

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

1993 SESSION

(in two Volumes)

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

VOLUME II

(Comprising the period 16th September - 3rd December, 1993)

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Prorogued 22nd February, 1994

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

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Third Elected Member for the Fourth Electoral District of Bodden Town

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OFFICIAL HANSARD REPORT
1993 SESSION

INDEX

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.*

Administration of Oaths or Affirmations
Bowerman, Mr. Clive E., 469
Marsden, Mr. Michael, 701, 765
Ryan, Mr. James M., 469, 875
Walton, Mr. Arthur Joel, 525

Apologies for absence/lateness
Bodden, Hon. Truman M., 1001, 1023, 1047
Bodden, Mr. G. Haig, 765
Bush, Hon. McKeeva, 41
Coles, Hon. Richard, 701, 765, 945, 961
Ebanks, Mr. D. Dalmain, 291, 875
Hurlston, Hon. J. Lemuel, 469, 875, 961, 989
Jefferson, Hon. Thomas C., 387, 70, 773, 943, 983, 1023
Kirkconnell, Capt. Mabry, 78, 1047
McCarthy, Hon. George A., 525, 875
McLean, Hon. John B., 853
Moyle, Mrs. Edna, 78
Murphy, Mrs. Berna Thompson, 961
Tomlinson, Dr. Stephenson, 809, 897, 903, 923

Bills:
- Appropriation Bill, 1993, 15 (1r), 15-21(2r), 237 (R), 238 (3r)
- Appropriation (1994) Bill , 1993, 766 1(r), 810-942 (2r), 951 (R), 951 (3r)

Banks and Trust Companies (Amendment) Bill, 1993, 509 (1r), 628 (2r), 624 (C), 626 (R), 627 (3r)
- Banks and Trust Companies (Amendment) Bill, 1993 (No. 2), 964 (1r), 966 (2r), 975 (C), 977 (R), 987 (3r)
- Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 300 (1r), 301 (2r), 343 (C), 346 (R), 347 (3r)
- Cayman Islands National Heroes Bill, 1993, 358 (1r), 402 (2r), 457 (C), 460 (R), 461 (3r)
- Companies (Amendment) Bill, 1993, 250 (1r), 251 (2r), 253 (C), 254 (R), 266 (3r)
- Companies (Amendment)(No. 2) Bill, 1993, 652 (1r), 652 (2r), 653 (C), 654 (R), 678 (3r)
- Companies (Amendment)(No. 3) Bill, 1993, 965 (1r), 973 (2r), 977 (C), 978 (R), 988 (3r)
- Companies Management (Amendment) Bill, 11993, 509 (1r), 622 (2r), 624 (C), 626 (R), 627 (3r)
- Confidential Relationships (Preservation)(Amendment) Bill, 1993, 509 (1r), 622 (2r), 625 (C), 626 (R), 627 (3r)
- Customs (Amendment) Bill, 1993, 1071 (1r), 1071 (2r), 1078 (C), 1079 (R), 1080 (3r)
- Development and Planning (Amendment) Bill, 1993, 280 (1r), 283 (2r), 342 (C), 345 (R), 346 (3r)
- Fences Bill, 1993, 508 (1r), 618 (2r), 622 (C), 625 (R), 626 (3r)
- Firearms (Amendment) Bill, 1993, 964 (1r), 967 (2r), 975 (C), 978 (R), 987 (3r)
- Health Care Insurance (Suspension) Bill, 1993, 358 (1r), 358 (2r), 456 (C), 460 (R), 461 (3r)
- Health Services Authority (Dissolution) Bill, 1993, 300 (1r), 305 (2r), 343(C), 346 (R), 347 (3r)
- Health Services (Fees) Bill, 1993, 300 (1r), 331 (2r), 343(C), 346 (R), 347 (3r)
- Immigration (Amendment) Bill, 1993, 358 (1r), 405 (2r), 457 (C), 460 (R), 461 (3r)
- Insurance (Amendment) Bill, 1993, 509 (1r), 621 (2r), 624 (C), 626 (R), 627 (3r)
- **Bills (Continued)**
- Labour (Amendment) Bill, 1993, 778 (1r), 778 (2r), 790 (C), 798 (R), 809 (3r)
- Land Holding Companies Share Transfer Tax (Amendment) Bill, 1993, 964 (1r), 972 (2r), 976 (C), 978 (R), 988 (3r)
- Loan (Capital Projects) Bill, 1993, 964 (1r), 971 (2r), 976 (C), 978 (R), 987 (3r)
- Marine Conservation (Amendment) Bill, 1993, 280 (1r), 280 (2r), 342 (C), 345 (R), 346 (3r)
- Mutual Funds Bill, 1993, 401 (1r), 449 (2r), 458 (C), 461 (R), 462 (3r)
- Mutual Funds (Amendment) Bill, 1993, 508 (1r), 621 (2r), 624 (C), 626 (R), 627 (3r)
- Nuclear Safeguards Bill, 1993, 508 (1r), 620 (2r), 623 (C), 625 (R), 627 (3r)
- Port Authority (Amendment) Bill, 1993, 508 (1r), 619 (2), 623 (C), 625 (R), 627 (3r)
- Port Authority (Amendment) Bill 1993 (No. 2), 964 (1r), 965 (2r), 975 (C), 977 (R), 987 (3r)
- Public Finance and Audit (Amendment) Bill, 1993, 250 (1r), 251 (2r), 253 (C), 254 (R), 266 (3r)
- Registered Land (Amendment) Bill, 1993, 965 (1r), 972 (2r), 976 (C), 978 (R), 988 (3r)
- Stamp Duty (Amendment) Bill, 1993, 964 (1r), 971 (2r), 984 (C), 986 (R), 988 (3r)
- Tourism Accommodation (Taxation) Bill, 1993, 59 (1r), 250 (2r), 253 (C), 254 (R), 266 (3r)
- Traffic (Amendment) Bill, 1993, 463 (1r), 463 (2r), 465 (C), 466 (R), 466 (3r)
- Traffic (Amendment) Bill, 1993 (No. 2), 1073 (1r), 1073 (2r), 1079 (C), 1080(R), 1080 (3r)
- Travel Tax (Amendment) Bill, 1993, 964 (1r), 965 (2r), 973 (C), 977 (R), 986 (3r)

Bodden, Hon. Truman M.
Appropriation (1994) Bill, 1993, 904
Capital Punishment (PM 10/93), 1028
Cinematographic Authority (GM 1/93), 255
Civil Aviation 1992 Annual Report, 462
Community College of the Cayman Islands Certificate and Report of the Auditor General for the year ended 31st December, 1992, 727
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 175, 191
Financial Statement of Cayman Airways Limited for year ended 31st December, 1992, 409
Firearms (Amendment) Bill, 1993, 967, 970
Fundamental Rights Clause of the Constitution Motion 4/93 (GM 5/93), 951, 957
Health Care Insurance (Suspension) Bill, 1993, 374
Health Services Authority (Dissolution) Bill, 1993, 315
Immigration (Amendment) Bill, 1993, 435, 443, 455
Letters from students of John A. Cumber Primary read, 1028
National Commission on Crime and Violence (PM 3/93), 398
Recommendation for Constitutional Change (GM 4/93), 485, (Amendment thereto), 607, 609
Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing (PM 4/93), 660
Suspension of S.O. 14(2) & (3), 483

Bodden, Hon. Truman M. (Continued)
Traffic (Amendment) Bill, 1993 (No. 2), 1077
Training Programme in the Work Place (PM 9/93), 722
Bodden, Mr. G. Haig
Capital Punishment (PM 10/93), 991
Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 301
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 59
Development and Planning (Amendment) Bill, 1993, 289
Health Care Insurance (Suspension) Bill, 1993, 367
Health Services Authority (Dissolution) Bill, 1993, 311
Health Services (Fees) Bill, 1993, 335
Immigration (Amendment) Bill, 1993, 424
Marine Conservation (Amendment) Bill, 1993, 282
National Commission on Crime and Violence (PM 3/93), 396
Public Finance and Audit (Amendment) Bill, 1993, 252
Recommendation for Constitutional Change (GM 4/93), 494, 509,
Review of the Penal Code (PM 1/93), 239, 240
Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing (PM 4/93), 642, 654
Suspension of S.O. 14(2) & (3), 484
Tourism Accommodation (Taxation) Bill, 1993, 250
Bodden, Mr. Roy
Appropriation (1994) Bill, 1993, 821
Capital Punishment (PM 10/93), 997
Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 302
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 97, 113
Draft Development and Planning (Amendment) Regulations, 1993 (GM 6/93), 1050
Fences Bill, 1993, 618
Firearms (Amendment) Bill, 1993, 969
Fundamental Rights Clause of the Constitution Motion 4/93 (GM 5/93), 952
Health Care Insurance (Suspension) Bill, 1993, 365
Health Services Authority (Dissolution) Bill, 1993, 309
Immigration policy on maximum work permit employment period and security of tenure for non-Caymanians with over 15 years' residence (PM 6/93), 745, 749
Invasion of Privacy Act (PM 2/93), 248
Labour (Amendment) Bill, 1993, 783
Marine Conservation (Amendment) Bill, 1993, 281
National Commission on Crime and Violence (PM 3/93), 391, 399
Prescription and enforcement of road construction standards (PM 13/93), 1053, 1061
Prescription of Minimum Wage by Category (PM 7/93), 688-689
Public Utilities Commission (PM 8/93), 694, 714
Recommendation for Constitutional Change (GM 4/93), 519
Request for the Government to consider the establishment of regulations for the shipment of goods to other territories (PM 11/93), 1039, 1042
Request for a review of Marine Zoning in the Cayman Islands and improvements in enforcing the Marine Conservation Laws and Regulations (PM 12/93), 1044
Request for Government to reconsider the purchase of the proposed property in Breakers (PM 5/93), 666, 684
Review of the Penal Code (PM 1/93), 238, 244
Select Committee to consider problems of children, young persons, women and the family (PM 14/93), 1081, 1082, 1089
Select Committee of the whole House to review the
Bodden, Mr. Roy (Continued)
Government Blanket Guarantee for Lower Income Housing (PM 4/93), 657
Suspension of S.O. 14(2) & (3), 482
Traffic (Amendment) Bill, 1993, 465
Traffic (Amendment) Bill, 1993 (No. 2), 1074
Training Programme in the Work Place (PM 9/93), 717, 720
Budget Address *(see also Debate on the Budget Address)*, 767
Bush, Hon. W. McKeeva
Appropriation (1994) Bill, 1993, 831
Capital Punishment (PM 10/93), 1005
Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 301, 305
Cayman Islands Health Services Authority Loan Guarantee (GM 2/93), 256
Cayman Islands National Children's Choir, 902
Cayman Islands National Heroes Bill, 1993, 402, 405
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 144
Development and Planning (Amendment) Bill, 1993, 286
Developments in Government's Drug Rehabilitation Programme, 420
Developments in the Low Income Housing Programme, 421
Drug Abuse Services Plan at Breakers, 565
Fundamental Rights Clause of the Constitution Motion 4/93 (GM 5/93), 955
Health Care Insurance (Suspension) Bill, 1993, 359, 375
Health Services Authority (Dissolution) Bill, 1993, 305, 317, 323
Health Services (Fees) Bill, 1993, 331, 340
Immigration (Amendment) Bill, 1993, 445
Labour (Amendment) Bill, 1993, 778, 784
Mutual Funds Bill, 1993, 405
National Commission on Crime and Violence (PM 3/93), 392
Order of National Heroes, 265
Port Authority (Amendment) Bill 1993 (No. 2), 966
Portfolio Activities with regard to the Development of Sports in the Cayman Islands, 355
Prescription and enforcement of road construction standards (PM 13/93), 1064
Prescription of Minimum Wage by Category (PM 7/93), 689
Proposed developments and services for young persons in trouble, 387
Public Utilities Commission (PM 8/93), 710
Request for a review of Marine Zoning in the Cayman Islands and improvements in enforcing the Marine Conservation Laws and Regulations (PM 12/93), 1052
Recommendation for Constitutional Change (GM 4/93), 540
Report of the 1992 Advisory Council on the Misuse of Drugs, 270
Request for Government to reconsider the purchase of the proposed property in Breakers (PM 5/93), 668
Residential and day care facilities for the mentally ill and handicapped, 389
Report of the Housing Development Corporation for the year ended 30th June, 1992, 260
Review of the Penal Code (PM 1/93), 244
Select Committee to consider problems of children, young persons, women and the family (PM 14/93), 1084
Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing (PM 4/93), 632
Sports Achievements by Mrs. Merta Day, 984
Traffic (Amendment) Bill, 1993 (No. 2), 1075
Training Programme in the Work Place (PM 9/93), 718
Travel Tax (Amendment) Bill, 1993, 965
Water Authority Annual Report 1992, 645

Coles, Hon Richard, H.
Commission of Enquiry - New George Town Hospital, 136
Mutual Funds Bill, 1993, 452
Nuclear Safeguards Bill, 1993, 620
Public Utilities Commission (PM 8/93), 696
Review of the Penal Code (PM 1/93), 240
Commonwealth Day Message 1993, 23
Debate on the Budget Address (2r Debate on The Appropriation (1994) Bill, 1993)
Bodden, Hon. Truman M., 904
Bodden, Mr. Roy, 821
Bush, Hon. W. McKeeva, 831
Ebanks, Mr. D. Dalmain, 862
Eden, Mr. Anthony S., 839
Jefferson, Hon. Thomas, C., 869, 888, 903
Jefferson, Mr. John D., Jr., 810
Kirkconnell, Capt. Mabry S., 863
McCarthy, Hon. George A., (Presentation, 767), 936
McLean, Hon. John B., 928
McLean, Mr. Gilbert A., 817
Moyle, Mrs. Edna M., 866
Murphy, Mrs. Berna Thompson, 848
Tibbetts, Mr. D. Kurt, 850, 856
Tomlinson, Dr. Stephenson A., 843
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993
Bodden, Hon. Truman M., 175, 191
Bodden, Mr. G. Haig, 59
Bodden, Mr. Roy, 97, 113
Bush, Hon. W. McKeeva, 144
Ebanks, Mr. D. Dalmain, 95
Eden, Mr. Anthony, 71, 88
Jefferson, Hon. Thomas C., 220
Jefferson, Mr. John D., Jr., 64
Kirkconnell, Capt., Mabry, 198
McCarthy, Hon. George A., 224
McLean, Hon. John B., 201, 218
McLean, Mr. Gilbert, 32
Moyle, Mrs. Edna, 119
Murphy, Mrs. Berna Thompson, 92
Tibbetts, Mr. D. Kurt, 124, 136
Tomlinson, Dr. Stephenson, 164
Divisions
No. 1/93 (GM 2/93), 257
No. 2/93 (Health Services (Dissolution) Bill 1993, 331
No. 3/93 (Health Care Insurance (Suspension) Bill, 1993, 379
No. 4/93 (Suspension of S.O. 14 (2) & (3)), 484
No. 5/93 (PM 4/93), 665
No. 6/93 (PM 5/93), 687
No. 7/93 (PM 7/93), 693
No. 8/93 (PM 8/93), 716
No. 9/93 (PM 9/93), 744
No. 10/93 (PM 6/93), 762
No. 11/93 (Labour (Amendment) Bill, 1993 (2r), 789
No. 12/93 (GM 5/93), 959
No. 13/93 (PM 10/93), 1038
No. 14/93 (Suspension of S.O. 10(2)), 1068
No. 15/93 (PM 15/93), 1070
No. 16/93 (Customs (Amendment) Bill, 1993, (2r) 1073
No. 17/93 (PM 14/93), 1091
Ebanks, Mr. D. Dalmain
Appropriation (1994) Bill, 1993, 862
Capital Punishment (PM 10/93), 1033
Ebanks, Mr. D. Dalmain (Continued)
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 95
Recommendation for Constitutional Change (GM 4/93), 602
Request for Government to reconsider the purchase of the proposed property in Breakers (PM 5/93), 668
Review of the Penal Code (PM 1/93), 242
Training Programme in the Work Place (PM 9/93), 738
Eden, Mr. Anthony S.
Appropriation (1994) Bill, 1993, 839
Capital Punishment (PM 10/93), 980, 1003
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 71, 88
Development and Planning (Amendment) Bill, 1993, 284
Draft Development and Planning (Amendment) Regulations, 1993 (GM 6/93), 1049
Fences Bill, 1993, 618
Firearms (Amendment) Bill, 1993, 969
Health Care Insurance (Suspension) Bill, 1993, 367
Health Services Authority (Dissolution) Bill, 1993, 313
Invasion of Privacy Act (PM 2/93), 248
Marine Conservation (Amendment) Bill, 1993, 282
Mutual Funds Bill, 1993, 453
National Commission on Crime and Violence (PM 3/93), 391, 395
Public Utilities Commission (PM 8/93), 697
Recommendation for Constitutional Change (GM 4/93), 582, 595
Request for Government to reconsider the purchase of the proposed property in Breakers (PM 5/93), 668
Review of the Penal Code (PM 1/93), 242
Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing (PM 4/93), 662
Government Motions
No. 1/93 - Cinematographic Authority (Bodden, Hon Truman M.), 256
No. 2/93 - Cayman Islands Health Services Authority Loan Guarantee (McCarthy, Hon. George A.), 255
No. 3/93 - Amendment to the Legislative Assembly Standing Orders (Revised) (Jefferson, Hon. Thomas C.), 257
No. 4/93 - Recommendation for Constitutional Change (Bodden, Hon. Truman M.), 485
Amendment to GM 4/93, 607
No. 5/93 - Fundamental Rights Clause of the Constitution Motion 4/93 (Bodden, Hon. Truman M.), 951
No. 6/93 - Draft Development and Planning (Amendment) Regulations, 1993 (Jefferson, Hon. Thomas C.), 1047
Hurlston, Hon. J. Lemuel
Amended Report of the Standing Orders Committee, 270
Immigration (Amendment) Bill, 1993, 405
Immigration policy on maximum work permit employment period and security of tenure for non-Caymanians with over 15 years' residence (PM 6/93), 747
Public Service Commission Report 1988-1991, 229
Report of the Cayman Islands Management Services Unit 1991, 24
Report of the Standing Orders Committee, 267
Report of the work and activities of the Cayman Islands Prison Service for the year ended 31 December, 1991, 24
Review of the Royal Cayman Islands Police Force by Mr. L. Grundy, 260
Royal Cayman Islands Police Annual Report 1992, 229
Jefferson, Hon. Thomas C.
Administrative approval for certain Planning applications by the Director of Planning and a Members of the Central Planning Authority, 651

Jefferson, Hon. Thomas C. (Continued)
Amendment to the Legislative Assembly Standing Orders (Revised) (GM 3/93), 257
Appointment of Economic Council, 679
Appropriation (1994) Bill, 1993, 869, 888, 903
Cayman Turtle Farm (1993) Limited, Financial Statements for the period ended 31 March, 1993, 587
Customs (Amendment) Bill, 1993, 1071, 1072
Debate on the Throne Speech and Second Reading Debate on the Appropriation Bill, 1993, 220
Development and Planning (Amendment) Bill, 1993, 283, 289
Draft Development and Planning (Amendment) Regulations, 1993, 1047 (GM 6/93), 1047, 1050
Financial Statement of the Port Authority of the Cayman Islands at 31st December, 1991, 270
Health Services Authority (Dissolution) Bill, 1993, 312
Marine Conservation (Amendment) Bill, 1993, 280, 283
Mutual Funds Bill, 1993, 452
National Trust Charter Day, 766
Port Authority (Amendment) Bill, 1993, 620
Proclamation by HE the Governor, 765
Recommendation for Constitutional Change (GM 4/93), 602
Report of the Standing Business Committee, 269, 585, 989
Request for a review of Marine Zoning in the Cayman Islands and improvements in enforcing the Marine Conservation Laws and Regulations (PM 12/93), 1045
Signed Statement by Members of the Legislative Assembly in respect to the visit by the Decolonisation Committee of the United Nations (Hon. Thomas Jefferson), 259
Suspension of S.O. 14(2) & (3), 481
Traffic (Amendment) Bill, 1993, 463, 465
Traffic (Amendment) Bill, 1993 (No. 2), 1077
Visit by the Decolonisation Committee of the United Nations, 218

Jefferson, Mr. John D., Jr.
Appropriation (1994) Bill, 1993, 810
Capital Punishment (PM 10/93), 980, 989, 1033
Cayman Islands National Heroes Bill, 1993, 404
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 64
Development and Planning (Amendment) Bill, 1993, 284
Firearms (Amendment) Bill, 1993, 969
Fundamental Rights Clause of the Constitution Motion 4/93 (GM 5/93), 956
Health Care Insurance (Suspension) Bill, 1993, 365
Health Services Authority (Dissolution) Bill, 1993, 306
Health Services (Fees) Bill, 1993, 339
Immigration (Amendment) Bill, 1993, 423
Immigration policy on maximum work permit employment period and security of tenure for non-Caymanians with over 15 years' residence (PM 6/93), 759
Labour (Amendment) Bill, 1993, 780
Marine Conservation (Amendment) Bill, 1993, 280
Port Authority (Amendment) Bill 1993 (No. 2), 966
Public Utilities Commission (PM 8/93), 696
Recommendation for Constitutional Change (GM 4/93), 515
Report of the Public Accounts Committee on the Audited Accounts of the Cayman Islands Government for the year ended 31 December, 1992, 551
Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing (PM 4/93), 637
Stamp Duty (Amendment) Bill, 1993, 972
Traffic (Amendment) Bill, 1993, 464

Jefferson, Mr. John D., Jr. (Continued)
Traffic (Amendment) (No. 2) Bill, 1993, 1074
Training Programme in the Work Place (PM 9/93), 738

Kirkconnell, Capt. Mabry
Appropriation (1994) Bill, 1993, 863, 866
Capital Punishment (PM 10/93), 1032
Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 304
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 198
Development and Planning (Amendment) Bill, 1993, 287
Fences Bill, 1993, 619
Firearms (Amendment) Bill, 1993, 970
Health Care Insurance (Suspension) Bill, 1993, 359
Health Services Authority (Dissolution) Bill, 1993, 314
Health Services (Fees) Bill, 1993, 334
Immigration (Amendment) Bill, 1993, 426
Invasion of Privacy Act (PM 2/93), 249
Marine Conservation (Amendment) Bill, 1993, 281
Prescription of Minimum Wage by Category (PM 7/93), 691
Recommendation for Constitutional Change (GM 4/93), 568
Review of the Penal Code (PM 1/93), 242
Suspension of S.O. 14(2) & (3), 483
Training Programme in the Work Place (PM 9/93), 737

McCarthy, Hon. George A.
Amendment to Draft Estimates of Revenue and Expenditure of the Government of the Cayman Islands for the year ended 31 Dec. 1993 (Hon. George McCarthy), 799
Appropriation (1994) Bill, 1993, 767, 936
Banks and Trust Companies (Amendment) Bill, 1993 (No. 2), 966
Budget Address, 15, 767 (Winding up, 936)
Cayman Airways Limited Loan Agreement, 411
Cayman Islands Health Services Authority Loan Guarantee (GM 2/93), 255
Companies (Amendment) Bill, 1993, 251
Companies (Amendment) Bill, 1993 (No. 3), 973
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 224
Draft Estimates of Revenue and Expenditure for the year 1993, 14
Draft Estimates of Revenue and Expenditure for the year 1994, 766
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, 260
Land Holding Companies Share Transfer Tax (Amendment) Bill, 1993, 972
Loan (Capital Projects) Bill, 1993, 971
Mutual Funds Bill, 1993, 449
Public Finance and Audit (Amendment) Bill, 1993, 252
Registered Land (Amendment) Bill, 1993 , 973
Report on the Appropriation Bill, 1993, 237
Report of the Standing Finance Committee, 259, 269
Request for the Government to consider the establishment of regulations for the shipment of goods to other territories (PM 11/93), 1041
Stamp Duty (Amendment) Bill, 1993, 971, 972
Tourism Accommodation (Taxation) Bill, 1993, 250

