title.
Clause 2 - Section 12A Repealed and Replaced.

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

HON. THOMAS C. JEFFERSON: Madam Chairman, I wonder, given that the subclause (1) speaks about obtaining the written approval of the Governor, whether the written approval of the Governor in subclause (2) can be deemed an item that the Honourable Attorney General can correct? It seems to me that it requires "written" in one place and not "written" in the second place. It may be deemed to be not consistent.

THE CHAIRMAN: The Honourable Second Official Member.

HON. RICHARD H. COLES: Madam Chairman, I am quite content to deal with that, as you have indicated at the start of this Committee, if the Committee is willing.

THE CHAIRMAN: You are making a proposal then that this should be written into the Bill.

HON. THOMAS C. JEFFERSON: I could move the motion, Madam Chairman.

THE CHAIRMAN: Please do that, then, would you.

HON. THOMAS C. JEFFERSON: That Clause 2, subclause (2), be amended by including the word "written" between the words "the" and "approval of the Governor".

THE CHAIRMAN: The question before the House is that Clause 2, subclause (2) be amended by the insertion of the word "written", between the words "the" and "approval" in the second line thereof. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. CLAUSE 2, SUBCLAUSE (2) AMENDED.

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

AGREED. CLAUSES 1 AND 2 AS AMENDED PASSED.

CLERK: A Bill for a Law to Amend the Traffic Law, Revised.

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

AGREED THE TITLE PASSED.

THE CHAIRMAN: That concludes proceedings in Committee. The question is that the Bill now be reported to the House. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THAT THE COMMITTEE NOW REPORT TO THE HOUSE.

HOUSE RESUMED 5:21 P.M.

THE SPEAKER: Please be seated. Proceedings are now resumed. Report.

REPORT ON BILL

THE TRAFFIC (AMENDMENT) BILL, 1993

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to report that a Bill shortly entitled A Bill for a Law to Amend the Traffic Law, Revised, was considered by a Committee of the whole House and passed with one amendment, that being the word "written" in Clause 2 subclause (2), between the word "the", and the words "approval of the Governor".

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THIRD READING

CLERK: The Traffic (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Member for Tourism.

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the Third Reading of a Bill shortly entitled A Bill for a Law to Amend the Traffic Law, Revised. Those in favour please say Aye... Those against No. The Ayes have it.

AGREED. THE BILL READ A THIRD TIME AND PASSED.

THE SPEAKER: That concludes the Business of the House. I will now ask for the motion for the adjournment.

QUESTIONS

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Before the adjournment may I request that those questions that were Tabled in my name to have been asked at this sitting of the Legislature be carried over to the Business of the next Legislature, if it so pleases the Speaker.

THE SPEAKER: I think that is a reasonable request that the questions could be put down for the next meeting of the House.

HON. TRUMAN M. BODDEN: Madam Speaker, as I understand it, for those not answered, a written answer is given in between and if you could give me a minute I would..., I was not aware that the Member was going to ask this but I am fairly sure there is a Standing Order...

THE SPEAKER: I am aware of that, but I think at the last meeting there were a substantial number of questions that were brought forward to this sitting and I would think that it would be a reasonable request.

May we now have the motion for the adjournment? (PAUSE) Honourable Member for Tourism, would you move the motion for the adjournment of the House?

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, before we adjourn the House, may I, on behalf of the Executive Council and, maybe if I could be so bold, the Members across the other side, express our grateful thanks to the Clerk and her staff, and to you, Madam Speaker, for the tolerance that you have been able to discharge in our regard.

I move the adjournment of this Honourable House until the 16th of September, 1993.

THE SPEAKER: The question is that the House do now adjourn until 16th September, 1993. I shall put the question. Those in favour please say Aye... Those against No. The Ayes have it.

AT 5:26 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. THURSDAY, 16TH SEPTEMBER, 1993.