McLean, Hon. John B.
Appropriation (1994) Bill, 1993, 928
Cable & Wireless (West Indies) Ltd., 470
Caribbean Utilities Company, Ltd., 470
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 201, 218
Fences Bill, 1993, 618, 619
Importation of Buses by Avalon Tours, Taxi Drivers' Association Protest, 979

McLean, Hon. John B. (Continued)
Invasion of Privacy Act (PM 2/93), 248
Prescription and enforcement of road construction standards (PM 13/93), 1053, 1056
Protest by Taxi Drivers' Association, 999
Report on the Agricultural and Industrial Development Board for the year ended 31 December, 1992, 437
Traffic (Amendment) Bill, 1993 (No. 2), 1073, 1077

McLean, Mr. Gilbert A.
Appropriation (1994) Bill, 1993, 817
Capital Punishment (PM 10/93), 1016, 1023
Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 303
Cayman Islands Health Services Authority Loan Guarantee (GM 2/93), 256
Customs (Amendment) Bill, 1993, 1072
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 32
Development and Planning (Amendment) Bill, 1993, 285
Draft Development and Planning (Amendment) Regulations, 1993 (GM 6/93), 1048
Fundamental Rights Clause of the Constitution Motion 4/93 (GM 5/93), 953
Health Care Insurance (Suspension) Bill, 1993, 360
Health Services Authority (Dissolution) Bill, 1993, 307
Health Services (Fees) Bill, 1993, 332
Invasion of Privacy Act (PM 2/93), 246, 249
Immigration (Amendment) Bill, 1993, 430
Immigration policy on maximum work permit employment period and security of tenure for non-Caymanians with over 15 years' residence (PM 6/93), 755
Labour (Amendment) Bill, 1993, 781
Marine Conservation (Amendment) Bill, 1993, 281
National Commission on Crime and Violence (PM 3/93), 397
Prescription and enforcement of road construction standards (PM 13/93), 1053, 1053, 1054, 1065
Prescription of Minimum Wage by Category (PM 7/93), 687, 688, 692
Public Utilities Commission (PM 8/93), 694, 707
Recommendation for Constitutional Change (GM 4/93), 531
Request for a review of Marine Zoning in the Cayman Islands and improvements in enforcing the Marine Conservation Laws and Regulations (PM 12/93), 1051
Request for Government to reconsider the purchase of the proposed property in Breakers (PM 5/93), 666, 679
Review of the Penal Code (PM 1/93), 243
Select Committee to consider problems of children, young persons, women and the family (PM 14/93), 1081, 1084
Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing (PM 4/93), 629, 638
Suspension of S.O. 14(2) & (3), 482
Traffic (Amendment) Bill, 1993, 464
Traffic (Amendment) Bill, 1993 (No. 2), 1075
Training Programme in the Work Place (PM 9/93), 717, 739

Moyle, Mrs. Edna M.
Appropriation (1994) Bill, 1993, 866
Capital Punishment (PM 10/93), 1031
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 119
Health Services Authority (Dissolution) Bill, 1993, 315
Health Services (Fees) Bill, 1993, 332
Immigration (Amendment) Bill, 1993, 425
Public Utilities Commission (PM 8/93), 706
Recommendation for Constitutional Change (GM 4/93), 605
Review of the Penal Code (PM 1/93), 241
Travel Tax (Amendment) Bill, 1993, 965

Murphy, Mrs. Berna Thompson
Appropriation (1994) Bill, 1993, 848
Capital Punishment (PM 10/93), 1003
Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 303
Cayman Islands National Heroes Bill, 1993, 404
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 92
Development and Planning (Amendment) Bill, 1993, 288
Health Care Insurance (Suspension) Bill, 1993, 369
Health Services Authority (Dissolution) Bill, 1993, 315
Health Services (Fees) Bill, 1993, 338
Immigration (Amendment) Bill, 1993, 429
Marine Conservation (Amendment) Bill, 1993, 282
Recommendation for Constitutional Change (GM 4/93), 603
Request for a review of Marine Zoning in the Cayman Islands and improvements in enforcing the Marine Conservation Laws and Regulations (PM 12/93), 1052
Request for Government to reconsider the purchase of the proposed property in Breakers (PM 5/93), 667
Traffic (Amendment) Bill, 1993, 465
Traffic (Amendment) Bill, 1993 (No. 2), 1076
Training Programme in the Work Place (PM 9/93), 719

Obituary:
Eden, Mr. Stanshal, 1001
Grandmother of Hon. Member for Health, 41
Serjeant-at-Arm's mother-in-law, 32

Parliamentary Questions
No. 1 Complaints against police officers 9/92 - 1/93, 24
No. 2 Number of police vehicles involved in accidents, 26
No. 3 Cayman Islands Gun Club membership, 26
No. 4 CAL loan progress, 28
No. 5 Legal representation for Guiness Peat Aviation contract, 29
No. 6 Air service for Little Cayman and Cayman Brac, 30
No. 7 Cayman Islands Law School, 31
No. 8 Prison pre-release programme, 32
No. 9 Compensation of police officers injured on the job, 51
No. 10 Rank/nationality of non-gazetted/gazetted police officers, 54
No. 11 Cost of equipment purchased for prison, 55
No. 12 Lobbying firm retained in UK by CAL, 56
No. 13 CAL loan of $1.4 million, 57
No. 14 Training for CAL staff, 58
No. 15 Purchase of equipment by prison service, 79
No. 16 Number of teachers not permanent and pensionable, 80
No. 17 Heads of Govt. Departments - Caymanian vs. non-Caymanian, 83
No. 18 Steps taken to sever Guiness Peat Aviation contract, 84
No. 19 Status of CAL under Air Service Agreements, 86
No. 20 United Airlines' route exchange, 87
No. 21 Number of foreign Prisoners at Northward Prison (with appendix), 107
No. 22 Cost of TV purchased for Northward Prison, 109
No. 23 Discontinuation of bicycle/foot patrol in George Town, 110
No. 24 Terms of contract for CAL Managing Director, 111
No. 25 Recommendation of airline consultants, 111
No. 26 Projected profit/loss of CAL routes, 112
No. 27 Application for repatriation, 131
No. 28 Prosecution initiated by UK Constables, 132
No. 30 Total loss taken by CAL on Turks and Caicos route, 133
No. 31 Removal of CAL Managing Director, 133
No. 32 Plan of action for salvaging of CAL, 134
No. 33 Overtime paid to officers at Northward Prison, 157
No. 34 Abuse of payment voucher system at Northward Prison, 158
No. 35 Implementation of Neighbourhood Watch System, 159

Parliamentary Questions (Continued)

No. 36 Programme development and staff training at Radio Cayman, 160
No. 37 Government Officials to Miami for CAL operations, 162
No. 38 Number of posts terminated by CAL in the US, 163
No. 39 Implementation of Vehicle Inspection, Licensing and Collection Fees, 185
No. 40 Total CUC equipment imported duty free since 1991, 186
No. 41 Procedure for awarding janitorial contracts in school system, 188
No. 42 Cost to CAL and Government for dismissal of Capt. Kel Thompson, 189
No. 43 Recommendation for VP position at CAL, 190
No. 44 Caymanian understudy for CAL Managing Director, 190
No. 45 In-service training of Customs Department staff, 211
No. 46 Cases of Customs duty evasion uncovered since 1991, 212
No. 47 Corporations/organisations/individuals granted waiver of duty since 1992, 213
No. 48 Govt. position on management of television franchises, 215
No. 49 Colonial Regulations, 216
No. 50 Status of Inskip murder case, 216
No. 51 Implementation of CXC Exam (Withdrawn), 229
No. 52 Role of Education Plan Implementation Unit (Withdrawn), 229
No. 53 Storage procedure - requisitioned goods, etc., at JGHS, 230
No. 54 Cost of Cuban refugee boat repair, 231
No. 55 Government's policy for continuation of National Health Insurance, 231
No. 56 Daily cost of maintaining Cuban refugees to date, 232
No. 57 Social Services cost of accommodation/appliance repair in 1992, 233
No. 58 Steps taken to reorganise Social Services Department, 235
No. 59 Cancellation of contract with Cleveland Clinic, 236
No. 60 Steps to reduce overtime paid to Customs and Immigration Officers, 261
No. 61 Steps to reinstate hanging as penalty for murder, 261
No. 62 Review of RCIPF requested by PM 21/91, 262
No. 63 Law authorising stoppage of the National Health Insurance and the Insurance Commission, 262
No. 64 Procedure for health inspection of restaurants, etc., 263
No. 65 Improvement of present hospital site, 264
No. 66 Number of Caymanian/non-Caymanian civil servants, 271
No. 67 Government's method to reduce Civil Service, 275
No. 68 Planned promotion of Heads of Departments to Principal Secretary position, 277
No. 69 Reason for adjustment/retrenching of Civil Service, 278
No. 70 Progress of Civil Service retrenchment exercise, 279
No. 71 Breakdown of persons between the ages of 17-25 convicted of offences, 279 *(deferred)*
No. 72 Total work permits issued up to 28th Feb. 1993, 291
No. 73 Total work permits issued in Cayman Brac and Little Cayman up to 28 Feb., 1993, 292
No. 74 Number of dependants of non-Caymanian and Caymanian status civil servants, 293
No. 75 Disbanding of Internal Audit of Customs Dept., 294
No. 76 Rankin's Inn QS list on building materials/supplies, 298
No. 77 Measures to curb illegal importation of spear guns, 299
No. 78 Steps to counter the rising rate of crime, 319
No. 79 Cost of office furniture for ExCo., 321
No. 80 Capital money for Cayman Brac and Little Cayman, 321
No. 81 Govt. position on escalation of property insurance, 322
No. 82 Missing funds investigation at Northward Prison, 322
No. 83 Official corruption investigation of RCIPF, 323
No. 84 Action by Immigration Board on Tiara Beach Hotel staff complaints, 349

Parliamentary Questions (Continued)

No. 85 Total work force of Cayman Islands by category and nationality, 351
No. 86 Directives for Labour Office to visit Cayman Brac and Little Cayman, 352
No. 87 Destruction of toilets by young prisoners in May, 353
No. 88 Rules and Regulation for hair style of male prisoners, 354
No. 89 Fraternization between male officers and female prisoners at Northward Prison, 354
No. 90 Public Sector Investment Committee members' findings and recommendations, 381
No. 91 CAL US $20 million loan, 382
No. 92 Discontinuation of CAL's Turks and Caicos route, 383
No. 93 Northward Prison staff: nationality, education, experience, and salary, 384
No. 94 Changes to Economic Development Unit, 385
No. 95 Number of juveniles convicted of criminal offences, 386
No. 96 Legal status of Cuban nationals in Cayman Islands, 412
No. 97 Long term projection for accommodation provided for Cuban nationals in Cayman Islands, 413
No. 98 Number of airlines serving the Cayman Islands which honour CAL tickets, 414
No. 99 Administrative posts at JGHS by nationality, qualification, and experience, 415
No. 100 Children suspended from JGHS & GHHS, 416
No. 101 Progress made towards national curriculum, 419
No. 102 Government's Tourism plan, 437
No. 103 Responsibility for labour related matters, 438
No. 104 Construction of cruise ship dock, 439
No. 105 Number of children under 15 suspended from school, 440
No. 106 Number of students at JGHS sitting external exams, 441
No. 107 Criteria for exam selection to complement CXC, 441
No. 108 Spending of CAL annual subsidy ($4 M), 470
No. 109 Cost of checks on 737-200, 472
No. 110 Stopping of air service to Cayman Brac, 472
No. 111 Foreign staff at Northward Prison, 473
No. 112 Breakdown of prison population, 476
No. 113 Regulations governing the working of prisoners, 479
No. 114 In-door sports facility in West Bay, 480
No. 115 Tourism promotion in South America, 481
No. 116 Discarding of books at High Schools, 481
No. 117 Status of CAL/Guiness Peat lease on 737-400, 499
No. 118 Length of lease with ILFC on 737-200, 500
No. 119 Steps to improve revenue earning of CAL, 502
No. 120 Staff (breakdown thereof) at Computer Services, 504
No. 121 Breakdown of civil servants made redundant, 506
No. 122 Reports of harassment made by civil servants, 507
No. 123 Official position of UK Government re: Constitutional changes proposed by Executive Council, 525
No. 124 Status of 1992 Draft Constitution prepared by UK Government, 526
No. 125 Government's total revenue and expenditure January through August 1993, 527
No. 126 List of persons with Permanent Residence and Permanent Residence with right to work, 529
No. 127 Maintenance of Customs Boat, 530
No. 128 Amount spent on official travel for Members of ExCo, *(deferred)*, 531
No. 129 Overseas tertiary health care arrangements, 560
No. 130 Children sent abroad on approved school orders, 561
No. 131 Circumstances surrounding termination of doctor, 561
No. 132 Total number of officers granted hand gun licenses, 562
No. 133 Potable water at West Bay Primary, 563
No. 134 Purchase of pavers for work at Owen Roberts Airport, 564

Parliamentary Questions (Continued)

No. 135 Completion of phase I at Faith Hospital, 588
No. 136 Total amount spent on health services January 1992 - August 1993, 588
No. 137 Management of Faith Hospital, 590
No. 138 Regulation and control of private security companies, 590
No. 139 Foreign nationals employed at Public Works, 591
No. 140 Status report on dredging project in Bodden Town, 594
No. 141 Breakdown of 5% reduction of civil servants, 613
No. 142 Functions and duties of new Staff Officer, 614
No. 143 Status of amalgamation of Government Departments, 615
No. 144 (withdrawn), 617
No. 145 (withdrawn), 617
No. 146 Cost of treatment at proposed centre in Breakers, 617
No. 147 Savings to Government on reduction of Civil Service, 647
No. 148 Date for dissolution of Health Services Authority, 648
No. 150 Government support to Canaan Land Project, 649
No. 151 Qualifications of Acting Head of Cayman Counselling Centre, 649
No. 152 Reason for Public Accounts Committee holding meetings on camera (withdrawn), 651
No. 153 Money outstanding to Government from hotels and condominiums, 673
No. 154 Inspection of accommodations by Dept. of Tourism, 675
No. 155 Cost of tourist landing at Hog Sty bay, 676
No. 156 Fault in pavement at Port Authority compound, 676
No. 157 Staff changes at Port Authority since January 1993, 677
No. 158 Personnel changes at Port Authority during past 12 months, 678
No. 159 Patients being turned away from hospital due to lack of beds, 701
No. 160 Use of maternity ward for other than maternity patients, 702
No. 161 Patients discharged from maternity ward to admit non-maternity patients, 703
No. 162 Applications for Caymanian status, permanent residence with and without right to work, 703
No. 163 Teacher assessment procedure in school system, 705
No. 164 Laboratory testing of construction materials for sub-division roads, 706
No. 165 Dredging in Cayman Brac, 729
No. 166 Progress on review of Ten Year Tourism Plan, 729
No. 167 Establishing of Bluff road rights-of-way, 730
No. 168 Improvements to George Hicks High School, 731
No. 169 Extracurricular activities at GHHS and JGHS, 732
No. 170 Foreign languages being taught at high schools and Community College, 734
No. 171 Road repair by Petroservicios in Bodden Town, 773
No. 172 Maintenance of sub-division roads, 774
No. 173 Collection of duty owed by Cayman Cement Distributors Company Ltd., 775
No. 174 Issuing of TV Broadcasting licences, 775 *(deferred)*, 875
No. 175 Obligation of Television licence holders to provide free channelto Cayman Brac and Little Cayman, 776 *(deferred)* , 877
No. 176 Terms of Television licences, 776 *(deferred)*, 878
No. 177 Maximum "roll-over" time limit on work permits, 776
No. 178 Caymanian status applications under category stopped by Government, 776
No. 179 Directives to Immigration Board, 777
No. 180 Inspection Reports on approved sub-division roads, 800
No. 181 Enforcement of Minimum Design and Construction Specifications for Sub-division Roads, 801
No. 182 Current enrollment by programmes at the Cayman Islands Law School, 802

Parliamentary Questions (Continued)

No. 183 Work at sanitary landfill on Little Cayman, 805*(deferred)*, 825
No. 184 Sanitary landfill construction on Cayman Brac, 805
No. 185 Gazetted width and Government's policy re: roads on Little Cayman, 806
No. 186 Quality Control standards in place for Government and sub-division roads, 807
No. 187 Construction requirements of sub-division roads four feet above sea level, 807
No. 188 Width of roads as determined by Central Planning Authority, 808
No. 189 Government's policy for additional street lights on Cayman Brac and Little Cayman, 826 *(deferred)*, 1001
No. 190 Mosquito spraying and maintenance of equipment on Little Cayman, 827
No. 191 Percentage of tourist arrivals representative of "package" tourism, 827
No. 192 Amount Government receives on rental of buildings, 828
No. 193 Progress on search to replace CXC exam, 829
No. 194 External examinations offered at the Community College level, 829
No. 195 Plans to include the International Baccalaureate at Community College, 830
No. 196 Revenue from buildings/land sold by Government January 1992 to August 1993 *(Member not present)*, 853, 874
No. 197 Alternative Education system, 853 *(deferred)*, 874
No. 198 Entrance fees - St. Ignatius School, 853 *(deferred)*, 874
No. 199 Start-up date of Phase 1 of Red Bay Primary School, 853
No. 200 Procedure for students moving from Alternative Education Programme to regular High School classes, 854
No. 201 Number of children enrolled in Alternative Education Classes, 855
No. 202 Mechanism to review rate increase by Cable and Wireless (WI) Ltd., 880
No. 203 Innovations for enhancing tourism in Cayman Islands, 882
No. 204 Relocation date for ambulance from North Side to Frank Sound Fire Station, 883
No. 205 Port Authority's computer operator search, 884
No. 206 Courses available at High School level for technical and vocational studies, 885
No. 207 Measures taken by Portfolio to attract Caymanian school leavers into tourism related vocations, 886
No. 208 Plans for change of use of North Side Post Office, 897
No. 209 Action taken on PM 2/93, 898
No. 210 Large steel building west of the Civil Aviation Department, 898
No. 211 Total duty collected from Island Paving Ltd., on imported equipment and materials for Airport job, 899
No. 212 Amount paid to Island Paving for resurfacing job at Airport, 900
No. 213 Mosquito Research and Control Unit's plan for eradication of the Adedes Aegypty Mosquitoes, 901
No. 214 Total cost for Constitutional Commissioners, 923
No. 215 Provision for lower income housing, 924
No. 216 Executive Council's consideration of its sub-committee's investigation into Immigration matters, 924 *(deferred)*, 945
No. 217 Responsibility for choice of fill material at Port Authority by Tomlinson Engineering and PWD, 925
No. 218 Procedures instituted at "Tent City" to ensure that confrontations do not recur, 926 *(deferred)*, 1002
No. 219 Land filling procedure at the Port Authority Container Terminal, 927

Parliamentary Questions (Continued)
No. 220 Money paid to Hawley's Estate for land purchase in Breakers, 946
No. 221 Status of new hospital plans, 946
No. 222 Investigation into missing funds at Northward Prison, 948
No. 223 Posts at Northward Prison filled by civilian staff, 948
No. 224 Amount in overtime paid to Prison staff from January to September 1993, 949
No. 225 Procedures for improving communication between education sectors and institutions, 963
No. 226 Education Department's strategy for dealing with educational problems outlined in *The New Caymanian*, 962
No. 227 Total of hearing and vision impaired students in Cayman Islands, 963

Personal Explanation (S.O. 31)
Bush, Hon. McKeeva, 699, 762

Points of Order
Citing documents not before the House, 789
Imputation of improper motives, 546, 682, 958, 1013, 1076
Misleading, 318, 544, 658, 955
Misrepresentation of the language of another, 447, 785, 1010
Relevance, 832
Repetition, 1069

Presentation of Papers and Reports
- Accountant General's Report on the Accounts of the Cayman Islands Government for the year ended 31st December, 1992 (Hon. Joel Walton), 551
- Amended Report of the Standing Orders Committee (Hon. Lemuel Hurlston), 270
- Amendment to Draft Estimates of Revenue and Expenditure of the Government of the Cayman Islands for the year ended 31 Dec. 1993 (Hon. George McCarthy), 799
- Budget Address, (Hon. George McCarthy), 15
- Cayman Airways Limited Loan Agreement (Hon. George McCarthy), 411
- Cayman Turtle Farm (1993) Limited, Financial Statements for the period ended 31 March, 1993 (Hon. Thomas Jefferson), 587
- Civil Aviation 1992 Annual Report (Hon. Truman Bodden), 462
- Community College of the Cayman Islands Certificate and Report of the Auditor General for the year ended 31st December, 1992 (Hon. Truman Bodden), 727
- Draft Development and Planning (Amendment) Regulations, 1993 (Hon. Thomas C. Jefferson), 1047
- Draft Estimates of Revenue and Expenditure for the year 1993, (Hon. George McCarthy), 14
- Draft Estimates of Revenue and Expenditure for the year 1994, (Hon. George McCarthy), 766
- Financial Statement of Cayman Airways Limited for year ended 31st December, 1992 (Hon. Truman Bodden), 409
- Financial Statement of the Port Authority of the Cayman Islands at 31st December, 1991 (Hon. Thomas Jefferson), 270
- Government Minute on the Public Accounts Committee Report on the Auditor General's Report on the Audited Accounts of the Cayman Islands Government for the year ended 31 December, 1991 (Hon. George McCarthy), 260
- Interim Report of the Standing Committee on the Penal Code (Hon. Richard Coles), 983
- Public Service Commission Report 1988-1991 (Hon. Lemuel Hurlston), 229
- Public Service Pensions Board Report, 1992 (Hon. Joel Walton), 728
- Report of the 1992 Advisory Council on the Misuse of Drugs (Hon. McKeeva Bush), 270

Presentation of Papers and Reports (Continued)
- Report on the AIDB for the year ended 31 December, 1992 (Hon. John B. McLean), 437
- Report of the Cayman Islands Management Services Unit -1991 (Hon. Lemuel Hurlston), 24
- Report of the Housing Development Corporation for the year ended 30th June, 1992 (Hon. W. McKeeva Bush), 260
- Report of the Public Accounts Committee on the Audited Accounts of the Cayman Islands Government for the year ended 31 December, 1992 (Mr. John D. Jefferson, Jr.), 551
- Report of the Standing Business Committee (Hon. Thomas Jefferson), 269, 585, 989
- Report of the Standing Finance Committee (Hon. George McCarthy)
  Meeting held 22nd December, 1992, 259
  Meeting held 24th March, 1993. 269
  Meeting held 19th July, 1993 (Hon. Joel Walton), 585
- Report of the Standing Orders Committee (Hon. J. Lemuel Hurlston), 267, 270
- Report of the Work and Activities of the Cayman Islands Prison Service for the year ended 31 December, 1991, (Hon. J. Lemuel Hurlston), 24
- Review of the Royal Cayman Islands Police Force by Mr. L. Grundy (Hon. Lemuel Hurlston), 260
- Royal Cayman Islands Police Annual Report 1992 (Hon. J. Lemuel Hurlston), 229
- Signed Statement by Members of the Legislative Assembly in respect to the visit by the Decolonisation Committee of the United Nations (Hon. Thomas Jefferson), 259
- Water Authority Annual Report 1992 (Hon. McKeeva Bush), 645

Private Members' Motions
No. 1/93 - Review of the Penal Code
Bodden, Mr. G. Haig *(Seconder)*, 239, 240
Bodden, Mr. Roy *(Mover)*, 238, 244
Bush, Hon. McKeeva, 244
Coles, Hon. Richard H., 240
Ebanks, Mr. D. Dalmain, 242
Eden, Mr. Anthony S., 242
Kirkconnell, Capt. Mabry, 242
McLean, Mr. Gilbert A., 243
Moyle, Mrs. Edna M., 241
Tomlinson, Dr. Stephenson A., 241
No. 2/93 - Invasion of Privacy Act
Bodden, Mr. Roy, 248
Eden, Mr. Anthony, 248
Kirkconnell, Capt. Mabry *(Seconder)*, 246, 249
McLean, Hon. John B., 248
McLean, Mr. Gilbert A. *(Mover)*, 246, 249
No. 3/93 - National Commission on Crime and Violence
Bodden, Hon. Truman, M., 398
Bodden, Mr. G. Haig, 396
Bodden, Mr. Roy *(Mover)*, 391, 399
Bush, Hon. McKeeva W., 392
Eden, Mr. Anthony S. *(Seconder)*, 391, 395
McLean, Mr. Gilbert A., 397
Tomlinson, Dr. Stephenson, 396
No. 4/93 - Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing
Bodden, G. Haig, 642, 654
Bodden, Hon. Truman M, 660
Bodden, Mr. Roy, 657
Bush, Hon. W. McKeeva, 632
Eden, Mr. Anthony, 662
Jefferson, Mr. John D. Jr., 637

Private Members' Motions (Continued)
No. 4/93 (Continued)
McLean, Mr. Gilbert A. *(Seconder)*, 629, 638
Tibbetts, Mr. D. Kurt *(Mover)*, 628, 629
Tibbetts, Mr. D. Kurt, 662
Tomlinson, Dr. Stephenson, 636
No. 5/93 - Request for Government to reconsider the purchase of the proposed property in Breakers
Bodden, Mr. Roy *(Mover)*, 666, 684
Bush, Hon. W. McKeeva, 668
Ebanks, Mr. D. Dalmain, 668
Eden, Mr. Anthony, 668
McLean, Mr. Gilbert *(Seconder)*, 666, 679
Murphy, Mrs. Berna Thompson, 667
Tomlinson, Dr. Stephenson, 671
No. 6/93 - Immigration policy on maximum work permit employment period and security of tenure for non-Caymanians with over 15 years' residence.
Bodden, Mr. Roy *(Seconder)*, 745, 749
Hurlston, Hon. Lemuel, 747
Jefferson, Mr. John D. Jr., 759
McLean, Mr. Gilbert, 755
Tibbetts, Mr. D. Kurt *(Mover)*, 744, 745, 760
No. 7/93 - Prescription of Minimum Wage by Category
Bodden, Mr. Roy *(Seconder)*, 688, 689
Bush, Hon. McKeeva, 689
Kirkconnell, Capt. Mabry, 691
McLean, Mr. Gilbert *(Mover)*, 687, 688, 692
Tibbetts, Mr. D. Kurt, 691
No. 8/93 - Public Utilities Commission
Bodden, Mr. Roy *(Mover)*, 694, 714
Bush, Hon. McKeeva, 710
Coles, Hon. Richard, 696
Eden, Mr. Anthony, 697
Jefferson, Mr. John D., Jr., 696
McLean, Hon. John B., 695
McLean, Mr. Gilbert *(Seconder)*, 694, 707
Moyle, Mrs. Edna, 706
Tibbetts, Mr. D. Kurt, 713
Tomlinson, Dr. Stephenson, 698
No. 9/93 - Training Programme in the Work Place
Bodden, Hon. Truman, 722
Bodden, Mr. Roy *(Seconder)*, 717, 720
Bush, Hon. McKeeva, 718
Ebanks, Mr. Dalmain, 738
Jefferson, Mr. John D. Jr., 738
Kirkconnell, Capt. Mabry, 737
McLean, Mr. Gilbert *(Mover)*, 717, 739
Murphy, Mrs. Berna Thompson, 719
Tibbetts, Mr. D. Kurt, 736
Tomlinson, Dr. Stephenson, 725, 734
No. 10/93 - Capital Punishment
Bodden, Hon. Truman M., 1028
Bodden, Mr. G. Haig, 991
Bodden, Mr. Roy, 997
Bush, Hon. W. McKeeva, 1005,
Ebanks, Mr. D. Dalmain, 1033
Eden, Mr. Anthony S. *(Seconder)*, 980, 1003
Jefferson, Mr. John D. Jr.*(Mover)*, 980, 989, 1033
Kirkconnell, Capt. Mabry, 1032
McLean, Mr. Gilbert A., 1016, 1023
Moyle, Mrs. Edna, 1031
Murphy, Mrs. Berna Thompson, 1003

Private Members' Motions (Continued)
No. 10/93 (Continued)
Tibbetts, Mr. D. Kurt, 992
Tomlinson, Dr. Stephenson, 996
No. 11/93 - Request for the Government to consider the establishment of regulations for the shipment of goods to other territories
Bodden, Mr. Roy *(Mover)*, 1039, 1042
McCarthy, Hon. George A., 1041
Tibbetts, Mr. D. Kurt *(Seconder)*, 1039, 1049
No. 12/93 - Request for a review of Marine Zoning in the Cayman Islands and improvements in enforcing the Marine Conservation Laws and Regulations
Bodden, Mr. Roy *(Seconder)*, 1044
Bush, Hon. W. McKeeva, 1052
Jefferson, Hon. Thomas C., 1045
McLean, Mr. Gilbert A., 1051
Murphy, Mrs. Berna Thompson, 1052
Tibbetts, Mr. D. Kurt *(Mover)*, 1043, 1044, 1052
Tomlinson, Dr. Stephenson, 1052
No. 13/93 - Prescription and enforcement of road construction standards
Bodden, Mr. Roy *(Seconder)*, 1053, 1061
Bush, Hon. W. McKeeva, 1064
McLean, Hon. John B., 1056
McLean, Mr. Gilbert A. *(Mover)*, 1053, 1054, 1065
No. 14/93 - Select Committee to consider problems of children, young persons, women and the family
Bodden, Mr. Roy *(Mover)*, 1081, 1082, 1089
Bush, Hon. W. McKeeva, 1084
McLean, Mr. Gilbert A. *(Seconder)*, 1081, 1084

Proclamation No. 2 of 1993, 1

Speaker's Announcements and Rulings
Clarification on Parliamentary Question No. 21, 124
Commonwealth Day Message 1993, 23
House visitors:
Harris, Mr. David James, MP, St. Ives, 582
John A. Cumber Primary students, 1023, 1047
Truth for Youth students, 903
Members advised against making comments about Press and/or other associations, 687
Members' attention drawn to S.O. 48(1), 78
Members' attention drawn to S.O. 63(2), 839
Obituary:
Eden, Mr. Stanshal, 1001
Grandmother of Hon. Member for Health, 41
Serjeant-at-Arm's mother-in-law, 32
Rulings:
Parliamentary Question No. 204, 883, 887
Point of Order Ruling, 785, 1010, 1013
Unanswered Questions, 887

Statements by Members of the Government
•Bodden, Hon. Truman M.,
Letters from students of John A. Cumber Primary read, 1028
•Bush, Hon. W. McKeeva
Developments in Government's Drug Rehabilitation Programme, 420
Developments in the Low Income Housing Programme, 421
Drug Abuse Services Plan at Breakers, 565
Cayman Islands National Children's Choir, 902
Proposed developments & services for young persons in trouble, 387
Order of National Heroes, 265
Residential and day care facilities for the mentally ill and handicapped, 389
Sports Achievements by Mrs. Merta Day, 984

Statements by Members of the Government (Continued)
•Bush, Hon. W. McKeeva (Continued)
Portfolio Activities with regard to the Development of Sports in the Cayman Islands, 355
•Coles, Hon Richard H.
Commission of Enquiry - New George Town Hospital, 136
•Jefferson, Hon. Thomas C.
Administrative approval for certain Planning applications by the Director of Planning and a Members of the Central Planning Authority, 651
Appointment of Economic Council, 679
National Trust Charter Day, 766
Proclamation by HE the Governor, 765
Visit by the Decolonisation Committee of the UN, 218
•McLean, Hon. John B.
Cable & Wireless (West Indies) Ltd., 470
Caribbean Utilities Company, Ltd., 470
Importation of Buses by Avalon Tours, Taxi Drivers' Association Protest, 979
Protest by Taxi Drivers' Association, 999
Suspension of Standing Orders
S.O. 10 (2), 377, 462, 610, 753, 1068
S.O. 14 (1), 355, 983, 1070
S.O. 14 (2), 481
S.O. 14 (3), 237, 481, 950
S.O. 23 (5), 1048
S.O. 23 (6), 230
S.O. 23 (7) &(8), 275, 299, 560, 593, 886, 945, 963
S.O. 24 (5), 952
S.O. 30 (1), 978, 998
S.O. 30 (2), 979
S.O. 46 (1), 401, 463, 652, 1070
S.O. 46 (2), 1070
S.O. 47, 463, 1080
Throne Speech *(see also: Debate on the Throne Speech)*, 1
Tibbetts, Mr. D. Kurt
Appropriation (1994) Bill, 1993, 850, 856
Capital Punishment (PM 10/93), 992
Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 304
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 124, 136
Development and Planning (Amendment) Bill, 1993, 284
Draft Development and Planning (Amendment) Regulations, 1993 (GM 6/93), 1049
Firearms (Amendment) Bill, 1993, 968
Health Care Insurance (Suspension) Bill, 1993, 373
Health Services Authority (Dissolution) Bill, 1993, 314
Health Services (Fees) Bill, 1993, 338
Immigration (Amendment) Bill, 1993, 422
Immigration policy on maximum work permit employment period and security of tenure for non-Caymanians with over 15 years' residence (PM 6/93), 744, 745, 760
Loan (Capital Projects) Bill, 1993, 971
Mutual Funds Bill, 1993, 455
Prescription of Minimum Wage by Category (PM 7/93), 691
Public Utilities Commission (PM 8/93), 713
Recommendation for Constitutional Change (GM 4/93), 597
Request for a review of Marine Zoning in the Cayman Islands and improvements in enforcing the Marine Conservation Laws and Regulations (PM 12/93), 1043, 1044, 1052
Request for the Government to consider the establishment of regulations for the shipment of goods to other territories (PM 11/93), 1039, 1049
Tibbetts, Mr. D. Kurt (Continued)
Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing (PM 4/93), 628, 662
Suspension of S.O. 14(2) & (3), 481
Traffic (Amendment) Bill, 1993 (No. 2), 1074
Training Programme in the Work Place (PM 9/93), 736
Tomlinson, Dr. Stephenson A.
Appropriation (1994) Bill, 1993, 843
Capital Punishment (PM 10/93), 996
Cayman Islands Coat of Arms, Flag and National Song Bill, 1993, 305
Cayman Islands Health Services Authority Loan Guarantee (GM 2/93), 256
Debate on the Throne Speech *and* Second Reading Debate on the Appropriation Bill, 1993, 164
Development and Planning (Amendment) Bill, 1993, 288
Fences Bill, 1993, 619
Health Care Insurance (Suspension) Bill, 1993, 369
Health Services Authority (Dissolution) Bill, 1993, 310
Immigration (Amendment) Bill, 1993, 406
Marine Conservation (Amendment) Bill, 1993, 282
National Commission on Crime and Violence (PM 3/93), 396
Nuclear Safeguards Bill, 1993, 620
Public Utilities Commission (PM 8/93), 698
Recommendation for Constitutional Change (GM 4/93), 571
Request for a review of Marine Zoning in the Cayman Islands and improvements in enforcing the Marine Conservation Laws and Regulations (PM 12/93), 1052
Request for Government to reconsider the purchase of the proposed property in Breakers (PM 5/93), 671
Review of the Penal Code (PM 1/93), 241
Select Committee of the whole House to review the Government Blanket Guarantee for Lower Income Housing (PM 4/93), 636
Suspension of S.O. 14(2) & (3), 483
Traffic (Amendment) Bill, 1993, 464
Traffic (Amendment) Bill, 1993 (No. 2), 1074
Training Programme in the Work Place (PM 9/93), 725, 734
Walton, Hon. Joel
Accountant General's Report on the Accounts of the Cayman Islands Government for the year ended 31st Dec., 1992, 551
Banks and Trust Companies (Amendment) Bill, 1993, 621
Companies (Amendment)(No. 2) Bill, 1993, 652
Companies Management (Amendment) Bill, 1993, 622
Confidential Relationships (Preservation)(Amendment) Bill, 1993, 622
Insurance (Amendment) Bill, 1993, 621
Mutual Funds (Amendment) Bill, 1993, 621
Public Service Pensions Board Report, 1992, 728
Report of the Standing Finance Committee (19th July, 1993), 585

MEETING DATES AND PAGES

First Meeting *(Volume I)*
5th through 26th March, 1993 - pages 1-268

Second Meeting *(Voulme I)*
16th through 28th June, 1993 - pages 269-468

Third Meeting *(Volume II)*
16th September through 1st October, 1993 - pages 469-764

Fourth Meeting *(Volume II)*
5th November through 3rd December, 1993 - pages 765-1091

THURSDAY
16TH SEPTEMBER, 1993
10:36 A.M.

THE SPEAKER: Prayers by the Member for North Side.

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.
The Legislative Assembly is in Session.

APOLOGIES

THE SPEAKER: I must, first of all, apologise to Members for the delay which was caused by the necessity of having to rearrange the Orders for the day. I also must note an apology received by the Clerk from the Honourable First Official Member who is off the Island on an official visit and tour. He will be back in Office on the 27th of September. Accordingly, I have also received Proclamation by His Excellency the Governor appointing the Honourable James Montgomery Ryan as Temporary First Official Member. Mr. Ryan will take the Oath to be administered by the Clerk.

ANNOUNCEMENT BY SPEAKER

THE SPEAKER: I have also received a Proclamation by His Excellency the Governor appointing the Honourable Second Official Member as Acting Governor and the appointment of Mr. Clive Bowerman as Temporary Second Official Member. He will also take the Oath to be administered by the Clerk.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF AFFIRMATION
MR. JAMES MONTGOMERY RYAN, MBE, JP

THE SPEAKER: Messrs. Ryan and Bowerman, will you now come forward to the Clerk's Table?

HON. JAMES. M. RYAN: I, James Montgomery Ryan, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

OATH OF AFFIRMATION
MR. CLIVE EDWARD BOWERMAN

HON. CLIVE BOWERMAN: I, Clive Edward Bowerman do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

THE SPEAKER: The Honourable Gentlemen will now take their seats.
Statement by Members of the Government. The Honourable

Elected Member responsible for Agriculture, Communications and Works.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. JOHN B. McLEAN: Thank you, Madam Speaker. I am pleased to make the following statement on behalf of Government, first of all with regard to Caribbean Utilities Company Ltd.

CARIBBEAN UTILITIES COMPANY LTD.

Madam Speaker, this Government has decided to exercise its right for an independent audit of the financial affairs of Caribbean Utilities Company Ltd. (CUC).

In accordance with section 7(9) of the Licence (dated January 17, 1986), granted by the Cayman Islands Government to Caribbean Utilities Company Ltd., it states as follows:

"The Government may at any time at its expense cause an independent auditor being qualified as set forth in sub-paragraph (a) of sub-clause (b) of this clause and not being employed in the public service to make a separate and independent audit of all or any part of the Undertaker's financial affairs and for that purpose such auditor shall have the power to call for the production of any books, or papers in possession or power of the Undertakers and to inspect or make copies of or extracts from any such books and papers and at all reasonable times have access to and power to inspect (with or without valuers) any property of the Undertakers or in its power or possession. Provided the powers conferred by this sub-clause shall not be used capriciously or for harassment and shall be used in such a manner as to cause as little disruption as possible to the normal working and operating procedure of the Undertakers. And provided further that the Undertakers shall be entitled to twenty-one days' notice before producing such books or papers to the said independent auditors."

This Government's position in relation to CUC has been clearly outlined in a press release dated August 17, 1993 (I have circulated a copy to the Honourable Members).

It is the Government's intention to meet with officials of Caribbean Utilities Company Ltd. immediately after the independent audit is completed to amend and clarify certain terms of the existing licence.

HON. JOHN B. McLEAN: With regard to Cable & Wireless:

CABLE & WIRELESS (WEST INDIES) LTD.

In accordance with section 19 of the Licence (dated December 13, 1991), granted by the Cayman Islands Government to Cable & Wireless (W.I.) Ltd.,

(0) The rated of charge to subscribers for the services provided by the Company under this Agreement may be adjusted by the Company from time to time, but may only be increased with the written agreement of Government. Application for such agreement shall be made in writing and supported by the information set out in Schedule 4.

(1) In considering whether to agree to a proposed increase, Government shall have due regard to the need of the Company to make a reasonable return on its investment, the actual return being made by the Company, the quality of the service provided by the Company, the economic state of the Islands in general and all other relevant factors.

(2) If the Company is aggrieved by the decision of Government on an application for an increase it may require an arbitration pursuant to Cl. 29.0 of this agreement.

It is my understanding that the first licence was granted on April 26, 1965 and that Cable & Wireless (W.I.) Ltd., have never increased their rates in the 28 years of operation in the Cayman Islands.

THE SPEAKER: Questions to Honourable Members.
The Second Elected Member for Cayman Brac and Little Cayman, Question No. 108.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 108

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

NO. 108: How much of the $4 million provided in the 1993 Budget for Cayman Airways Limited has been spent?

HON. TRUMAN M. BODDEN: Madam Speaker, the answer: The total annual subsidy is US $4.76 million of which US$3.88 million has already been spent.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Honourable Member confirm then that this is in addition to the $16 million, the $2.16 million, and the $6.5 million that has been spent so far this year by Government which should, at this stage, show about $34 million that has been spent by Cayman Airways so far?

HON. TRUMAN M. BODDEN: Madam Speaker, I can answer part of that, but I would ask for clarification on the other part. The $16 million that related to debts that had been incurred prior to November 1992, in other words 1990, 1991 and 1992 debts. That $16 million that was borrowed from the banks was spent in relation to those debts. I am wondering if the Member could clarify which other two amounts that he is specifically referring to there, please?

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

MR. GILBERT A. McLEAN: Madam Speaker, the question I directed to the Honourable Member for Aviation was that if the nigh almost $4 million out of the 1993 Estimates is then in addition to the $16 million loan, $2.16 million that was paid to ILFC, the $6.5 million that was paid to GPA and the $2 million write-off by Government of what was a loan. This has all been spent and all together this, as I roughly calculated would be in the region now of about $34 million.

THE SPEAKER: The Honourable Member for Aviation.

HON. TRUMAN M. BODDEN: The US$6.5 million actually on GPA was $6.2 million. That was a debt that was incurred last year, June 1992, under an agreement by which the leases were terminated by the past Government and they entered into (that Government and Cayman Airways, in June 1992) an agreement, which I think the Member is referring to, called the Put Option in which the two 737-400s were being returned to us next year notwithstanding the payment of the $6.2 million. That amount came out of the $16 million of loan. The $2.16 million that was paid to ILFC, if he is referring to the back payments of rental that had been owed and accrued last year (1992), that also came out of the $16 million. The $2 million write-off, as I remember it, was from 1991 when the Government at that time made what was a loan, or was stated as a loan, to Cayman Airways. The auditors felt that it was in effect a subsidy for 1991, I stress this. This was back several years ago and to comply with the Auditor General, we wrote it off this year and converted it into a subsidy. Now, that amount had been spent in 1991, it did not affect the cash position, it did not have to come out of the revenue this year it was simply a book entry, written off this year for 1991.

I hope I have explained that sufficiently.

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

MR. GILBERT A. McLEAN: Could the Member say just what is the total figure to date of monies which have been paid this year by Government to or on behalf of Cayman Airways? What would be the total amount? I do understand that most of the bills have been ongoing and so on...

THE SPEAKER: Honourable Member, please no statements. Just ask your question. Do not make a statement, just ask your question.

MR. GILBERT A. McLEAN: Madam Speaker, I am attempting to ask the question by saying that it is my understanding that the bills are coming over as the Member has stated and what I am trying to arrive at is what is the total figure paid this year by Government on behalf of Cayman Airways?

THE SPEAKER: In the future, the Chair will not allow a Member to make statements. Ask your question and if the Member does not understand it, he will then ask you to clarify it. Please do not attempt to clarify what your question is in the future. Honourable Member for Aviation, would you please reply?

HON. TRUMAN M. BODDEN: This year, from memory, what we have paid for Cayman Airways has been the CI$16 million which, as I stated, related to debts from 1991/92, and the $3.88 million of subsidy. This is because the amounts mentioned by the Member actually came out of the CI$16 million. I hope that clears it up.

THE SPEAKER: The next question is No. 109 standing in the name of The

Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 109

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

NO. 109: What has been the cost to Cayman Airways Limited for the various recent checks made on the two 737-200 aircraft?

HON. TRUMAN M. BODDEN: The total cost of the recent major checks is not yet available. These checks were carried out in Cayman using all available Caymanian skills.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Is there no rough estimate of the costs at all? What were the checks, were they C-Checks, D-Checks, or what, and when will the Member know what the costs are, or whoever is associated with keeping track of the cost?

THE SPEAKER: The Honourable Member for Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. The checks were C-Checks carried out under the maintenance system for these aircraft and I would think that possibly within another four to six weeks we would have the answer on this. If the Member wishes, by all means, I would oblige him by sending him what the costs were. But I do not think that I should venture an opinion on what the estimates may be.

THE SPEAKER: The Third Elected Member for George Town. Before I go any further, may I ask Members if they wish to speak, that they stand. Thank you.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I wonder if the Honourable Member would state if during the last C-Check if the Head of the Maintenance Department was on vacation and if so, who was responsible in his absence?

THE SPEAKER: The Honourable Member for Aviation.

HON. TRUMAN M. BODDEN: Yes, Madam Speaker, during the C-Checks, which were the most major maintenance done locally on the Island by our Maintenance Department, the Manager of Maintenance, Mr. Layman Scott, was off on two weeks' vacation. Mr. Derrick Tibbetts, the Deputy Maintenance Manager, was the person who was in charge during that time.

THE SPEAKER: The next question is No. 110 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 110

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

NO. 110: If it is being contemplated to stop jet service to and from Cayman Brac within the near future and, if so, what alternative arrangements have been made?

HON. TRUMAN M. BODDEN: Cayman Airways Limited provides the only jet service to Cayman Brac. No consideration has been given to terminating this essential service.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if he or the Civil Aviation Authority, or anyone connected therewith, have been approached by any group of people from the Brac as to alternative arrangements for air service which might include jet service?

THE SPEAKER: The Honourable Member for Aviation.

HON. TRUMAN M. BODDEN: We have never been approached, that I know about, for alternative service. There has been an approach for additional service, and I draw the distinction between additional service as against alternative service. Yes, we have reached a stage where very shortly there will be additional service, not jet service, but it will be a prop plane, a very good prop plane, or two prop planes, that will also be giving further service to Cayman Brac. I should point out that this Government regards it as very important that we do as much as we possibly can for Cayman Brac and Little Cayman. I notice the Member did not refer to Little Cayman, but I include Little Cayman, to ensure that they have good transportation and this service will really assist considerably with it.

I should also mention that we have improved our jet service to Cayman Brac within recent times. We have added an extra flight on Wednesday and there are now five days of jet flights to the Sister Islands.

THE SPEAKER: It is now 11:00, I will entertain a motion for suspension of Standing Orders for the continuation of Question Time.

SUSPENSION OF STANDING ORDER 23(7)

HON. THOMAS C. JEFFERSON: Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 23(7) to allow the remaining questions to be asked this morning.

THE SPEAKER: The question is that Standing Order 23 (7) be suspended in order that the remaining questions may be dealt with at this time. I shall put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE THE REMAINING QUESTIONS UPON THE ORDER PAPER TO BE TAKEN.

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

MR. GILBERT A. McLEAN: Can the Honourable Member tell the House what company or person has approached the Civil Aviation Authority for providing additional air service and will it be both to Cayman Brac and Little Cayman and are these persons seeking to be licensed or franchised for thet particular service and if it excludes others by so doing?

THE SPEAKER: The Honourable Member for Aviation.

HON. TRUMAN M. BODDEN: The Company is Island Air Ltd., and they have approached the Licensing Authority for a licence. It is not an exclusive licence which is what I think the Member was referring to. Yes, it will not just be Cayman Brac, it will also be Little Cayman. I always try to remember Little Cayman whenever we are thinking of air service, Madam Speaker.

THE SPEAKER: The next question is No. 111 standing in the name of the First Elected member for Bodden Town.

QUESTION NO. 111

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

No. 111: To provide the nationalities and ranks of foreign staff at Northward Prison, stating when the last contracts expired or were renewed?

HON. JAMES M. RYAN: A schedule giving nationalities, ranks and contractual details of non-Caymanian staff serving at Her Majesty's Prison at Northward is attached (see Appendix I).

APPENDIX I TO QUESTION 111

FOREIGN STAFF ON CONTRACTS AT NORTHWARD PRISON

NATIONALITY	RANK	DATE RENEWED	EXPIRY DATE
BRITISH	PRISON DIRECTOR	17/1/92	16/1/94
NICARAGUAN	LEAD OFFICER	16/2/93	15/2/95

JAMAICAN	LEAD OFFICER	4/3/93	3/3/95
JAMAICAN	LEAD OFFICER	1/5/92	30/4/94
JAMAICAN	LEAD OFFICER	1/9/93	31/8/95
JAMAICAN	LEAD OFFICER	1/9/92	31/8/94
BARBADIAN	LEAD OFFICER	29/9/92	28/9/94
JAMAICAN	PRISON OFFICER	1/1/93	31/12/95
JAMAICAN	PRISON OFFICER	1/1/93	31/12/95
JAMAICAN	PRISON OFFICER	1/2/93	31/1/95
JAMAICAN	PRISON OFFICER	1/2/93	31/1/95
JAMAICAN	PRISON OFFICER	1/2/93	31/1/95
JAMAICAN	PRISON OFFICER	1/2/93	31/1/95
JAMAICAN	PRISON OFFICER	5/2/93	4/2/94
JAMAICAN	PRISON OFFICER	5/2/93	4/2/94
JAMAICAN	PRISON OFFICER	5/2/93	4/2/94
JAMAICAN	PRISON OFFICER	5/2/93	4/2/94
JAMAICAN	PRISON OFFICER	2/3/93	1/3/95
NICARAGUAN	PRISON OFFICER	2/3/93	1/3/95
BRITISH	PRISON OFFICER	2/3/93	1/3/95
JAMAICAN	PRISON OFFICER (EDUCATION COORDINATOR)	2/3/93	1/3/95
JAMAICAN	PRISON OFFICER	3/3/93	2/3/94
BELIZEAN	PRISON OFFICER	2/3/92	1/3/94
JAMAICAN	PRISON OFFICER	2/3/92	1/3/94
JAMAICAN	PRISON OFFICER	2/3/92	1/3/94
JAMAICAN	PRISON OFFICER	2/3/92	1/3/94
JAMAICAN	PRISON OFFICER	2/3/92	1/3/94
GUYANA	PRISON OFFICER	2/3/92	1/3/94
NICARAGUAN	PRISON OFFICER	2/3/92	1/3/94
BELIZEAN	PRISON OFFICER	2/3/92	1/3/94
JAMAICAN	PRISON OFFICER	5/4/92	4/4/94
BELIZEAN	PRISON OFFICER	5/4/92	4/4/94
JAMAICAN	PRISON OFFICER	5/4/92	4/4/94
JAMAICAN	PRISON OFFICER	5/4/92	4/4/94
BELIZEAN	PRISON OFFICER	5/4/92	4/4/94
JAMAICAN	PRISON OFFICER	1/5/92	30/4/94
JAMAICAN	PRISON OFFICER	1/5/93	30/4/95
BARBADIAN	PRISON OFFICER	26/6/93	25/6/95
BARBADIAN	PRISON OFFICER	26/6/93	25/6/95
BARBADIAN	PRISON OFFICER	26/6/93	25/6/95

BARBADIAN	PRISON OFFICER	26/6/93	25/6/95
BARBADIAN	PRISON OFFICER	26/6/93	25/6/95
BARBADIAN	PRISON OFFICER	26/6/93	25/6/95
BARBADIAN	PRISON OFFICER	26/6/93	25/6/95
JAMAICAN	PRISON OFFICER	1/7/92	30/6/94
JAMAICAN	PRISON OFFICER	4/7/93	3/7/95
JAMAICAN	PRISON OFFICER	4/7/93	3/7/95
JAMAICAN	PRISON OFFICER	4/7/93	3/7/95
JAMAICAN	PRISON OFFICER	1/9/92	28/9/94
JAMAICAN	PRISON OFFICER	1/11/92	31/10/94
BARBADIAN	PRISON OFFICER	1/11/92	31/10/94 (RESIGNED TO BE EFFECTIVE 25/9/93)
JAMAICAN	OFFICER TEACHER	4/5/92	3/5/94

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say what is the ratio of these foreign national officers vis a vis Caymanian officers at the Prison?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The ratio of non-Caymanian staff to Caymanian staff is almost 2:1.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say what efforts are being made to reduce this disparity?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Historically it has been very difficult to find local staff for Northward Prison. This has not changed. As far as efforts to find Caymanian staff is concerned, advertisements for staff for Northward Prison are run in three issues of the "Cayman Compass" and any applicants are considered.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you Madam Speaker.
Can the Honourable Member say when was the last attempt made for recruitment?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I do not have the details of when the last recruitment attempt was made but, it is my understanding that whenever recruitment are made the advertisements are well circulated.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Is the Honourable Member aware that Caymanians who have applied for position at Northward Prison complained of an unfair and biased system against their employment by the interviewing panel?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: No, Madam Speaker, I am not aware of this. If the Honourable

has information I will certainly investigate it.

THE SPEAKER: The next question is No. 112 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 112

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

No. 112: To provide a breakdown of the prison population at Northward Prison by gender, category of offences, age and length of sentence.

HON. JAMES M. RYAN: A breakdown of the prison population at Northward Prison by gender, category of offences, age and length of sentence is attached (see Appendix II).

APPENDIX II TO QUESTION 112

NORTHWARD PRISON CONVICTED AS AT UNLOCKING 10TH SEPTEMBER, 1993 FEMALES

CATEGORY OF OFFENCES	TOTAL	AGE	LENGTH OF SENTENCE
GRIEVOUS BODILY HARM	1	26	9 MONTHS
BURGLARY	1	25	12 MONTHS
DRUG RELATED	13	22	3 YEARS 7 1/2 YEARS
		23	15 MONTHS 7 1/2 YEARS
		27	3 YEARS
		31	6 MONTHS 4 1/2 YEARS
		33	7 1/2 YEARS
		34	9 MONTHS 12 MONTHS 3 YEARS
		35	3 MONTHS
		53	2 1/2 YEARS

NORTHWARD PRISON CONVICTED AS AT UNLOCKING 10TH SEPTEMBER, 1993 MALES

CATEGORY OF OFFENCES	TOTAL	AGE	LENGTH OF SENTENCE
DRUG RELATED	62	17	2 YEARS
		18	6 MONTHS
		19	3 MONTHS 9 MONTHS 4 YEARS
		20	6 MONTHS 6 MONTHS 9 MONTHS 9 MONTHS 3 YEARS
		21	4 1/2 YEARS
		22	15 MONTHS

DRUG RELATED		23	18 MONTHS 2@ 6 MONTHS
		24	6 MONTHS 6 MONTHS 15 MONTHS 2 YEARS 4 1/2 YEARS
		25	2 1/2 YEARS 4 YEARS
		26	15 MONTHS 6 YEARS
		27	18 MONTHS
		28	12 MONTHS 3 1/2 YEARS 4 YEARS 5 YEARS
		29	18 MONTHS 4 YEARS
		30	2 YEARS 2 1/2 YEARS 11 YEARS 9 MONTHS 2 YEARS 8 YEARS
		31	9 MONTHS 12 MONTHS 18 MONTHS 3 YEARS
		32	3 YEARS 4 YEARS 4 1/2 YEARS 4 1/2 YEARS 6 1/2 YEARS 12 1/2 YEARS
			3 1/2 YEARS
			6 MONTHS 4 YEARS
		34	4 YEARS 4 YEARS
		35	9 MONTHS 3 1/2 YEARS
		36	4 1/2 YEARS 5 YEARS 5 YEARS
		38	10 1/2 YEARS
		39	12 MONTHS
			5 1/2 YEARS
		41	12 MONTHS
		43	3 YEARS
		48	
		49	
		56	
MURDER	7	22	LIFE
		24	LIFE

MURDER		29	Governor's Pleasure
		34	LIFE
		36	LIFE
		47	LIFE
		52	LIFE
MANSLAUGHTER	3	24	14 YEARS
		33	5 YEARS
		50	14 YEARS
BEING AN ACCESSORY AFTER THE FACT TO MURDER	1	25	10 YEARS
BURGLARY	23	18	9 MONTHS
		19	12 MONTHS 18 MONTHS
		21	12 MONTHS
		22	4 YEARS
		23	18 MONTHS 3 YEARS
		24	3 YEARS
		26	5 YEARS 4 YEARS
		27	18 MONTHS
		28	6 YEARS
		29	3 YEARS 2 YEARS
		30	3 MONTHS 12 MONTHS 3 YEARS
		31	5 YEARS
		35	18 MONTHS
		37	4 YEARS
		38	18 MONTHS
		40	3 MONTHS
		41	2 YEARS
RAPE	2	20	3 1/2 YEARS
		27	8 YEARS
DEFILEMENT OF A GIRL UNDER THE AGE OF 12 YEARS	2	36	4 1/2 YEARS
		37	5 YEARS
WOUNDING	2	22	2 1/2 YEARS
		46	2 YEARS
GRIEVOUS BODILY HARM	1	23	3 1/2 YEARS

THEFT	15	20	6 MONTHS
		21	9 MONTHS
		23	4 1/2 YEARS 7 YEARS
		24	12 MONTHS 6 MONTHS
		26	3 YEARS 8 YEARS
		28	6 MONTHS
		29	18 MONTHS
		32	3 1/2 YEARS
		33	2 1/2 YEARS 4 YEARS
		39	18 MONTHS
		52	3 MONTHS
ASSAULT	4	19	2 YEARS
		21	6 MONTHS
		28	6 MONTHS
		37	12 MONTHS
OFFENSIVE WEAPON	2	21	6 MONTHS
		32	15 MONTHS
POSSESSION OF UNLICENSED FIREARM	1	24	9 MONTHS
POSSESSION OF A FORGED DOCUMENT	1	24	6 MONTHS
ESCAPING LAWFUL CUSTODY	1	28	3 MONTHS
BREACH OF COMMUNITY SERVICE	1	29	18 MONTHS

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if there has been a significant increase in the prison population since the last 12 months?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Madam Speaker, I do not think it has been significant, I believe the prison population has remained fairly constant in the last 12 months.

THE SPEAKER: The next question is No. 113 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 113

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

No. 113: What regulations govern the working of prisoners at Northward Prison?

THE SPEAKER: The Honourable Temporary First Official Member. May I draw Members to the fact that there is no constitutional provision for an acting Member of the Legislature. The term is "temporary". Would you please reply Sir.

HON. JAMES M. RYAN: The working of prisoners is governed by Rule 18 of the Prison Rules which states:

> "18. (1) A convicted prisoner shall not be required to work for more than nine hours per day and where practicable outside his cell and in association with others.
>
> (2) An unconvicted prisoner shall be permitted, if he wishes, to work as if he were a convicted prisoner.
>
> (3) No prisoner shall be required, as far as practicable, to work on one day each week regarded by him as sacred or because of his religious persuasion.
>
> (4) Every prisoner shall, as far as practicable, be allowed at least one day of rest per week.".

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say, if the regulations permit a prisoner to be taken off the compound by a Prison Officer to do work which has not been assigned by the Prison Authorities, and which strictly concerns the private affairs of the Prison Officer?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. No, not to my knowledge have the Prison Rules permitted this.

THE SPEAKER: The First Elected Member for Bodden Town.

THE SPEAKER: Thank you, Madam Speaker. Can the Honourable Member say if his Portfolio has received a complaint that on or about the 8th, 9th or 10th of July this year, one such prisoner was transported from the Prison compound in the private vehicle of a Prison Officer to do work on that Prison Officer's house?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Not that I am aware of. If the Portfolio received such information I did not see it.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Would the Honourable Member give this Honourable House the undertaking to investigate into this matter?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Yes, Madam Speaker, I will give the undertaking to investigate the matter.

THE SPEAKER: The next question is No. 114 standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 114

THE FOURTH ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 114: What progress is being made for the in-door sports facility in West Bay?

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. The answer is as follows: The Committee set up to advise on the development of a National Sports Complex has advised in its preliminary report that an in-door sports facility should be constructed as part of that development. While no formal approval has yet been granted to this proposal, it has such wide support that approval is anticipated. This takes priority over a district facility because it would be central and serve the entire community including West Bay, until such time as the Multi-Purpose Hall/Civic Centre proposed for West Bay in the National Team Manifesto can be provided. The in-door facility for West Bay has therefore not been placed on Government's Building Programme as yet.

THE SPEAKER: The next question is No. 115 standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 115

THE SECOND ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

NO. 115: Whether Government is promoting tourism in the South American countries and, if not, why not?

HON. THOMAS C. JEFFERSON: Madam Speaker, the answer. The Cayman Islands Department of Tourism does not currently engage in any official promotional activities in any of the South American countries. That is to say, the Department of Tourism does not have any sales offices in this region nor do they have any contractual arrangements with any company to provide on going sales and public relation services at this time.

In 1992, the Cayman Islands received some 1,336 visitors from South America representing a 0.55 per cent market share of our over night visitor arrivals. Due to the generally depressed economic state of this area including on-going political problems and difficulties with access, South America is not currently a high priority target market for the Cayman Islands. However, all markets continued to be looked at on an on-going basis including South America and, if and when the situation improves the Department of Tourism may determine and be in a position to justify the spending of funds to promote this region.

THE SPEAKER: If there are no supplementaries the next question is No. 116 standing in the name of the Fourth Elected Member for West Bay.

QUESTION NO. 116

THE FOURTH ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

NO. 116: Whether books from the High Schools are being thrown away and, if so, why?

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. I understand that some four dozen science books dated prior to 1975 and which were in poor condition were disposed of when the Science Rooms at the John Gray High School were being readied for the new school year.

THE SPEAKER: If there are no supplementaries, that concludes Question Time for today.

SUSPENSION OF STANDING ORDER 14(2) AND (3)

THE SPEAKER: Suspension of Standing Order 14(2) and (3). The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, in accordance with Standing Order 83 I move the suspension of Standing Order 14(2) and (3) in order to allow Government Motion No. 4/93 which embodies the recommendation on constitutional change to be debated this morning.

This subject, Madam Speaker, was brought to the attention of residents of this country when the Government did a press conference back in (I believe) either March or April. This is a subject that has been moving around in this country for the last three years. The Government, therefore, feels that this subject should begin this morning, be debated, and the continuation of that debate until this matter is fully debated and voted on. Following that all other matters could then be moved forward in accordance with the normal procedure.

THE SPEAKER: The question before the House is that Standing Order 14(2) and (3) be suspended in order that Government Motion No. 4/93 - Recommendation for Constitutional change be brought forward at this time.

The Motion is open for debate. The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

Madam Speaker, as a Member of the Business Committee, I would like to go on record making as objections to this Motion being passed. The Business Committee met on Monday of this week, the agenda was discussed and the Order Paper was decided upon. I came into this Honourable House this morning and at 10:00 and I am being asked about a change on the Order Paper. I really feel strongly that there is no reason why, if the Government wanted this to be done, that it could not have been done

before now. I do not know how other Members feel, and I speak personally, but, based on what the Order Paper was supposed to be is how I have prepared myself for today. Whatever anyone else might say or feel, I think that it gives a disadvantage to the Members of the House for the Order Paper to be changed on the same morning of the commencement of the House. I do not know who has done their home work or who has not done their home work, I certainly have done mine and I am prepared to deal with the Order Paper as it has been put down originally.

Now, I understand some talks regarding the fact that today being Private Members' Motion day that there may be some heated discussions regarding Private Member's Motions. I want everyone in this House to understand that I can conduct myself in a civil fashion and I do not know who else has a problem conducting themselves in that fashion. So, I am not afraid of the Order Paper being as it was Madam Speaker, and I object to any changes. Thank you.

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

MR. GILBERT A. McLEAN: Madam Speaker, I rise to oppose the motion to suspend Standing Order as has been recommended. Today is Thursday, Private Members' Motion day, and the Order Paper has been set.

Only this morning Madam Speaker, Radio Cayman aired certain discussions regarding the Motion that should have come as the first item, and the other Motions. I think the minds of the public is set, prepared for it. Certainly, as the seconder to the Private Member's Motions this morning I am prepared for it and to see the change now really does not, I believe, fit with the proper procedure in running of business here in the Legislative Assembly.

In fact, Madam Speaker the Order Paper had the debate on the Constitution to start tomorrow, Friday, and I wondered at that time why the Standing Business Committee had not thought of using Monday, which would have given the entire week for the debate of the Constitution. But, to come now, this morning, when the House is suppose to begin to debate Private Member's Motion on Private Members' Motion day, to start the debate on the Constitution 24 hours or 48 hours difference, Madam Speaker, will not make a whole lot of difference in the three year period as the Member has noted, that the question of Constitution has been debated.

He and his Government are one of the direct reasons why it has been this prolonged situation, so I object to the suspension of Standing Orders to change the Order Paper as has been recommended.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, while there is merit to the argument that the debate on the Constitution should progress smoothly and flow rapidly, I cannot agree to suspend the Standing Order in order to bring that debate forward at this time. Especially in light of the traditions and seriousness with which we have been accustomed to viewing any suspension of Standing Orders in this House.

It is true that the Order Paper for the day reflected, as per the Standing Order, that Private Member's Motions would be discussed and at least one of those motions was set down to have been debated. The Mover and Seconder of that motion, as well as other people, came prepared for that debate and, Madam Speaker, I would like to see the order followed as it should be.

On the question of the heated debate that motion might invoke, Madam Speaker, I believe that that is a groundless fear since the interest of all of us in here is to see that the business of the country gets conducted in the most efficient and civil manner possible. I cannot therefore in good conscience support the suspension of Standing Order.

THE SPEAKER: The Honourable Member for Health and Social Services.

HON. W. McKEEVA BUSH: Madam Speaker, I am in support, of course, of the suspension of Standing Order. This is nothing new for any Parliament. Government suspends Standing Orders as the need arises and, Madam Speaker, the motion for the Constitution has been aired long enough and I think it should take precedence over any other matter on the Order Paper.

In fact, Madam Speaker, matters which are important, but matters which the three Members complaining did not put on the Order Paper until the very last minute, these are matters which require research and they are the ones that are always complaining about information, it takes time to get information because staff can only do so much. Therefore, Madam Speaker, as I understand it the Member for Education and Culture and Aviation is ready, have been ready for sometime, and he could move forward with his motion.

As far as the heated debate is concerned, I have never known this House, yet, to suspend Orders of the Day because of heated debate and we will wait and see who raises any matter that will cause any clash in the debate. I await to hear what the three Members complaining have to say in their Motions. But, anything they have to say today can wait until tomorrow, or Monday, or until next week Thursday when Private Members' Motions can be put down again. There is nothing wrong with moving this ahead.

Madam Speaker, there is only one other point that I would like to make, and that is the matter raised by the Second Elected Member for Cayman Brac who said, that the reason why the Constitution is in a prolonged state is because of this Government.

Madam Speaker, I do not think so, I think the public quite

understands that that particular Member, himself, has had more to say or as much to say about the Constitution and any reason why it should be put back, in fact, he went on national news to say it should not come forward. So, I do not know what he is complaining about. Of course, when you have nothing else to say that is what you will do. I support the suspension.

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

CAPT. MABRY S. KIRKCONNELL: Thank you Madam Speaker.

Madam Speaker, I rise to give my opinion as a Member of the Business Committee. I look at this situation rather seriously. It is a function of the Business Committee to set the agenda. We met on Monday morning, this situation was discussed, and it was decided, in accordance with Standing Orders, that Private Members' Motions would go forward today, as Thursday is set aside for Private Member's Motion in Standing Order.

Realising that we did not want interruptions in the Constitutional debate once that motion was tabled and to have to stop off next Thursday and go into the Private Member's Motion again was going to break the continuity of that debate and probably confuse the listening public. It was in the interest as a Member of this House for many years, I come here prepared to deal with the agenda as I have received. I received my Business Papers and the Private Member's Motions on my arrival for the Business Committee meeting at 11:30 on Monday morning last.

So, Madam Speaker, we can deal with the Constitution, the Constitution has been going on for an extremely long time as other Members have already said, but if we do not deal with Private Member's Motions today, will Honourable Members be prepared to interrupt the debate next Thursday? Or are we saying with this suspension that we will also suspend Standing Orders next Thursday, that the debate on the Constitution will also take priority? That is a question that I am asking the Government today.

I am prepared to listen to the mover of Private Member's Motions following this or the Constitution and to render my contribution in due course. But I feel Standing Orders are very important and we should adhere to them whenever it is humanly possible. So, Madam Speaker, with these words I would like everybody to understand that if the Business Committee's decisions are not going to be up-held then what is the function of the Business Committee?

Madam Speaker, I ask all Honourable Members to think seriously on this because we want as orderly a Session as possible. We realise that there are issues which will probably be heated in nature but, nevertheless, we each were elected to represent our constituents and it is our responsibility to present their views and our views. So, Madam Speaker, I would strongly ask Members to consider letting Standing Orders carry.

THE SPEAKER: Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. This surely is a storm in a tea cup. We have just sat here, suspended Standing Orders, to suit the Members of the Opposition so they could ask their questions outside of the time that they had, otherwise they would have lost their right to ask questions. Now they all agreed with that.

The second point I would like to mention is that at one stage, earlier, we altered the date of the Legislative Assembly to suit some of those Members. We were not unreasonable to their request to do so, much more serious than altering the day's business. Even more than that, Madam Speaker, some questions, for example, for the Second Elected Member for Cayman Brac and Little Cayman, would not have been ready but to oblige him, my three questions were put in so that we could assist them. We have made every effort to try to assist and be reasonable whenever we can to oblige Members of this House.

The Motion on the Constitution is a most important motion that probably will come before, or has come before this House since the last Constitutional Amendment. The Members have had notice of this draft four to five months ago and I find it strange that they would not now be prepared to deal with the motion that has been out for such a very long period of time.

The other point I would like to make is that when we get the Order Paper is on the morning when we come in the House and it is a matter of a few hours because some mornings I come here and find that for the convenience of certain members things are altered, such as the questions, for example, as this morning. The only Members that have raised the question of any heated debate or otherwise have been the Members who are opposing this move. We have not raised it we are very calm, as usual, and so are all the other members in this House.

I really do not see why we should always be giving and allowing those Members to suspend Standing Orders to suit them and then when we ask for once, maybe once in a Session, they should become totally unreasonable and object to it on grounds that I find to be unreasonable grounds. This motion on the Constitution is very important and I feel it should move on in a reasonable and quiet debate within the House and I think it should go on this morning and I ask those Members to re-think of the times they have asked us for suspensions to suit them and find that they can support this present motion for suspension as, indeed, they did the motion for suspension less than an hour, twenty minutes ago. Thank you.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, I also am a member of the Business Committee. Due to official business, I had to be away from the Island and therefore I was not at this Committee

meeting on Monday when the Order Paper was made up.

I would like to point out that the initial date for the sitting of this House was the 6th of September. For many reasons that date was postponed until it became the 16th of September. I believe all of us here know some of those reasons as to why the date was, in fact, changed. The 6th of September was a Monday. I believe that from a long time ago it was decided that at this sitting of the House the Constitutional debate would take priority. The Constitutional debate, in my mind, is virtually synonymous to the sitting of this House. Had I been at the Business Committee I would have suggested from then that that be put on the Order Paper's priority.

However, we know that Thursday, Private Members' Motions do take priority. As far as I am concerned, every rule can be broken. While it is true that we need to stick to Standing Orders as much as possible, when it suits this House to break that rule, in my opinion, I am prepared to support it. So I will be supporting this suspension. Thank you.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: As a Member of the Business Committee, I had helped to prepared the Order Paper, or the arrangement of Business, I should say, for today. Perhaps because of my age, if there is a change in the Order Paper, I will be at the greatest disadvantage when it comes to debate the subject for which I am not prepared because the Order had been changed.

But, nevertheless, it seems to me that there is no great urgency for any of the Private Member's motions or for the Constitutional Motion for that matter. Whether we start the motion today or tomorrow, does not really seem to be of paramount importance. I think that what is important is that we give to Private Members, whether they are in minority or not, the opportunity to air their views. I believe that opportunity will come during this meeting of the House. No attempt will be made to deny them the privilege of having the full scope of debating their motions.

I have found from experience that the longer the motion is delayed, the more you can debate it because certain things are certain to surface during that delay. So while Members may seem a little upset because there is this change, I would like to say to them that this really is not the end of the world and certainly the chance will be here as far as the motion which the Government feels should have precedence, I do not see why we need to be alarmed by that because this has been around a long time and really was not our doing. The people who have brought this forward are, well, I cannot say dead and gone, but gone and dead! (Members' laughter) I hope that we can get on with the business of the House and whatever the majority of the Members feel is what the House will do because the Standing Orders are there for guidance but the majority can change them.

Earlier this morning, you, Madam Speaker, in your wisdom, allowed or called for the motion to allow more time for the questions to be completed. This was proper. I think it is always proper to suspend Standing Orders when the will of the House decides it is necessary. So, it is not really a big thing. We are not taking away any rights from the Private Members. As a Member who has always fought for the minority, I would be the first to stand up and object if that had been happening. All that is happening is that their pleasure, or their rights, are being just a little bit delayed by this action today.

THE SPEAKER: If there is no further debate, I shall put the question as to the suspension of Standing Order 14(2) and (3). Those in favour please say Aye...Those against No. The Ayes have it.

AYES AND NOES

MR. GILBERT A. McLEAN: Madam Speaker, may I have a division?

THE SPEAKER: You certainly may, Madam Clerk.

CLERK:

DIVISION 4/93 RE: SUSPENSION OF STANDING ORDERS

AYES: 14	NOES: 4
Hon. Thomas C. Jefferson	Mr. D. Kurt Tibbetts
Hon. James M. Ryan	Capt. Mabry S. Kirkconnell
Hon. Clive Bowerman	Mr. Gilbert A. McLean
Hon. George A. McCarthy	Mr. Roy Bodden
Hon. W. McKeeva Bush	
Hon. John B. McLean	
Hon. Truman M. Bodden	
Mr. John D. Jefferson, Jr.	
Mr. D. Dalmain Ebanks	
Dr. S. Tomlinson	
Mrs. Berna L. Murphy	
Mr. Anthony S. Eden	
Mr. G. Haig Bodden	
Mrs. Edna M. Moyle	

THE SPEAKER: The result of the division, 14 Ayes, 4 Noes. The suspension of Standing Order 14(2) and (3) have been approved. The House will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:47 A.M.

PROCEEDINGS RESUMED AT 12:08 P.M.

THE SPEAKER: Please be seated.

Government Business. Government Motion No. 4/93 - Recommendation for Constitutional Change. The Honourable Member Responsible for Education and Culture and Aviation.

GOVERNMENT BUSINESS

GOVERNMENT MOTION 4/93
RECOMMENDATION FOR CONSTITUTIONAL CHANGE

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. I would first like to read the Motion, not the attachment, just the Motion itself. It reads:

> WHEREAS the Secretary of State for Foreign and Commonwealth Affairs decided that it would be right to await the outcome of further debate on constitutional change which took place during the recent General Elections and to have the recommendations of this Honourable House before coming to any final decision on the preliminary draft new Constitution which was circulated in late July 1992;
>
> AND WHEREAS the clear mandate from the General Elections was not in favour of the Chief Minister system as proposed in the preliminary draft new Constitution, but rather in favour of the following amendments to the present Constitution which are within the manifesto of the twelve (12) National Team Members of this Legislative Assembly and other MLAs and which do not in practice advance the Constitution:-
>
> a) That there be one additional Elected Member in Executive Council;
>
> b) That Members be called Ministers being a change of name only and not of substance as the Constitutional Commissioners said in their Report;
>
> c) That removal of Elected Ministers should be by a vote of nine instead of ten Elected MLAs;
>
> d) That provision be made for payment of Public Service pensions;
>
> e) That provisions be made as set forth in the draft Amendment to the 1972 Constitution of the Cayman Islands including provisions for the posts of Attorney-General and Auditor General, for a Speaker and a Deputy Speaker, for the Judiciary (Grand Court and Subordinate Courts as well as Court of Appeal), for an Ombudsman or Complaints Commissioner, for a Register of Interests (open to the public), for referenda, and for a Bill of Rights; and
>
> f) That Finance Committee consist of all Elected Members with the Financial Secretary as Chairman as it had been prior to Motion 3/90 should be entrenched in the Constitution.
>
> BE IT THEREFORE RESOLVED that this Honourable House recommends to Her Majesty's Government that the provisions of the Cayman Islands (Constitution) Order 1972 as amended ("1972 Constitution") remain in effect with only the said changes as more fully set out in the draft Amendment to the 1972 Constitution of the Cayman Islands hereto (which forms a part of this Motion) being brought into effect as soon as is reasonably practicable by an amending United Kingdom Order in Council by Her Majesty.

THE SPEAKER: The question before the House is Government Motion No. 4/93. The Motion is now open for debate. The Honourable Elected Member Responsible for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. This Motion and the attached amendment to the Constitution have been published for about the past four and a half to five months. Originally the Motion was scheduled to have come to the Legislature in the last meeting but upon request by the public, we decided that we should give more time and heed the wishes of the majority of the public and to that effect a further three months or so of extra time was given. We, the National Team, believe that sufficient time for major legislation such as this should be given and indeed I think that no one can say that this agreement to the public's request for extending the time has not been one that obviously was in the public's favour.

The Motion itself, the amendments attached to it, are somewhat lengthy and in areas of necessity very complex. Along with that, Madam Speaker, is the fact that the drafting itself is in the form more usual for the statutory instruments which are passed by Her Majesty the Queen in Council and therefore is in a somewhat different form from what is usually seen on most laws coming before this Honourable House.

What I would like to do is to begin by mentioning and explaining, as best I can, the different sections in this amendment to the Constitution pointing out always that this does not advance our Constitution. That is a very, very important point. The amendments that are being made do not advance us and indeed totally rejects the previous amendment put forward by the previous Government to have a Chief Minister in this country.

Section 2 amends section 5 of our present Constitution by setting out the ex-officio members as the Chief Secretary, the Attorney General, and the Financial Secretary. These are presently, and since 1972 have been, Members of this Honourable House. It does not really change who sits in the House in one respect. However, it makes them ex-officio Members instead of Official Members. Instead of the Governor having the discretion to appoint persons as Official Members who normally had in the past 20 years been these same three office holders, this is now made specific that they will continue to be the three official members of this House. It also amends the section to add a fifth member to Executive Council.

Madam Speaker, I was first a Member of Executive Council in 1976 and then on to 1984, a period of eight years. Prior to that I had been a Legal Assistant, or a Prosecutor, and for a large part of my time in Government I acted as Attorney General. I have been able to see, over those years, and then recently for the past eight or nine months since this new Government has been elected, the very substantial increase in work that has taken place in those eight years.

I believe that having a fifth seat in Executive Council will be in the country's interest because it will allow the work-load to be eased on the present Members of Executive Council. It will not really affect very much the three Official Members, but it is definitely something that I think is necessary at this time.

When I came into this post I expected that I could spend, perhaps in the run of a day, six to eight hours on work for the Government, for Executive Council and for my Portfolio. I got quite a surprise because the work has increased to such an extent that I work (as do other Council Members including the Official Members) many nights out of the week well into the evening - 6:00, 7:00, 9:00, I may get away from the Glass House but I carry one of the largest briefcases that I have ever had (I purchased it when I found out the amount of work) so that I can take it home with me. I live with it on weekends and unfortunately it does restrict one from many of the other important duties that a Member has. It does cut down considerably on my time that I could spend with my constituents or otherwise living a fairly normal working life.

I fully support this fifth seat. I have heard the argument that it will cost somewhat more. But, yes, that is a fact because we are adding a fifth seat. But there is not a very large amount of difference between what an Executive Council Member gets and what a Member of the Legislative Assembly gets. In fact, if it means, and it would have to mean, that a person who has or is expected to do a full time job in the private sector comes into Executive Council, it would mean that they would have to give up that full time private job. You can do part-time and I carry on some work for my law firm, but it is indeed very little. There are some days I do not even see my law office.

So, what I believe is that for the Country to move ahead, that a lightening of the work-load and spreading it among five members of this Honourable House is indeed in the interest of the country and that much more will be saved at the end of the day by having the fifth member.

Like I said, the work and perhaps the early days are always the most difficult, I know mine were especially with Cayman Airways and the restructuring of the company, but in the end I believe that for the extra amount, and it is not that large an amount, between an MLA's salary and the Executive Council salary, that it would be worth having the fifth member in the Executive Council.

The next section deals with allowing an elected Executive Council Member to be removed by a resolution of nine members of the Legislative Assembly instead of two-thirds, or 10 Elected Members. This has to be in the public's interest because what it means is that if Elected Members of Executive Council do something which in the view of this Honourable House they should be removed, then nine of the Members, instead of 10 (at present) can remove them. I do not think that anyone would argue that this amendment is one that would not be in the country's interest.

The next section merely deals with allowing Executive Council to be called, if there is a request by the majority of the Members of Executive Council. In fact, Madam Speaker, it is rare that there is a meeting outside of usual Tuesday meetings of Executive Council, if a Member, not even a majority of Members of Executive Council, says to the Governor, "we feel there is something urgent and we need to meet", we will always meet. But what is important in this is that it is really only confirming what now exists. It is rare that it is ever done, but this Governor, and the Governors that I worked under in the past have always been very flexible and understanding. But on the other hand the Members have to ensure that they do not ask for that privilege more than is absolutely necessary.

The next section that I would like to refer to is one in which a little earlier had changed the name of Members of Executive Council to Ministers of Executive Council. That, in effect, has been a change of name only and not of substance and this has been clearly borne out by the two Constitutional Commissioners who came here that the calling of a Member to Minister without any further changes obviously only changes the name. When one goes abroad, it is sometimes, and I think it was best put by Ms. Carol Winkler in the *Caymanian Compass* recently referring to her time at a seminar on Tourism by the Honourable Member for Tourism, where she said that he had to spend time explaining to people why he was a Member of

Executive Council and not a Minister of Executive Council. It is, at least in this day and age, well understood what a minister is and in fact the Constitutional Commissioners states very clearly way Members are now doing is, in fact, ministerial work in many ways so I do not really see where that change affects anything very much. But, it does give some help and assistance to Executive Council Members when they go abroad.

I should mention as well that the report on the questionnaire by the Chamber of Commerce which I was not going to get into in-depth in the opening, but it did confirm that the vast majority of people had no objections really to any of these amendments that I mentioned earlier. In fact, a very large majority was for them.

The next section is one which sets out the powers of the Attorney General. Prior to this the Attorney General's powers had been set out in the Common Law and the Statute Law of the Cayman Islands. A lot of the Common Law or the Case Law, I should call it for explanation purposes, is English Case Law and a minority amount of it is Commonwealth Case Law. But, powers that the Attorney-General now has that were found in many different sources of legislation and Case Law have now been brought together and put in the Constitution.

It has two distinct advantages. Firstly, it states the Attorney General's major powers in the Constitution itself so that at a glance one can really see what the powers are without having to go into precedents in the Case Law or looking back on the different laws. Secondly, it puts him in a position where he has the necessary independence to make decisions without being subject to legislation to alter his major powers, his main powers. So this is in the public's interest because it is very important that the independence of the Attorney-General be maintained because he will be making decisions that can affect Members of this House or any member of the public and he should be able to make them without any fear of having interference either from the political side or the private side. The powers that are vested in him are in his discretion in most instances. It does not mean that where this is incorporated in the Law that there would necessarily be amendments to those laws to remove them, a lot of this overlaps. I guess in due course any of those that becomes necessary would be tidied up in the legal drafting of those laws. So, in effect, there is a re-statement in a concise form of the powers of the Attorney General. No amendment to a law can now go contrary to them provided that this Motion passes and the Constitution is legislated by Her Majesty in Council.

The next section basically, once again, deals with the Constitution of the Legislative Assembly and deals with the ex-officio members and another section adds in a part in relation to the Speaker, if the Speaker is an elected Member, which, the public knows at present, Madam Speaker, that you are not an elected Member of the House. So, I do not intend to really dwell on that, not a lot of detail in relation to that.

The following section deals with an amendment in which a Member of the House, the Legislature, is disqualified. If he is sentenced to 12 months imprisonment, provided that the offence is one that would have been recognised under Cayman Islands Law, and previously it was only a sentence in a Commonwealth country. It does add a further disqualification during five years after the prison term is over. So, what this has done, once again, in the protection of the public's interest, if a Member of this House is convicted in a foreign country and that offence would have been an offence in the Cayman Islands, then that is regarded as a criminal offence that could disqualify the Member. Further than that, after the period of disqualification is over, there has been added to it a further five years after the prison term is over so that a person could not walk straight out of prison and run for election and come back in here.

I think the other reason as well is that in relation to serious matters like this, the tendency is to look international than necessarily Commonwealth or local. The section itself, I think, protects the public and I should point out that if, for example, a person goes to a country and is convicted for an offence that would not be a criminal offence here, for example, somewhere in the middle east there was an offence for ladies not wearing veils or whatever, then that would not be a criminal offence for purposes of this section.

The following section - I should mention for purposes of Members of this House that the comment that went out with the Constitution with the deletion of the section relating to administrative responsibility, the comments are one section ahead of the amendment that have come out with the Motion because of that little change - is once again, merely complying with altering from Official Members to ex-officio member which, as I said, in substance as far as the past is concerned, had very little relevance because the same persons are in the same posts. When and if there is a Member who for purposes of bankruptcy, insanity, sentence of death or imprisonment is disqualified, then what happens is there is a grace period that has been added to it to provide that the loss of the seat in the House would not occur until the expiration of 30 days thereafter and normally on sentences by a court of first instance, there would be an appeal and this allows the right of a period of time in relation to appeals extending it to include the bankruptcy and the mental illness part of it. I think that is fair because a right of appeal is a very important right that a person has and time should be given in relation to such rights.

The following section which is section 10, is consequential on the ex-officio members alteration under clause 7 (clause 6 as it now is).

The next section changes the word Governor to Attorney-General in relation to recovering of a penalty or fine which is imposed on an Elected Member of the Legislative Assembly under that section. The reason for that is that when the 1972 Constitution came through, in fact I think there had only been one Attorney General prior to that if I remember, I came in to Government in 1969, and I guess in those days the Governor was put in a position where he did a lot of things whereas nowadays the Official Members do. But, the proper person, really, in recovering a fine imposed on a Member or imposed anywhere on every private citizens would be the Attorney General, at least in relation to civil recoveries and also criminal recoveries against private persons. So that is really not a change of substance it is a tidying up of the

Constitution.

The next section is 26. This does the same thing in relation to disqualifying an elector who has been convicted of a criminal offence so that it must be a conviction which could be in any part of the world not just in the Commonwealth, but in which the offence is a criminal offence in the Cayman Islands. That is, once again, a modern tidying up of the 1972 section when, obviously, the Commonwealth which still, as a matter of fact, comprises one-third of the people of the world and, I think, well over 100 countries around the world. It is still large but these days it is a global look instead of just a Commonwealth look at matters such as this.

The following section, 13 which amends section 29 of the Constitution, states, and I would just like to read this because there has been a lot of talk about this section:

> "(2) Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the Elected Members of the Assembly, to be a matter of national importance and specified in such law.".

That section provides for a referendum that can be called by a majority of Elected Members of this House. I know that some concern was raised as to whether this meant that if the Legislative Assembly decided to pass a law allowing the calling of an election by electors whether that could be done or not. The answer to that is, yes, if this House passes a law that would allow the electorate, or a percentage of them, to call a referendum that can be done. The United Kingdom Constitutional Draftsman, provided for that with the first six words of subsection (2) of 29 when he said, "Without prejudice to the generality of subsection (1)..." In a *praecipe* form, subsection (1) basically says that this Honourable House may make laws for the country, the Cayman Islands.

Quite frankly, the Constitutional Commissioners had rejected any question of a Referendum and, in fact, their report clearly stated that they were not going to recommend it. I was very happy, however, to see that the United Kingdom in its wisdom put in this section which I am reasonably certain, even though I am not absolutely certain, is probably the first in its Colony's Constitution anywhere and at any time. Mainly because I would like to, at least, explain why the United Kingdom has taken this approach (and I am not standing here, and I want to make that clear, trying to justify, necessarily, the approach they have taken), but their reasoning over its 250 years of having colonies, and in the United Kingdom the public speaks through a general election on major issues and that is why they would not bring this Constitutional Amendment, the one last year that came out in the little yellow-coloured booklet, they would not put that forward. By the way, if that had come to this House, if the United Kingdom had let that first Draft Constitution that had in it the Chief Minister and his assistant, if that had come to this House, I believe that there was a sufficient majority to have passed it then. But in their wisdom they said, "No, you must wait until there is a general election and until the public can speak".

Under the English system, unlike the system in the United States and the Swiss system, and by the way, the Swiss system is more the Napoleonic French system, in some areas, and it is bridged between three countries that have a different system from the English, they will always put a Constitutional amendment, such as this, back to the people in a general election and when the public has spoken through the general election, they accept that as the public's wish. They have always tended away from the referendum and, in fact, have only done it twice (once was back on the EEC and more recently I think on the EEC [European Economic Community]. I guess it is just a difference in the process that they do not like to go the route of a referendum. I do not want to get into the advantages and disadvantages of it because I believe in a referendum. But, I think it is fair to say, and I needed to say, that they do have reasons why they prefer to go the route of general election rather than a referendum on a Constitutional matter.

I naturally support the referendum, I believe just about all Members (that I know about) do, and I believe that any wise Government whenever there is a major issue that needs to be decided and it is not sufficiently clear cut from the public's point of view, then they should go for a referendum. If they do that then you get, very clearly, the wishes of the people. Naturally, as representatives you have a duty to follow the wishes of the people.

Many of the issues that have caused this House to sit for weeks, sometimes into months, could, perhaps, have been determined quite easily through a referendum. We would have known how the public felt. The majority of the Members of this House, I know the National Team, is very sensitive to what the public wishes and we have always tried to do what we feel the majority of the public wish. It is evident in this Motion, Madam Speaker, in that we hit a problem and I believe that a majority of the public did not wish to see a section relating to administrative responsibility to Government and we withdrew it. It was not just withdrawn by the Government, I want to point out, it is something that the vast majority of Members of this House felt in carrying out the wishes of the people should have been done. We believe that one has to listen to the views of the public and one has as their representatives to comply with their wishes and we will always do that as often as it is necessary and especially on major issues. It does not mean that it is something that has to be done very often and it is not really something that should be done unless it is necessary, but when it is necessary, or the public wishes something changed or something we put up is not correct, quite frankly, you change it to what they want. I know that sometimes confuses the press because it does not make good news items, but they should give us, and they have given us (I should say) the credit for having done this as a team. I am not just referring to the Government, but as the National Team, has responded to the public's wishes.

Madam Speaker, it is nearly 1:00 P.M.

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

PROCEEDINGS SUSPENDED AT 1:00 P.M.

PROCEEDINGS RESUMED AT 2:33 P.M.

THE SPEAKER: Please be seated.

The Honourable Member for Education and Culture and Aviation continuing debate on Government Motion No. 4/93.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.

The next section is section 31 and because of the importance of this I would just like to read it. It deals with the entrenchment in the Constitution of the Finance Committee. What that section says is that:

> "The Standing Orders of the Assembly shall make provision for the establishment of a Finance Committee of the Assembly as follows:
>
> a) the Committee shall be composed of all the Elected Members of the Assembly and the Financial Secretary;
>
> b) the Financial Secretary shall be the Chairman of the Committee; the Chairman shall not vote on any question unless the votes are equally divided in which case he shall have and exercise a casting vote;
>
> c) the functions of the Committee shall be to examine and consider, subject to the provisions of section 37 of this Constitution, the estimates of expenditure for the services of the Government, all financial bills, and such other matters relating to the finances of the Islands as may be referred to it by the Assembly, and to report thereon to the Assembly.".

This section is a very important section because it now makes it impossible for the Legislative Assembly to change the Members that make up Finance Committee. I think Members here will remember the history of that, that originally for, I guess 20 years the Finance Committee had comprise of all the Elected Members and the Financial Secretary, and the Government at that time may be three years ago, now four years ago changed the section of the Standing Order and allowed the three Official Members to vote so that they could keep a majority on Finance Committee. That resulted in some very heavy loans, very heavy spending in the following few years. So, this section permanently reverses Motion No. 3/90 and makes it now mandatory that Finance Committee can only comprise the Elected Members of this House, with the Financial Secretary as Chairman.

The next section is a very important section which deals with the Speaker and Deputy Speaker. Basically, Madam Speaker, this repeats with perhaps two major differences to the previous section that is in the present Constitution. Firstly, it provides that an Executive Council Member can never be a Speaker of the House. I think that that is important, in the present section of the Constitution that could have happened. I think it is proper that an Executive Council Member should never be a Speaker of the House.

Secondly, Madam Speaker, it provides for a Deputy Speaker which was a position that did not exist before and what use to happen as the House well knows, in the event that Madam Speaker is not in the Chair it would be left to a point where another Member of the House sits in her absence. In fact, Madam Speaker, I do not think you have ever been absent from this House so it really is not a section that is used very often, but it does make that provision. I should point out that notwithstanding that the section on removal of Members of the Executive Council can now be under this motion by nine instead of ten. It does leave that any removal of the Speaker has to be by a two-thirds majority of this House which as you know is ten of the Elected Members. So that that section that deals with ExCo Members has not been applied in relation to the section relating to your office, Madam Speaker.

The following section which is section 32. I have just dealt with that a bit earlier, once again points out very clearly in subsection (c) that neither the Speaker nor the Deputy Speaker can be an Executive Council Member or Minister as it refers to in here. I think it is very important that these provisions be put in the Constitution as they now are. In the earlier Constitution it was basically referred to the Governor and in his absence upon the passing of a resolution which was done then a Speaker (Madam Speaker now holds that office) would be there. Section 32 did have this proviso and I think that in the beginning of each House, as we saw, we had to pass this motion. This section avoids that and entrenches in the Constitution that we will have a Speaker who is not the President, who was the Governor. So that has now put that beyond the doubt.

The next section alters the word "Governor" to "Speaker" and that is because the Governor will no longer sit as President of this Honourable House but it will be Madam Speaker instead.

The section amending section 42 is a bit of a curious one that the Draftsman of the Constitution in the United Kingdom has dealt with. This is a section that has been pointed out to me by a person in a very high place that this is something that has really never been used. Why it was, sort of, not totally removed I do not quite understand. He removed subsection (6) of that section 42 but left the balance of the section which is really the committee system.

I guess the only thing I could figure out (because the reason, unfortunately, did not necessarily come in full form with this), I do know that, for example, in the Turks and Caicos the committee system exists. Also in the Channel Islands, Isle of Man and in some other places, as I understand.

But I know that in the Turks and Caicos as well, when there were problems there, committees were actually set up, or at least a committee was set up which advised the Governor because the Executive Council had been disbanded. I also believe that there were committees set up within the Legislative Assembly because actually the Governor, for about eight or nine months, was the Executive and took advice from these committees and I could only imagine that maybe they have left it because there may be an odd instance where it might be needed. But it really has never been used here and I am not certain why it was not left out.

What I would like to say is, I believe that if we have to go back to the United Kingdom and try to question some of these amendments, they are very slow in responding, as you know, between the Foreign and Commonwealth Office and here at times, and perhaps it is something at a later stage could be dealt with in more depth and perhaps be removed, but, I do think that it would take a lot of time at this stage to try to go back to the United Kingdom. We know how long this amendment has been in the process.

I guess it does not really hurt for it to be left in because it is something that has never been used, I have never seen it used, and for whatever reason they have chosen to remove a part of section 42(6).

The next amendment is one that allows the recalling of the Legislative Assembly in between when it is dissolved and when there is a result from the next ensuing general election. This I know was not in the Constitution, say maybe 20 years ago, but it is one now that if there is an emergency and there is some reason that legislation would be needed in those two and a half to three months between dissolving the Legislative Assembly and the General Election, then the Governor, acting in his discretion (and it is not Executive Council I point out, it is the Governor personally, acting in his discretion), can summon back a dissolved Assembly. Really, it is in the event of an emergency that he would do that.

Once again, this has never been necessary here. I do not know where it has been used and I have not really researched it, but it is, I think, a good section that if there is an emergency and we do need legislation the country is not legislatively paralyzed, I should say, for two and a half to three months. If he does need to call it, the Assembly could be called back together because, really, Legislative Assembly Members, as such, I guess in practice, should exist until the following general election. By the way, the Executive Council continues on but, naturally, the Executive Council cannot legislate. So if there were problems on legislation the Governor has a right to recall them under this section.

A bit earlier, I spoke about a section dealing with the Referendum and under section 29 it says; "Subject to the provisions of this Constitution, the Governor, with the advice and consent of the Assembly, may make laws for the peace, order and good government of the Islands." So, I guess as has happened once or twice before if something needed to be done then, the Governor's, and I am sure he would have to consult with the Foreign and Commonwealth Office, extraordinary powers to legislate under this could, perhaps, be exercised as could the Queen's power to legislate positively for a Colony. Now, from there we go on to what is a large part of this amendment and it is the fundamental rights and duties of the individual. I do not propose at this stage to try and go into details on these rights, but I would like to deal with a few sections which I think are important.

The fundamental rights and duties of the individual have been around for many years. We know that they are entrenched, or were entrenched, in a Bill of Rights of 1688, I think I am right on that date, I am not certain, I think it was 1688, the Bill of Rights of the United Kingdom, and these were merely a statement of rights, but, definitely, in the United States' Constitution and actually, I believe in just about every other Constitution of the United Kingdom's colonies you will find a Bill of Rights.

The Bill of Rights came to the forefront internationally when there was a United Nations Declaration on Human Rights and that was followed, at least from relevance to us, by the European Convention on Human Rights. Those early declarations and conventions set out the same basic rights that are now entrenched in other Constitutions and were recommended for going into our Constitution. But, it did not have the amount of detail and was not as developed as the Bill of Rights in modern constitutions in colonies, or really in independent countries, for example, in Canada, Australia, or some of the other countries that have recent Bill of Rights. Bermuda is another example that has a Bill of Rights fairly similar to this.

The way they are set out is that a right is stated and then there are exceptions to those rights. Because you will get an instance, for example, where one has freedom of speech but it does not allow you to make a lot of noise and become a nuisance to your neighbour, so that is sort of excluded. There are rights but there are exceptions to those rights. You have freedom of speech but you are subjected to the law of libel and slander. These exceptions, of which there are exceptions to just about all of the rights that exist, are set out in more detail here than you will find in the European Convention.

I know that there has been some worry about these specific rights, or some of them, because they are very complex, they are very detailed and sometimes even interpretation of these is not a very simple matter. Now, if these rights are put in the Constitution as they are set out here, then the enforcement of those rights is detailed in section 48(P) of the new Constitution that is before the House, page 11, and it gives anyone who alleges contravention of these rights the right to apply to the Grand Court for redress. The Grand Court has original jurisdiction to hear and determine the application and it is subject to the Court of Appeal and naturally onto the Privy Council. It goes on in subsection (4) to give a right to appeal to the Privy Council.

I asked the Constitutional Draftsman as to how in other colonies such as Bermuda, British Virgin Islands, or other places that had these rights, how often were there cases on these or how often would there be attempts to apply them against laws that had been passed. I was told and I have to accept that, that in those other colonies it was not very often that they had people trying to use these Bill of Rights by going into the court.

I guess one always thinks of the United States where the Bill of Rights has existed for a very long time, is highly developed, and I would say, highly motivated within the society

whereas, I think, in the English jurisdiction, and by the way, the English have no statutory Bill of Rights in England but, they are subject to the European Convention and indeed we are subject to the European Convention and Human Rights, their Human Rights are very similar to what are in the new Constitution but are less detailed than now apply to us. I guess the difference is that the redress on the European Convention on Human Rights would be through the European court, or a European court that would deal with them, whereas here we have our own local court, the Grand Court, that would make decisions on these.

If applications come in that, in effect, have really no substance to them, I do not remember what section this is, but there is a power in the court to dismiss anything that may be frivolous or vexatious or of a sort that they are just going to the court without having good substance for it. What would not happen is that, if someone just wanted to try to block or create problems on legislation they start filing a lot of these, the Grand Court could strike it out on the basis that it is frivolous or vexatious and from that there is no appeal. So if the Grand Court decides that it is a frivolous matter that is the end of it.

That section, I think, goes a long way to quell my concern that we may have a spate of applications coming in. Having said that there are very few books on a Bill of rights, I have about three and there is not a lot of precedent and not a lot of text book script around relating to Bill of Rights. What I should say, and I am sure the Honourable acting Attorney General is sitting there happy, thinking that he may not have to draft legislation and whenever it appears that it may be in breach of this he will have to search through this Bill of Rights and give an opinion which I am afraid will be a very heavy burden lying on the shoulders of the Second Temporary and Permanent Official Member.

On the other hand when we look at it from the public's point of view, I think we must look at it from the public's point of view, this stops the Legislative Assembly from passing laws which could take away fundamental rights of the private citizen. I refer to fundamental rights, these are important basic rights that the public has. I believe that, or I know, the United Kingdom has insisted in all modern colony's constitutions that proper Bill of Rights do go into them. Not because there is a worry at that time, but it provides a basis that should anything happen in the future then there is very clearly a method by which the taking away of any fundamental rights of a person could be challenged.

In any event, the laws of this country are subject to the Governor's Assent and they are subject to the non-disapproval of the Secretary of State, even over and above the Governor's Assent so that laws will always be looked at very carefully, in any event, after they are passed in this Honourable House. This House has always been responsible. I do not remember, except in maybe one instance, where laws that were passed and had to be referred back here and that was a very long time ago. But, by and large what comes to the House is properly vetted and normally should never be in breach of these fundamental rights. I guess from that point of view, I can say to a few members of the public, because what is very clear, for example, the Chamber of Commerce's questionnaire on this, the vast majority of people here want the Bill of Rights and I personally think that it is good that it goes in now.

The next section goes on to deal with adding into the Constitution the Grand Court and the subordinate courts. This, once again, Madam Speaker, only repeats what is now in our law and, in fact, there had been an amendment, I guess about 10 years ago, which brought into the Constitution the Court of Appeal and this really tidies up by adding the other courts in here. It is very important that the Constitution and the composition of our courts is set out in the Constitution because they have to operate independently. The judges have to be independent, when I say judges I include magistrates as well as the Grand Court Judges and the Honourable Chief Justice. I think it is good that this now sets out very clearly that they are independent and they must remain independent and free from any interference. It goes into dealing with tenure of office of judges, and when I looked at this I thought well, why would they want to have retirement at age 65, because I know that, at least in the Privy Council which is our Appellate Body which is really Members of the House of Lords, many times they sit there and remain in the highest Appellate Court much beyond 65 years of age and it can be extended to 75 years of age. In any event, I did check in some of the other constitutions and it seems this had also been put in those in the past. But it is good to have the courts fully set out, which they all would be under this.

The next section is 23, which is dealing with 49N of the amended Constitution, dealing with Part V B, deals with the Complaints Commissioner. This section basically provides that a law may be made for the office functions, jurisdiction and powers of a Complaints Commissioner who is, in effect, what is referred to as an Ombudsman.

The Constitution itself, and this section is a good example, really does not go into a lot of detail, it leaves laws to be passed in due course, to deal with the details relating to the Complaints Commissioner. The function of the Complaints Commissioner is that one can take complaints to him and he would deal with them and give advice as to what is right or wrong or proper. Other countries have had the Complaints Commissioner and it has worked well.

The next section, section 24, just deals with adding definitions that relate to what I had mentioned earlier and is really consequential upon those other amendments.

The next section is a Register of interest, section 25, which is the new section 53A. This states that there will be a Register of Interests of Members of the Legislative Assembly and that the Register shall be open to the public. This is a section which, I think, is in the public's interest. It applies, as it states in 53A(4), to all Members of the Legislative Assembly except that of the Governor, as may be prescribed by law. So, once again, this is subject to having certain things done in the law. What it does, Madam Speaker, is that is forces Members to declare their interests and the public can then look at those interests and see whether when a Member comes into the House he is dealing with a matter in which he may have some personal or pecuniary interest in. This is, at present, dealt with in the Standing Orders by which a person who has an interest should not vote on that unless there is a full declaration and normally, I believe, it is subject to, Madam Speaker,

your discretion. I am afraid I just cannot put my hands on that right now, but I wanted to point out that at present, Members of the House, when matters come before the House that they have an interest in should declare it and avoid voting and perhaps even speaking on those matters.

What this will do, however, is that one's interests must be declared before so that a member of the public can see if that is, in fact, happening. At present, also, under the Executive Council Rules, the Elected Members of Executive Council have to declare to the Governor all of their directorships, shareholdings, and interests and that goes on record so that if anything comes up on Executive Council he can deal with that and the Member would not vote on that and could possibly be precluded from speaking on it.

This does not happen very often but I think it is a very important right. I think it should be in the Constitution and it does assist with ensuring that Members do not forget that they have to be very careful when they have a personal or pecuniary interest in a matter.

The next section sets out the office of the Attorney-General and is a follow up on the powers of the Attorney-General, which I dealt with earlier. Once again, this is set out to achieve independence of the Attorney-General in dealing, especially, with the very important decisions such as whether to prosecute a person, or to withdraw a case, enter *nolle prosequi*, as it is called.

The following section is very similar in reasoning to the office of Attorney-General, 55B, at the bottom of page 15, in that it sets out the powers of the Auditor General which are now set out in a law. So this does not really add anything at all. In fact this constitution really repeats a lot of very important things that had been in laws that are now being put in the Constitution.

Section 55C, Pensions, is one that I have felt strongly about and, indeed, many times in this House I have urged that pensions should, in my view, not be discretionary but should be as of right. A person who has worked, many of them have given their whole life to the Civil Service, and has built up a pension it should be theirs as a right. Also, I have always felt that those funds should be segregated and taken away from the General Revenue and put aside because, in effect, the Civil Service holds the pension fund's interest for the Civil Servants upon their retirement.

Now, this section does not go as far as I have mentioned. But, it goes a fairly long way to at least giving Constitutional recognition of pensioner's rights.

The section itself only applies to Civil Service pensions, this is not pensions generally because we know that there was talk of pensions earlier, some years ago, of applying nationally to all persons. But what it does do is that it ensures that later laws cannot adversely affect the basis on which pensions are granted and further it provides that if there is a short fall of voted money to provide the pensions, then the balance is chargeable on the revenues of the Cayman Islands.

I would just like to read that section, and I am nearly getting to the end of this now, because it does, I think, declare very important rights that affect a large portion of the work force in the Cayman Islands:

Pensions

55C (1) The law applicable to the grant and payment to any officer, or to his widow, children, dependents or personal representatives, of any pension, gratuity or other like allowance (in this section referred to as an award) in respect of the service of that officer in a public office shall be that in force on the relevant day or any later law not less favourable to the person concerned.

(2) For the purposes of this section, the relevant day is

a)In relation to an award granted before the coming into force of the Cayman Islands (Constitution) (Amendment) Order, 1993, the day on which the award was granted;

b)in relation to an award granted or to be granted on or after the said day to or in respect of a person who was a public officer before that day, the day immediately before that day;

c)in relation to an award granted or to be granted to or in respect of a person who first becomes a public officer on or after that day, the day on which he becomes a public officer.

(3) Where any sum is required for payment of an award and no, or insufficient provision is made therefor under a law made under this Constitution that sum shall be charged upon and paid out of the revenues of the Islands.".

The important part, that is the last part of subsection (1), that a law cannot be made which is less favourable to the person concerned (the person getting the pension), and the last part of it , if this House fails to provide the funds for a pension then it is to be charged upon and paid out of the revenues of the Island. If enough is not provided in the pension funds that is being segregated under motion of this House, then the Civil Servant is ensured that they will get their pension notwithstanding anything that this House may do.

The following sections are transitional sections mainly dealing with the court sections, the Grand Court and the Subordinate Courts, which are the Magistrate's Courts. What I have tried to do is set out and explain what is in this Draft. I would like to point out that the mandate that I think just about everyone of us in here, other than maybe one or two of the Members, but at least all of the National Team, the General Election was fought and won very decisively on this major issue, among one or two other major issues, I believe that our Manifesto in covering this and our now agreeing to bring it, we are carrying out and being honest to the electorate in carrying out their wishes as we have put forward in that Manifesto and on which that election was decisively won.

Another important thing is that there is really no advancement of the Constitution, Executive Council Members are still there, there is no Chief Minister. There is no reference in the Constitution in a law, or anywhere, in relation to the Leader of Government Business. What that has been for the past 20 years is, basically, what it still is, in fact the same Member of this House who held it as an Official Member holds it now, nothing has changed. All that has really happened is Members who wanted a Chief Minister (and many of them are no longer in this House) tried to blow that up into trying to say that it was some forerunner of something. It has no Constitutional basis at all, it is nowhere in the Law, and it really is no more than it ever has been. It is a matter of putting a motion in here relating to adjournments and these matters. I can assure the public that it is not going to be any more, at least not in my vote, than it ever has been in the past. So I think we need to bury that last disillusion, I would say, that was stirred up by Members who are no longer in this House.

The sections are in this amendment are mainly sections that were in our laws before. The other ones, I think it has been shown very clearly, by the people, by the report from the Chamber of Commerce on the questionnaire that the majority of the public are for these amendments. I think that it is good and timely. The amendments are to the 1972 Constitution so we are not bringing in a new Constitution at all and I think that is, perhaps, the most comforting thing that I have had, Madam Speaker, that we are really amending a Constitution that has worked well over the period of years and merely updating it some 20 years later. But the very important sections, the sections relating to the independence of the Civil Service, the sections that relate to the Judiciary, to the Governor's powers are all there, they have not been touched. One thing that is not in this, and maybe I should comment on before finishing this opening, is that we withdrew the section which related to administrative responsibility for departments.

In effect, now, Madam Speaker, under the Constitution, the Executive Council Members are charges with responsibility for departments. In my opinion, that does cover administrative responsibility. But, there is a difference between having administrative responsibility for a department and having a right to interfere with the Civil Service to say who should be in posts or who should have what salary. That section of the Constitution, those two sections have never been touched. What they were before, they are still there. The most that happens is that, for example, if I have a problem in the Education Department, I do not go to the Governor and say, "Look, I have an administrative problem, I need you to fix it", in fact he would spend his whole time, I believe, if we all did that. He would say to me, "Look, you are responsible for the Department, you try to sort out the problem". But, if under the Constitution, it touches the promotion, appointment, firing, hiring, whatever, of Civil Servants, you cannot do anything there. It is drawing the distinction between getting your department working and having the right to staff it. There has never been any attempt to do that but there definitely was an attempt under the last Draft Constitution that was put forward by the Constitutional Commissioners during the last Government's period, where the Chief Minister would have had very wide powers in relation to the hiring of Civil Servants, and many things, even the appointments to the Public Service Commission.

I do not want to go any further into what that "rejected" (I have to call it) Draft of the Constitution - that was a totally new Constitution - had in it. Only to say that the section which we withdrew had nothing whatsoever to do with eroding any rights of Civil Servants. That is not just my opinion, it is also the opinion of the United Kingdom Constitutional Draftsmen. So, let us not try to cloud that issue and try to read into it anything that is not there.

Lastly, on that point, the section that deals with this has not been touched, and it is section 7. It makes very clear that the excluded Portfolios or the excluded responsibility that the Governor keeps and cannot, and I point this out, it cannot, under the Constitution, go to an Elected Member. I will just read it, it says:

> "The appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal, or retirement of any public officer or taking of disciplinary action in respect of such an officer, the application to any public officer of the terms or conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision:".

That is one of the most detailed and clear sections in this Constitution, it remains. There is no way that anyone can honestly put forward that that section, while it remains does not continue to protect the Civil Service as it always has. No body has done any change to it, it has been there for 20 years. Hopefully it will go on for many more years than that.

So, I would ask, Madam Speaker, that Members of this Honourable House would look at and debate this very important and serious motion as it is a very important motion. I ask for their support on this and, by all means, any area that I can clarify in the winding up, I will be happy to do so. I believe that it is in the interest of the public that we now get this motion to the House, put it behind us and try to get on with the other important business in these Islands, try to move on with progressing and developing the Islands and the many other responsibilities that we have. Thank you.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the Motion before the House seeks to conclude a matter that started some three years ago when the former Government found itself without a clear majority. It put forward a Motion in the heat of the night to bring about Constitutional changes. I recall, clearly, that seven of the eight Members sitting on the Backbench at that time voted vigorously against such a Motion and the Government was only able to put through that Motion calling for Commissioners to come down by the Government pretending that this was not a constitutional matter. Nevertheless, the Commissioners came, they made a report and London sent us a Draft Constitution.

But the United Kingdom Government was smart enough to realise that there had been no strong call for Constitutional advancement and so they did not seek to put through a changed constitution at that time. That is why the first paragraph of this Motion reads:

> "WHEREAS the Secretary of State for Foreign and Commonwealth Affairs decided that it would be right to await the outcome of further debate on constitutional change which took place during the recent General Elections and to have the recommendations of this Honourable House before coming to any final decision on the preliminary draft new Constitution which was circulated in late July 1992;".

So what really happened was that the Commissioners came, they talked to people, they went back, they sent a report, the report was published and discussed, a Select Committee of the Legislative Assembly met and made recommendations to the Foreign and Commonwealth Office on a changed Constitution. But, low and behold, when the changed new Draft Constitution came back, it came with a letter saying that London had ignored the recommendations of the Select Committee and it was right that they should do so because that particular Select Committee did not have any mandate from the public to make recommendations to London about Constitutional changes. The letter went on to say that the British Government would wait until after the General Elections and that they would then take into account recommendations from the new Government. So before any change can be made, London is awaiting the recommendations that will go off from this Legislative Assembly.

The motion goes on to say:

> AND WHEREAS the clear mandate from the General Elections was not in favour of the Chief Minister system as proposed in the preliminary draft new Constitution, but rather in favour of the following amendments to the present Constitution which are within the manifesto of the twelve (12) National Team Members of the Legislative Assembly and other MLAs and which do not in practice advance the Constitution:-

Surveys have been done by the Chamber of Commerce, I believe polls have been taken by other people. Certainly, there is no doubt in my mind that if there were any clear message to come out of the last General Election, it was the message that this country was not ready for any political advancement involving the appointment of the Chief Minister. Because it is very clear if one examines the results of that election that the Members, or the candidates, who campaigned on the Chief Minister and the Chief Minister being such a good thing in the first among equals, were all discarded at the polls. Those humble candidates who said we can get along without a Chief Minister for a time were all elected. Now, there are some people who will try to say that this was not the case. Certainly, no case could be so clear cut.

This resolution before the House contains in it several major changes which do not politically advance the Constitution. The first one is that there be one additional elected Member in Executive Council. That idea has been accepted although a small minority has accepted it begrudgingly. The whole Island understands that the Executive Council now has a very heavy work-load. Every year they are dealing with new matters, new departments are being created, new Portfolios are being set up and the burden is heavy indeed. The Commissioners, in their report, recommended that there be an additional Elected Member in Executive Council. They went on to say that if we were going to add one Member to Council, we would have to add a total of three Members to the House so that the same ration between Executive Council and the Backbench could be maintained. The Commissioners recommended that three new Members be added to the system, bringing the number of Elected Members from 12 to 15.

London agreed with this and already, last year in April, amended the Constitution to add the three Members. Still there are some people who are asking, "Will there be a fifth Member (that is a fifth Elected Member) in Executive Council?" My answer is always, yes, because London has agreed to it. That was the reason for increasing the total membership to 15. We did not need extra Members here just to talk because, at least, some of the other Members do that quite well. But they needed another Member in Council to help with the heavy work-load. So, by the addition of the three Members we are quite positive that if there is no other change made that London will add the fifth Member, that is the Fifth Elected Member, to Executive Council.

One person tried to argue with me that if London was going to add the fifth person to Executive Council, they would have invited that Member at the time when they added the three Members to the Legislative Assembly. But that is not the case. I believe the reason why the Executive Council Member was not added is because at that time there was some uncertainty in the mind of the United Kingdom Government as to what position or what structure the new Council would have, whether one of those new Members would be the Chief Minister and how they would be elected to Council. These things were not clear, they were still in their embryonic stages and would only be crystallised in a General Election which would come in November 1992. Now that the public has spoken clearly in its acceptance of the fifth Member, I believe that there will be no problem with this amendment.

This Motion recommends that Members be called Ministers, and it goes on to qualify that saying that: "The change will be a change of name only and not of substance" as the Constitutional Commissioners said in their Report. I will not take up the time of the House by reading what the Commissioners said, but when they examined the work of our Executive Council Members they found out that the Executive Council Members in our Government carry out the work of Ministers. There is no reason at all why they should not be called Ministers. Perhaps when they are called Ministers this may interfere a little with their heads, but that remains to be seen.

We do know, as we saw in a letter in the newspaper this week or late last week, that when we go abroad and talk about a Member, those smart people abroad pretend that they do not understand what we are talking about and they want to question you and find out which Church the person belongs to. In attending Parliamentary Conferences with all the different countries of the Commonwealth, and in negotiating with foreign governments, it is better if you have a name which is readily understood. Everyone knows how difficult it is when you meet somebody that has a strange name and it is very hard for you to recall that name and you are always put at a disadvantage in your dealings with that person. So we can avoid this confusion by simply giving them the title of Minister.

Now, the Commissioners had recommended in their Report that the Ministers be given certain administrative responsibility. All during the many discussions prior to the election, I never heard any objection to administrative responsibility being given when the new changes are brought into effect. But, there is a small minority in this country who cannot accept the fact that the National Team got elected to do away with the Chief Minister and to change the name of Members to Ministers. In the Manifesto of the National Team, you see on page 5, I think it was, where the Candidates had set this out. I would like to quote this short paragraph:

> "We believe that there should be a gradual and cautious moving into a Ministerial System of Government without a Chief Minister. This and our other recommendations set out below do not materially advance the Constitution but merely provide for what now substantially happens under our present Constitution. We are against the appointment of a Chief Minister whose wide and at times near absolute powers include..."

And it goes on to name them.

But, they had recommended to the public that they were willing to seek a gradual change to the Ministerial System. Now their opponents want to say that they have no mandate to make that change. Well, the National Team did what it should have done. It pulled their teeth out because it did away with that little bit about the administrative functions. So now, we hear no more about it and they are left toothless.

So the second recommendation in this Motion is that Members be called Ministers. The third recommendation made is, "That the removal of Elected Ministers should be by a vote of nine instead of ten Elected MLAs". This is a matter that some people have not agreed with. Actually the Commissioners, in their Report, suggested that the Minister, or a Member of Executive Council should not be removed unless there was a two-thirds majority which would actually be 10 out of 15, instead of nine that is recommended here.

But, the Commissioners, throughout that Report, blew hot and cold because in one instance, when they were pushing for the Chief Ministership, they said this country was well advanced politically and we had a good party system, or what would substitute for a party system. Yet, when it comes to the removal for office, they say we should not have that until such time as party systems are well established and functioning. This is found on pages 13 and 17 of the Commissioner's Report. In one instance they said our party system is good enough for a Chief Ministership and four pages later they say that our party system is not good enough to remove a Member by a single majority, we need a well established party system, a majority would be eight out of 15, and the recommendation here is that nine out of 15 votes could remove a Member, or a Minister.

The Member, in introducing the Motion, made it clear that a vast difference between the Motion which is here and the Draft Constitution which we had received is that this Motion is simply asking for amendments to the 1972 Constitution while the Draft Constitution, if it had been accepted, would have been a totally different creature.

The fourth recommendation in this Motion is, "That provision be made for payment of Public Service pensions". I believe that all of the Civil Servants are unhappy with the present Pension Law as there is a section in it under which the pension, after it has been earned, still remains discretionary and dependent upon the good will of the Governor for the Civil Servant to receive it. We know that the Law could be amended, but we feel so strongly about it that we prefer to have that enshrined in the Constitution so that it will not be easy for another government to change the law back. We put in that the pensions are a right once they have been earned. No one will be able to take it away unless they can get the Constitution changed. I agree with this principle because if you have a worker and the worker is no good, you should not let him sit there long enough to earn a pension. You should get rid of him. But, do not let him sit there, put in the time, and then say we are going to fire you because you are no good. A system like that destroys both the person and the Government. You cannot have an efficient service if you are going tolerate dead wood. So Civil Servants that are efficient and earn their pension, should receive their pension when they reach the pensionable age, no questions asked. Even if they feel like cursing out the Governor, or their Head of Department, or somebody they do not like on that day, that is their pension which they have earned and they should not lose it.

The next recommendation covers a whole list of things and I

would like to deal with them separately. It is recommended that the post of Attorney-General be put in the Constitution. This is needed. The Commissioners saw no fault with it, this would guarantee the independence of the Attorney-General. The Member introducing this Motion went into great length in dealing with some of the details of these items and I do not feel that it is necessary for me to do it. But, I fully support that.

The Motion recommends that the post of Auditor General also become a part of the Constitution. This is an excellent idea. For all those who know what happened to the last Auditor General, if they did not believe in it before, they should believe in it now. The Auditor General must have his independence so that his Reports can be fair and no Governor and no Executive Council can get rid of him. The post of Auditor General and some of his functions are well defined in our Audit Law. But, I do not think the Audit Law itself goes far enough in giving him that iron-clad guarantee of independence which he needs to deal with a bad government. So I am hoping that this recommendation will be accepted.

The Motion before us seeks to appoint a Speaker and a Deputy Speaker to the Legislative Assembly. Although the 1972 Constitution contains a clause under which our present Speaker has been appointed, the Constitution does not contain enough information to guide the Governor nor the Legislative Assembly in the appointment or the removal of the Speaker, if that became necessary. So this is a good provision and will also help to improve the independence of the Speaker.

The provisions in the present Constitution are totally inadequate to cover the Courts although it does make mention of the High Court. This is a provision which we need because, here again, the Courts and the judges need to have their independence if they are to function properly.

The section also recommends the provision of an Ombudsmen, or Complaints Commissioner. I believe that such a person would have full time work. I am really not familiar with what good they do in other countries, but it seems to me that there are many times when people become frustrated because we have a system where a person with a complaint can really be given the run-around and sometimes there is no one to even tell him that the fool is being sent a little farther. Such a person as the Ombudsman might do well to satisfy the grievances of the public, perhaps his functions will only allow him to investigate and to make recommendations or to give advice. But, there will be someone that one can turn to.

The section also makes a recommendation for a Register of Interests open to the public. I have had a look at *Erskine May* and it seems to me that while they have such a Register in the United Kingdom, the purpose of the Register is mostly to give information so that people will know if a Member is dealing with something in which he has a direct pecuniary interest or some other interest. It appears to me that in *Erskine May* the Register of Interest only shows the source of the remuneration or the benefits. It does not go on to show the amount. The Register can either be a good thing or a bad thing in a small community. If it is abused, I do not think that in the future you would have many people running for public office. We have recommended that it be put in the Constitution and I think there is wide support for it when it is put there it will not function until a law is introduced setting out the guidelines under which the Register will run. But the Government, acting upon the wishes of the electorate, is making this recommendation in the Motion.

The last item in (e), of course there are more sections to deal with, but the last one in (e) is the Bill of Rights. We know this has been talked about for many years. The First Elected Member for Bodden Town brought two motions to the House during the reign of the last Government seeking to have a Bill of Rights put into the Constitution and the amazing part about it is that some of the Members at that time who prevented him from getting through with the Bill of Rights had put that into the Manifesto on which they had been elected that if they got elected they would have this Bill of Rights and look at the welfare of it and all of that, nonsense. What I am trying to say is that what we are seeing here today is action where in the past we only had talk. The Bill of Rights will be, by what I have been told, a complex document that will set out the basic rights that we are entitled to. But, it will also limit those rights so that you do not infringe on the rights of others. This will be something that the lawyers and the courts will have to work out over a period of years. But I believe it is necessary to have this Bill of Rights. I know of instances here where people have been denied basic human rights.

I remember one instance where the police had picked up somebody they did not like and they would not give him bail on a Saturday evening because he had slapped his wife and there are things like this where people should have their right to get their bail or whatever it may be.

The final section in this recommendation is the one that brought it all about and that is that, "That Finance Committee consist of all Elected Members with the Financial Secretary as Chairman as it had been prior to Motion 3/90". For a very long time, as far back as 1971, when the Earl of Oxford and Asquith made recommendations for the Constitution, they recognised the importance of the Finance Committee. Although the composition of the Finance Committee had not been set out in the 1972 Constitution, they certainly suggested it. In fact, on page 19 of their report dealing with Committees in general, they had this to say:

> "Being grounded in the Constitution, they (that is Committees) would have a status superior to that of adhoc committees of the Assembly and although consulating rather than executive in character would play a more regular and continuous part in the conduct of affairs."

They go on in the next paragraph to say:

> "The present Finance Committee of the Assembly consists of all unofficial Members of the Assembly with the Financial Secretary as Chairman an unwieldy body."

So, they recognised from then that a Civil Servant should not be part of the Finance Committee but they did not put it in the Constitution. So, for 20 years the Finance Committee had been set up under the Standing Orders of the Legislative Assembly. This went along quite well until, as I

mentioned earlier, the Government got in trouble and, in fact, quoting from this document called a "Briefi. which came to the Select Committee, or was sent to London during the time of Motion 3/90, it says:

> "In a public meeting in George Town on the 9th of August 1989, Benson Ebanks said that is the Back Bench majority in Finance Committee disrupted its workings, ExCo were likely to ask the Governor to call for elections so that the people could decide. On the 13th of June 1990, Benson Ebanks explained that after having their 1990 Budget Proposals rejected in Finance Committee (and I might also add the MGTP plan as well was rejected) he and his elected ExCo colleagues considered resigning but decided not to do so because that would be a cowardly way of coping. Instead of resigning or asking the Governor to call early elections, they decided to propose Motion 3/90 to reconstitute Finance Committee and enable the four of them to hold on to power by claiming to have an 8 - 7 majority in the House with the help of the other Members.".

So, the change in the Finance Committee brought about by Motion 3/90 was a deliberate attempt to keep the Government in power and was not anything that was intended to help the country. It was not anything that caused the public to believe that the country could run under such a Committee under such a reconstructed Finance Committee. So, that short-lived Finance Committee was doomed from the day of its inception.

We find that the Commissioners, when they came here and talked to everybody that they could find or that would listen to them or wanted to talk to them they were told we want our Finance Committee put back the way it was. Ninety-nine per cent of the people, and in fact I believe there were only seven or eight people at the time that did not agree with it.

So this recommendation (f), "That Finance Committee consist of all Elected Members with the Financial Secretary as Chairman", is an important recommendation and it should be entrenched in the Constitution because if it is not entrenched in the Constitution we may find Governments in the future doing what was done in 1990.

The Members here know that the Members of the National Team campaigned on changing the Finance Committee and putting it back the way it had been. On page 6 of their Manifesto, the National Team said, in speaking about the Finance Committee:

> "We will reverse Government Motion 3/90. We feel that the Finance Committee should remain as it had been for many years prior to Motion 3/90 comprising only elected MLAs and the Financial Secretary as Chairman. Administrative responsibility for finance should be only with the Financial Secretary and it should not be possible for such responsibility to be with an elected Minister. These provisions should be entrenched in the Constitution.".

Well, the National Team has kept a part of that promise. They have reversed Motion 3/90 and today the Finance Committee is made up of only the Elected Members with the Financial Secretary as Chairman. But we want to go further than that. We want to keep it that way. We want to keep it so that it cannot be changed by the whims or fancies or idiosyncracies of any government in the future.

I support this recommendation because we see the horror that this country went through after this change was made, how the Government's money went, how the reserves.were spent, how the large overdraft was taken up. We saw what had happened to Cayman Airways. Believe me, our people want something different.

Some years ago, around the time that this was happening, in a Seminar here, some of the leading politicians were questioned about Finance Committee. Most of them, including Sir John Sharpe, and other ones agreed that Finance Committee should have only your Elected Members, because Elected Members are responsible to the public and can be removed at the next election if the public believes that they are not managing the finances of the country well. It has always been that the Financial Secretary, when he brings a motion to the Finance Committee has to bring something which is sound because he does not bring enough Members from the Executive Council to pass it. He must bring something that can stand up that can be scrutinised. This alone guarantees the safety of the Government's funds.

The Motion which seeks to send this Draft to London only mentions a few of the major recommendations. There are other recommendations here and I would like to touch on a few of them because they are so important. I think this will be a good time, before I get into this, to mention one recommendation that had been made by the Commissioners which has not been accepted. That was the recommendation to have Parliamentary Secretaries. My feeling is that if they were added in a small legislature they would only become extension cords for the Ministers. The argument that the Member gets training is nonsense because no extension cord ever reaches Executive Council. So, I think it is good that this Motion does not contain the recommendation for Parliamentary Secretaries.

THE SPEAKER: It is now 4:30. I will entertain the Motion for the Adjournment.

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., Friday the 17th of September, 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, 17TH SEPTEMBER, 1993.

FRIDAY
17TH SEPTEMBER 1993
10:07 A.M.

THE SPEAKER: I will ask the Honourable 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.

Questions to Honourable Members. Question No. 117, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 117

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

NO. 117: What is the present status between Guiness Peat and Cayman Airways Limited concerning the lease of the 737-400 aircraft?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. The answer, as this Honourable House is aware, in July 1989, Cayman Airways previous management signed a lease with Guiness Peat Aviation for two 737-400 aircraft. The airline subsequently, in a settlement agreement signed in June 1992, paid GPA $6.2 million to take back these 737-400 aircraft. However, for some inexplicable reason as part of this settlement agreement the previous management signed an undertaken to again lease two 737-400 aircraft from GPA in 1994. GPA's right under this settlement agreement to put two 737-400 back into Cayman Airways Limited in 1994 for three years for a cost of $21 million, is the so called "put option".

On September 13th, 1993, a settlement was signed with Guiness Peat Aviation which released Cayman Airways Limited from this obligation. The cost of this settlement was US$1.35 million. Cayman Airways Limited is now free to contract with International Lease Finance Company (ILFC) for newer 737-300 aircraft at a savings of $2.7 million over a similar offer by Guiness Peat Aviation.

A further advantage lies in the fact that the ILFC offer will require a deposit of only $0.67 million (or $670,000) compared to the GPA offer which required a deposit of $1.23 million as well as broken funding deposits or guarantees of $1.74 million up front.

I must say Madam Speaker that this is the happiest answer I have ever given in this House.

SUPPLEMENTARY:

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

MR. GILBERT A. McLEAN: Could the Honourable Member confirm that the $6.5 million which had to be paid to Guiness Peat Aviation to supposedly break the contract with them was paid this year out of the US$20 million, and if the $1.35 million then is in addition to that, and where did this particular amount come from?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Yes, the $6.2 million under the agreement of June 1992. So this was well over a year ago, in June 1992, that Cayman Airways at that stage entered into the agreement. What they did was not pay any money, but put the agreement such that the new Government and Cayman Airways had to begin paying this because remember this was guaranteed by Government. We had to start paying this in February of 1993. In other words, they put off their problem to be dealt with by me under the new Government. And, yes, that money did come out of the CI$16.0 million, or US$20.0 million.

The $1.35 million that was paid on the settlement also came out of the $20.0 million and with the assistance of Members, especially the Honourable Third Official Member, the Financial Secretary, we had very prudently put aside a reserve of $2.7 million which we only had to pay $1.35 million out of. So, we have some extra cash of nearly $1.4 million as a result of our prudence in reserving the money from the US$20.0 million.

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

MR. GILBERT A. McLEAN: As a matter of absolute clarification to myself and the House, do I understand correctly that any contractual obligation then between Cayman Airways Limited and/or the Cayman Islands Government and Guiness Peat Aviation has now come to a final close?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, in relation to the put option and the taking back of the jets, yes, that has come to an end. We do not need to take back the jets. The only thing that would remain would be any residual indemnities that may have arisen under the earlier leases such as, maybe, defects in the aeroplanes that went back during the period that we had them. That is a separate thing, that is a part of all leases and we know of nothing under that. But, as far as the put option, as far as taking back of any jets goes, that is totally gone and we know of nothing arising under the previous leases in relation to defects. As you know, it is some two years now since they have gone back.

THE SPEAKER: The next question is No. 118, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 118

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

NO. 118: How long is the lease commitment on the 737-200 now being used by Cayman Airways Limited from International Leasing Finance Corporation?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: The B737-200 leases both terminate in 1995. The first in February and the second in August.

SUPPLEMENTARY

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Is it a fact that when the negotiation was being made with ILFC to take back the 737-400 aircraft (or the 737-300, I do not remember which, but the one on which Government was paying $310,000 per month) ILFC agreed to that because the company was undertaking to lease the 737-200 until 1995 which in effect gave them over a longer period the same amount of money that they would have derived from leasing the 737-400s, or 300s as the case may be?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, the ILFC agreement comprised several complements. Firstly, they took back the 737-400 and they reduced the rent to one-half for approximately six months which saved Cayman Airways $1.0 million. Remember, when you compare that to GPA in which the last Government and the last management paid $6.2 million, and did not get rid of the jets, this was quite a difference. We got paid $1.0 million to give the 737-400 back to ILFC. The last Government paid $6.2 million or $6.5 million to GPA and did not get rid of the jets. As you know this is the settlement now.

The other thing was that ILFC gave us back a further $500,000 on a deposit of $700,000 which they had. So that is $1.5 million cash that Cayman Airways saved. In return we agreed to extend the lease on one aircraft for six months, and on another aircraft for one year. Now there is no loss to Cayman Airways on that because we would have had to lease aircraft from somebody regardless. These aircraft were leased at a reasonably good rate - $105,000 per aircraft.

So, my answer, in summary, is that the deal with ILFC saved $1.5 million and we would have had to have paid the $105,000 anyhow to lease those aircraft.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. The Member mentioned that our lease agreement with ILFC for the 737-200s expires in 1995, he also mentioned that the company is in the process of trying to negotiate a deal for two 737-300s. I wonder if he could tell us if ILFC has been approached on this deal, and what are they prepared to do as far as taking back the 737-200s in exchange for the 737-300s?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. Yes, ILFC has been approached and, by the way, with this settlement with GPA we are now free to also negotiate with other companies. They have given us an offer of one 737-300 that is a 1990 aircraft (and I am speaking here from memory) at a rate of US$175,000, and another one that is a 1988 at a rate of US$165,000. As you know there are about 20 seats more than the 200s, they carry 50 per cent more freight and they have the same engines as the 737-400s, so they are more economical.

We are now speaking to ILFC asking them whether they will take back the 737-200s at an earlier stage maybe in another year's time or whatever, and this is subject to the Board of Directors, naturally, so that we could begin the 300s at an earlier date. But, I should point out that it does mean that we would have to have them take back the 200s before we can lease the 300s.

Secondly, the cutting and the restructuring has really just now come to an end and we need a little period of time to settle Cayman Airways down - get the staff motivated and their morals up and get the promotions going.

But, the answer is yes. As soon as we can get the 300s which is to our advantage to take at this stage because they are new aircraft and I believe we will do better with them from the studies we have been shown. But, it will still be only two aircraft and I want to point this out very clearly. If for any reason whoever we are going to lease the 300s from is not going to take back one of the 200 aircraft or re-lease or something, then we cannot take any 300s. Thank you.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member confirm (his reply has been comprehensive and extensive) that the leasing of the 737-200s up to 1995, in effect, pays out to ILFC the same money that would have being paid if the 737-400s had been kept less the $1.5 million saved in the transaction that he mentioned earlier?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, I am not sure what the Member is attempting to extract from me, but the 737-400 costs three times the amount of a 737-200. We are dealing with $3.6 million a year compared to maybe $1.3 million a year.

The answer is, if we had kept the 400s from ILFC, we really would have had substantial losses, and if the two 400s from GPA had come back, we would be looking at over $7 million a year rental compared to maybe $2.25 million a year. Then, I think, we would have gone under. I do not think that Cayman Airways would have survived those other two 400s.

It was crucial, even if we have had to pay ILFC to take it back, it was in the airline's interest to get rid of that 12 year lease of a 737-400 aircraft at $3.6 million rental a year. I thought I had at least got that through very clearly. Believe me, the $1.5 million that we got back was a good amount, but, if we had not gotten rid of that 400, Cayman Airways was really going to be in trouble financially.

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

MR. GILBERT A. McLEAN: Will the Member say if it is possible to get back from ILFC the money which is being spent to put the two ILFC 737-200 aeroplanes through the C-Checks, or if that is part of the lease agreement that had to be undertaken up to 1995?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, the C-Checks, unfortunately, had to be paid for under the lease that came into effect under the last Government and the last management of Cayman Airways. There was no way that we could get out of these checks. They had to be done as a result of the leasing obligations.

As to why they agreed to do them, I really do not know, Madam Speaker. All I can say is some of the checks are usual to be put in leases, and, in fairness to the previous management, I would say that I do not think that it was unusual to have it in an agreement that C-Checks should have been done.

I do not understand about the savings that was referred to, but that aspect of it did not come into anything I dealt with. That is just part of continuing obligations.

THE SPEAKER: The next question is No. 119 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 119

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

NO. 119: What steps are being taken to improve the revenue earning of Cayman Airways Limited?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. The partnership between Cayman Airways Limited and the Department of Tourism has been strengthened by the holding of regular meetings between the senior staff. The objective of this is to find better ways of jointly promoting the Cayman Islands and Cayman Airways Limited.

Cayman Airways Limited has also commenced the marketing phase of its restructuring programme. The outcome of this work can be observed in the improved financial performance of Cayman Airways Limited, in particular the increase in the Airline's load factor from 59 per cent last year to 70 per cent in 1993. I would like to add that I wish to thank the Honourable Elected Member for Tourism very much, because he is covering just about all of our promotions out of his funds.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, I would like to ask the Member, in working together with the Department of Tourism, just how is he arriving at a situation to enhance the revenue earning of the Airline? Are they coming up with packages etc., coming into the Islands, or how is the arrangement actually working to the benefit of Cayman Airways?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. Yes, the joint marketing programme actually covers all the aspects of advertising by the Tourism Department - television, radio, newspaper, magazines, whatever. What is really done in selling the Cayman Islands is that you will get just a little part of it that will have Cayman Airways jet on it, Cayman Airways flying in or it will say, "Those Who Fly us Love us", or just something in there on Cayman Airways. All advertisements of the Department of Tourism now have Cayman Airways in it.

The other thing that I did not mention in this is that we are also trying to promote charters for use of the aircraft on the little spare time that we do have on them.

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

MR. GILBERT A. McLEAN: Has the increase of more airlines into the Island at this time had any significant impact on the load factor of the aeroplane considering, it is my understanding, that there are less flights now between the United States and the Cayman Islands than before?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, the increase of flights from the United States' airlines has obviously affected us adversely. Our load factor is up. Our share of the market is less, but I believe, rightly or wrongly (and I believe that I am right in this) for Cayman Airways to survive on a long term basis - and I have to look at Cayman Airways as going for many, many years - it has to learn and it has to be groomed to achieve its own niche in the market and to compete with the other airlines because I do not see the competition of United States and foreign carriers going away.

If we can achieve, and I believe we are well on the way to achieving it, where Cayman Airways is competitive and is holding its own, then it will make the Board a lot happier and I will be a lot happier because we will not be relying on what I could call protectionism. So, the further away we can get from having to rely on having a monopoly in certain areas which may not go on forever, I think the better Cayman Airways' future will be. But, I am very happy that the airline is doing well, and with its high load factor it will reduce (substantially reduce by several million) the projected losses that the last Government and management projected of $12.9 million. This year that will be substantially reduced by several million.

So, we are holding our own, but it is a struggle. And with the US Air coming in it is going to increase the struggle. I am hopeful, and I am going to stay with it as long as the people leave me there for the next few years, that the future will be good. We just need to consolidate, get the staff, the promotions and everything put together and we will have a very good airline.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: The Member mentioned competition from US Air which I think is scheduled to start pretty soon. I wonder if they have done a study, or do they have any idea of what kind of impact this competition will have on Cayman Airways as far as the Tampa/Atlanta route is concerned, and whether or not there are any plans to look at adding an additional route or increasing the frequency on an additional route just to compensate that competition from US Air?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. I know the Honourable Third Member for West Bay has airline experience and he is quite right. Once we see the impact of US Air on the Tampa/Atlanta route we may well have to look at adding to some other route where we are in a better position to get more revenue. However, I believe that US Air will also bring new people who may not otherwise have come on Cayman Airways and may have flown through from Atlanta to Miami. So, probably after the first few months I think we will have a better idea of what the impact is going to be but, it obviously is going to hurt us on the Tampa/Atlanta route.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. It has been said that Jamaica has always been a revenue-earner for Cayman Airways and, in fact, it has been from its inception. Is it a fact that the flights to and from the country have been reduced and, if so, why is this so? Should not that be looked at seriously as a means of enhancing the revenue in that we would not necessarily be up against competition from US Air and other United States carriers from the country?

THE SPEAKER: The Honourable Elected Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, I am instructed that we have not reduced the flights, we have changed the days and this has resulted from the fact that we are now down to two jets and there is tighter scheduling. But, I should say that Jamaica is a profitable route for Cayman Airways, and I have personally asked that we do whatever is possible to improve on that route. Naturally, it must come after the improvements which I mentioned to the Honourable Member for Cayman Brac and Little Cayman because they must come first when looking at routes generally.

THE SPEAKER: The next question is No. 120 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 120

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

No. 120: To provide a breakdown of the Computer Services Department's staff, giving as follows:

(i) description of posts;
(ii) nationality of holders of such posts;
(iii) qualifications and years of experience;
(iv) recruitment dates into the Cayman Islands' Government Service.

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The breakdown of the Computer Services Department staff is listed on the attached schedule which is now being distributed.

APPENDIX I - TO QUESTION NO. 120

DESCRIPTION	NATIONALITY	QUALIFICATIONS	EXPERIENCE	START DATE
Manager	British	BA (Computer Science) FISM, MBIM, NCC Cert. Analyst	30 Years	14-Sep-92
Systems Development Manager	Canadian	"A" Levels	27 Years	24-Nov-91
Operations & Network Manager	British	"O" Levels	17 Years	16-Feb-82
Computer Technician Supervisor	British	TEC III Electronics	13 Years	1-Jan-93
Senior Systems Programmer	Caymanian	BA (Management Information Systems)	7 Years	14-Nov-86
Development Supervisor	Canadian	BSc (computer Science), CGA	30 years	28-Jun-91
	Canadian	BSC (Computer Science)	10 Years	15-Nov-87
	Canadian	BA Hons (Maths & Statistics)	12 years	2-Jul-91
Analyst/Programmer	Canadian	BSc (Computer Science)	10 years	20-Nov-92
	Caymanian	BSc (Computer Science)	4 Years	9-Jul-90
	Caymanian	Dip Computer Science	6 Years	1-Jul-87
	British	"O" Levels	23 Years	1-Dec-82
	Caymanian	BA (Humanities)	7 Years	9-Dec-86
	British	B Tech Dip (Computer & Business Studies)	9 Years	9-Dec-91
	Canadian	HS Diploma	16 Years	2-Jul-91
Senior Computer Technician	Caymanian	BSc	25 Years	13-Sep-90
Computer Operator	Caymanian	GCSE's	5 Years	29-Aug-88
Programmer	Caymanian	Incomplete Bsc (Computer Science)	8 Years	20-Jul-92
	United States	BA Management Information Systems)	4 Years	7-Jun-92
	Caymanian	Bsc (Maths & Computing)	8 Years	27-Aug-90
Senior Computer Operator	Caymanian	"O" Levels/CSE's	8 Years	4-May-87
Computer Technician	Caymanian	Ass. Degree (Computer Maintenance & Repair)	5 Years	18-Nov-91
	Caymanian	Ass. Degree (Electronic Engineering)	9 Years	11-May-87
	Caymanian	Ass. Degree Electronic Engineering)	4 Years	1-Jul-89
	Caymanian	Ass. Degree Electronic Engineering)	5 Years	1-Nov-88

	Caymanian	High School Diploma	4 years	7-Aug-89
Junior Programmer	Caymanian	Certificate in Programming & Analysis	2 Years	2-Jan 92
Central Services Supervisor	Caymanian	Degree in Hotel Management	39 Years	23-Mar-91
Central Service Officer	Caymanian	Diploma in Secretarial Studies	21 Years	7-Apr-72
	Caymanian	Certificate in Practical Nursing	23 Years	4-May-87
Central Service Assistant	Caymanian	Clerk Typist Diploma	25 Years	2-Sep-85
	Caymanian	ICCI Diploma	14 years	27-Feb-89
Executive Officer	Caymanian	CSE's	13 Years	1-Dec-89
Accounts Officer II	Caymanian	CSE's	8 Years	4-May-87
Supernumerary (Study Leave)	Caymanian	BSc (Chemistry), BSc (Computer Science)	6 Years	1-Sep-84
Supernumerary (Study Leave)	Caymanian	Currently Taking Dip (Computer Science)	4 Years	26-Apr-88
GRAND TOTAL	36			

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say how this Department was affected by the recent retrenchment exercise conducted by the Government?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The Department was under-strength by about seven at the time of the exercise and it was determined that the staff complement could not be reduced without detriment to service.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I noticed from the answer given that the qualifications for the top four posts would seem to be not out of the range of Caymanians. Can the Honourable Member say what, if any, attempts are being made to recruit and train Caymanians for these positions?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Yes. You will notice that the top posts, apart from qualifications, which I consider important but not the only ingredient, the Manager has some 30 years experience and this is considered very important, but we will be working towards this. The number two post will be filled by a Caymanian who is currently overseas on training and is due to return next year. The number three position, as soon as a suitably trained Caymanian can be found for the job that person will take over there. So, efforts are being made to localise these posts as quickly as possible.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. A further study of this list shows that there are a few Caymanians who would seem academically qualified for some promotions. For example, I see here there is a Caymanian with a Bachelor of Science degree in Mathematics and Computing, and eight years experience. I wonder what opportunities exist for upward mobility within the Department for Caymanians so qualified and experienced, and why is it that these kinds of people have not been elevated prior to this time?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Every effort is being made to

place qualified and experienced Caymanians into higher or senior posts in the Unit and, certainly, as soon as any member is considered suitably qualified and experienced he/she will be promoted.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what procedure exists for promotion within this Department? For example, is it a system where posts are advertised at the end of a foreign national's contracted period, or does a system exist whereby Caymanians are encouraged to train for positions which may become vacant or available as the Department develops?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. In fact, I would say both to the Honourable Member. When a contracted officer's contract comes due, the post would be advertised. If there is a suitably qualified Caymanian, then, naturally, the Public Service Commission will consider that person. Government is also encouraging Caymanians in the Department to gear themselves, if they are not sufficiently qualified to qualify for promotion, and right now we are working on a review of the Unit with a view to further localising posts where possible.

THE SPEAKER: The next question is No. 121 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 121

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

No. 121: Provide a breakdown of the number of Civil Servants made redundant during the recent review as follows:

(i) by gender;
(ii) by nationality;
(iii) by salary;
(iv) by years of employment.

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The number of Civil Servants made redundant during the recent review is listed on the attached schedule now being circulated.

APPENDIX II - TO QUESTION NO. 121

GENDER	NATIONALITY	SALARY P.A.	C.O.S. P.A.	TOTAL P.A.	YEARS OF SERVICES
M	Jamaican	54,408	8,161.20	62,569.20	5 years
M	British	30,036	4,505.40	34,541.40	4 years
M	British	49,740	7,461.00	57,201.00	3 years
M	British	49,740	7,461.00	57,201.00	3 years
M	British	49,740	7,461.00	57,201.00	3 years
M	British	51,492	7,723.80	59,215.80	3 years
M	British	49,740	7,461.00	57,201.00	3 years
M	British	30,036	4,505.40	34,541.40	3 yrs/resigned
M	British	44,640	6,696.00	51,336.00	1 1/2 years
M	British	59,076	8,861.40	67,937.40	2 years
M	British	54,408	8,161.20	62,569.20	9 1/2 years
TOTAL 11		**523,056**	**78,457.60**	**601,514.40**	
F	British	19,368	-	19,368.00	2 years
F	British	30,024	-	30,024.00	4 years
F	British	23,136	-	23,136.00	4 years
F	British	23,136	-	23,136.00	20 yrs/retired
F	Pakistanie	23,136	-	23,136.00	5 yrs/resigned
F	Irish	22,464	-	22,464.00	3 years
F	Canadian	28,344	-	28,344.00	4 yrs/resigned
F	British	23,316	-	23,316.00	1 yr/non-renewal
F	Caymanian	15,060	-	15,060.00	2 years
TOTAL 9		**207,984**	-	**207,984.00**	
GRAND TOTAL 20		**731,040**	**78,457.60**	**809,498.40**	

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if the answer includes those workers who were employed on a temporary basis, or is this just for the established Civil Servants?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. This only includes the established Civil Servants.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what the cost of this redundancy to the Government was? That is, how much money did the Government have to pay in settlement to the workers made redundant?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I do not have the actual figure on the cost of the redundancy, but, suffice it to say, Contracted Officers were given three months' notice, and their contract was then determined. If, in fact, there was a contracted officer whose contract was coming due, the person was allowed to remain until the end of the contract.

THE SPEAKER: The next question is No. 122 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 122

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

No. 122: How many reports have been received regarding harassment, including sexual harassment of Civil Servants on their jobs?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. One report of harassment has been received and is currently under investigation. No other reports have come to my attention.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what facilities or resources exist for dealing with complaints of this nature?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. If a complaint of this nature is made it will be investigated to determine whether a case for misconduct is established and it would be treated in a similar way to other cases of misconduct under the Public Service Regulations.

THE SPEAKER: The Elected Member for North Side.

MRS. EDNA M. MOYLE: Would the Member say what type of harassment was this report made on, and whether it was the harassment on a male or female?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The allegation is of sexual harassment in the form of offensive remarks and it was against a female Civil Servant.

THE SPEAKER: That concludes Question Time for this morning. The next item is Government Business, Bills. First Readings.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

THE FENCES BILL, 1993

CLERK: The Fences Bill, 1993.

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

THE PORT AUTHORITY (AMENDMENT) BILL, 1993

CLERK: The Port Authority (Amendment) Bill, 1993.

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

THE NUCLEAR SAFEGUARDS BILL, 1993

CLERK: The Nuclear Safeguards Bill, 1993.

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

THE MUTUAL FUNDS (AMENDMENT) BILL, 1993

CLERK: The Mutual Funds (Amendment) Bill, 1993.

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

THE INSURANCE (AMENDMENT) BILL, 1993

CLERK: The Insurance (Amendment) Bill, 1993.

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

THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993

CLERK: The Banks and Trust Companies (Amendment) Bill, 1993.

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

THE COMPANIES MANAGEMENT (AMENDMENT) BILL, 1993

CLERK: The Companies Management (Amendment) Bill, 1993.

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

THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) (AMENDMENT) BILL, 1993

CLERK: The Confidential Relationships (Preservation) (Amendment) Bill, 1993.

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

We continue with Government Business, Motions. The debate continues on Government Motion 4/93. The Third Elected Member for Bodden Town.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 4/93

RECOMMENDATIONS FOR CONSTITUTIONAL CHANGE

(Continuation of the debate thereon)

MR. G. HAIG BODDEN: Madam Speaker, I want to continue this morning dealing with a few of the amendments which are proposed in the new Draft Constitution which is attached to the Motion before the House. As I mentioned yesterday, there are several amendments that were not put in the original Motion, but I do not intend to deal with all of them.

Section 5, specifically names the three officials that will be Members of Council, that is, the Attorney-General, the Financial Secretary and the Chief Secretary. In the 1972 Constitution the Governor is allowed to appoint three members of the Civil Service as members of Council and also as Members of the Legislative Assembly, but the particular persons or posts are not named. So, this is an improvement on the 1972 Constitution and it barely confirms what has been going on anyhow. It is a good thing to have these appointments spelt out. We remember how in very recent history the Government played all sort of funny games with the post of Chief Secretary. I understood the post was abolished to keep one Tom Jefferson from being called Chief Secretary and later on the post was brought back.

Of course, the Constitutional Commissioners recommended in their Report that the post of Chief Secretary be brought back, but the Government could not wait until the constitutional amendments were completed - they rushed ahead and brought it back. I did not know what game they were playing that time. Of course further down in the proposed amendments these same three Members are listed as the Members to sit in the Legislative Assembly.

Section 6 is to be amended, to delete three reasons why Official Members would lose their seats in Council. Perhaps that is a good thing. The Governor appoints these Members to Council and he should be able to remove them, and the reasons for removal should not be narrowed to the three reason. He appoints them in his discretion, therefore, it is logical that they would also be removed.

The Official Member of Council is in a different position from the Elected Members. The Elected Members of Council cannot be removed by the Governor. He may take away their Portfolio but I do not think he has the authority under the Constitution to remove the Elected Member from Council.

One important amendment which I did not mention, but was mentioned by the Honourable Member who introduced the Motion, is section 29. Section 29 will have a new subsection calling for the holding of a referendum in certain instances. I support this amendment because I am positive that if there had been such a provision in the 1972 Constitution and that provision had been used we would have never have had Motion 3/90.

Finally, this new section 47A makes provision for the recall of a dissolved Assembly if this becomes necessary due to an emergency.

The Chamber of Commerce has played a very active role in the

process of these constitutional changes. They appeared before the Select Committee, have conducted polls and, I believe prior to the Election, they even ran a survey which included certain questions of a constitutional nature. Recently they sent to all Members (on September 3rd, 1993) a document which gives us the result of their Constitutional Questionnaire.

Now, I have a lot of respect for the Chamber of Commerce, but the public must realise that the Chamber of Commerce is a self-interest group like all the other groups, although they are more elaborate in their furnishings. For example, they suggested in the Immigration Law that it is not such a good thing to have the Board made up of members - one from each district. They would prefer to see one from each organisation that they recommend. Pure self-interest! But, apart from that, we have to give credit to them because they are vocal, they run the business of this country and we have to listen to them.

On the first question: "Should there be any change to the 1972 Constitution?", seventy-five per cent of their members replied yes. So there is general agreement. "Should there be an additional Member?" Again, 72.5 replied yes. "Should Executive Council Members be called Ministers?" Two-thirds, 64 per cent, replied yes. But in the document that was sent to us, they say, "To our surprise, roughly two-thirds of the respondents are in favour of this change", calling the Members "Ministers". I cannot understand why the Chamber would be surprised that two-thirds of their members would want this change because the members of the Chamber of Commerce have the same problems that the Members of the Legislative Assembly have when they deal with foreign clients. Members of the Chamber of Commerce, through accountants, or lawyers, or business people, when dealing with overseas clients, have to advise them who is the Minister for Tourism, who they have to talk to if they want to discuss planning permits and, naturally, if these business people tell a foreign client that they have to speak to the Member, they then have to explain what a "Member" is. So, it is only practical that the members of the Chamber of Commerce would want this change to facilitate the easy operation of their own business.

Now, the reason why I am taking some time to deal with this is because in nine cases out of 10, the Chamber's Members are in full agreement with the National Team and, therefore, with the Motion which is before the House. The Motion recommends the additional Member. The Motion recommends the change of name to Ministers and, as I go through it, you will see the other areas where there is total agreement.

"Should Elected Executive Council Members have administrative responsibility for any department of Government?" They were split almost 50/50 on it, they were uncertain - 40.9 per cent saying yes, 59.1 per cent saying no. This is what we found in the General Election. The National Team had put in their Manifesto that they were willing to have the small change towards Ministerial Government and no objection was raised at that time which simply means that people were sort of luke warm towards it, there was nobody who was strong against it. There was nobody that was strong for it. The Motion which is now before the House, when it was originally drafted, as I mentioned yesterday, contained a provision where we would be asking for a small measure of administrative responsibility. But this has been removed and is not in the Motion and there will be no change giving administrative responsibility to the Members.

Despite all of that, in the day-to-day running of a Department, anytime a Member of Council is charged with the responsibility of a department he is given a certain amount of administrative responsibility. If that department does not function well, he gets the blame. If it does not carry out the policies of the Government, the Member is blamed. So, the Member does have, and ever since 1972, whether we admit it or not, the Members of Executive Council have exercised a certain amount of administrative responsibility.

Let us say, for argument's sake, that the Member gets complaints about the road work being improperly done, or about malpractices at the hospital. What is the Member going to do? Is he not going to the Head of Department and asking, "Who is the engineer doing this work, or, who is the doctor that is killing these people?" And is not the Head of Department going to the Governor and saying, "I want this man fired"? This has happened since 1972, and is happening every day. Let me tell you, if there is extensive waste in the department and it comes to the ear of the Members, he is no Member if he does not step in and find out, if he does not investigate and he does not call for all the information. Do you think the Member for Aviation would have been on top of the Cayman Airways situation now if he had been afraid to talk to the Managing Director and find out what is happening? So let nobody kid themselves, the Members of Government's Executive Council, ever since 1972, have exercised limited administrative responsibility. There is a difference in doing that in the Portfolio that you are responsible for and having the right to hire and fire somebody that you do not like, as the Chief Minister would have been able to do, as had been proposed by the Commissioner. But I could talk about this subject all day.

On question 4 the members of the Chamber of Commerce were divided fairly evenly, as the public had been, and as we have been. The fact that it has been put forward without giving the Members in the Constitution administrative responsibility shows that we, as the Members of this House, as listening to the public and they do not want our Executive Council Members to have all the power over the Civil Service. But they certainly want the Civil Service to perform, and they want the departments to be efficient.

"Should the appointment and powers of the Attorney General be set out in the Constitution?" More than three-quarters answered yes. This is exactly what the Motion recommends.

Question 6: "Should the appointment and powers of the Auditor-General be set out in the Constitution?" Here, again, more than 75 per cent of their members said yes, exactly what the Motion before the House says.

"Should the appointment and powers of the Ombudsman/Complaints Commissioner be set out in the Constitution?" Sixty-eight per cent said yes. In a note to it they said: "A majority of respondents said yes, but added, 'This position should not be necessary with overpaid

MLAs' ". I do not know where they got that idea from because if any of them, in their businesses, worked as , as the Honourable McKeeva Bush, they would consider themselves underpaid.

But you know, this is a funny life. When I came into th Legislative Assembly, I was paid $50 per month, and they told me I was coming here to look for money. Let me tel the Chamber of Commerce, and it may be that only a few of them think this way, but the Members of the Legislative Assembly are not overpaid - they are well paid, but there are some times when I feel they should be paid more. If they were called out at the hours that we are (5:00 and 6:00 in the morning and after midnight), and if they were expected to do the things that we do, they would find that some of them would not last very long here. It goes on to say: "They should be available to us so that we can make our complaints directly to them." I do not know who they are talking about. I have been a Member for a long time. Everybody knows where I live, where my business has been, what my phone number is. I have never dodged from anybody. But some of them do not have the ambition to talk to anybody, and now they talk nonsense that we should be available to them. We are available to them. But how are we going to know they have a problem, they must first contact us. So it is a two-way street.

"Do you approve of the Government's proposed Fundamental Rights and Duties of the Individual (Bill of Rights) as they are presently drafted?" More than half said yes. Well, that is the position of the Motion.

"Should there be a provision for a referendum in our Constitution?" Again, 74 per cent, almost three-quarters, said yes. Most of them felt it should be triggered by the voters themselves.

"Should the results of the referendum be binding or advisory?"

Sixty-five said binding.

"Should a Member of the Legislative Assembly be eligible for appointment as Speaker or Deputy Speaker of the House?" Forty-five point one per cent (45.1%) said yes. The Motion recommends that the Speaker would not be a Member of the Legislative Assembly but the Deputy Speaker could be.

"Should there be a Chief Minister?" Seventy-eight point four (78.4%) per cent said no. Nearly 80 per cent, four-fifths, said no. That was the strongest answer for any question. More people were emphatic on the answer of Chief Minister. This is what we found throughout the campaign, or from the time the Commissioners came here, because they came to sell us a Chief Minister and from the time they arrived in the Island until their report came back and the Draft Constitution came, people have been saying no. They said it in a loud fashion at the General Election and the Chamber of Commerce now agrees. Seventy-eight per cent of them agree that there should be no Chief Minister - exactly what the Motion recommends.

"Should the terms of office of an Executive Council Member be limited?" Fifty-eight point eight (58.8) per cent of them said yes; 41 per cent said no. The Motion before the House really does not address this question. Personally I do not agree with the majority of the Chamber of Commerce members on this. I know that in the United States they have a limit of two terms on the office of President. But, they have a couple of hundred million people there. Also, they have the question, "Should the terms of office an Elected Member of the Legislative Assembly be limited?" Thirty-four per cent said yes; 65 per cent said no. They make the comment, "if someone is doing the job he was elected to do, the voters will take care of it." So, I do not think we need to be concerned with the Elected Members, if they do a good job, they will be returned and if the majority of their fellow Members feel they are doing a good job in Executive Council they will be returned. It is quite possible that if you put a limit we may lose a good Member. For example, suppose in this Government there had been a limit of two terms. We would not have had Mr. Truman Bodden in the Executive Council because he has already served two terms. We would not have had the Honourable Thomas Jefferson because he already served 10 years in Executive Council. If we put that limit in of two terms we may hurt ourselves, because there may be in the group somebody that has the special expertise, the special skills and the special knowledge necessary for the proper functioning of the Government. To put an arbitrary restriction, and they say two terms, why do they not say one term or six terms, or half a term or one year? Who are they to set this and what are the guidelines that they are using to set it by?

THE SPEAKER: Would this be a convenient time to take the suspension, Honourable Member?

MR. G. HAIG BODDEN: Yes, Madam Speaker.

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

HOUSE SUSPENDED AT 11:29 A.M.

HOUSE RESUMED AT 11:50 A.M.

THE SPEAKER: Please be seated. The Third Elected Member for Bodden Town continuing.

MR. G. HAIG BODDEN: Madam Speaker, I will endeavour to hurry through the remainder of the questionnaire from the Chamber of Commerce.

Question 14: "Should the Constitution provide for Standing Orders to stipulate that Government Bills are given at least three months notice before being debated by the Legislative Assembly?" Seventy-five point five (75.5) per cent said yes. This same question had been asked prior

to the General Elections in November 1992. It is virtually impossible to have such a rule. It is a good idea if it could work in practice. In this meeting of the House we will be dealing with at least two bills that had been circulated in June, one of them an amendment to the Fencing Law, and, certainly, these two bills have had three months circulation. We are also dealing with the Motion before the House which I think had been tabled in the June Meeting as well.

I agree that the Government should try to publish all the Bills as early as possible and, wherever it is convenient, to give the three months notice. But there are some Bills, such as the Revenue Bills which cannot be published in advance. There are Bills which may have to address matters of security, Bills to deal with emergencies which may arise. There are other Bills where it is just absolutely necessary to take quick action. So, unfortunately, I cannot agree that there should be such a provision. Our Standing Orders provide for Bills to be circulated, Gazetted, and, believe me, I have found out that if the Bill is controversial and if there are objections to it, the Government will hear about it no matter how rapidly they try to push it through the House. "A substantial majority feel that three months notice should be given 'to allow for public feed back'" further adding, 'Our MLAs promised us this back in October for all major Bills. They must live up to this promise.' However as members responded in our 1991 survey, they cautioned again, 'Exceptions must be allowed for matters of national security.' "

Now, I remember saying, when I was questioned about it, that it is all right to give the three months notice wherever you can, but there will be times when difficulties creep in. There will be difficulties with the drafting and it is not always possible to give the three months. Here again, our laws are not like the Meads and Persians, which cannot be changed. If there is something that is drastically wrong, we can bring it back at the next Meeting and repair the damage.

"Should regulations be presented simultaneously with Bills to the Legislative Assembly?" Sixty-six point seven (66.7) per cent said yes, and some said no (23.8 per cent). Here again we come into some difficulties because when a Bill comes to the House there is no guarantee that the Bill will pass as the Bill has been drafted. So, if Regulations are made along with the Bill, they may find that in amending the Bill they have to go back and amend the Regulations. It would be good if some of the major Regulations could be brought along with the Bill. The way the Government functions, Regulations deal with most of the minor things that crop up - things that have to be changed day by day, like the Traffic Law. Sometimes it may be necessary to make some changes in the traffic lights or the width of a road at a certain place. There is no end of the things that crop up from day to day. If these Regulations had to always come to the Legislative Assembly, Government - as slow and cumbersome as it is - would grind to a halt. So if we are not going to live in a fairy tale world, where everything is going to be ordered in advance, you cannot accept this. I certainly feel that regulations which impose taxes on the public, which raise fees, should never be passed by Executive Council until they receive approval from the Legislative Assembly, because if we do that we are excluding some of the Elected Members from having any say in the taxation of the public.

There are many times when Members and the public feel that Regulations made by Executive Council are not good. Certainly, in the pas, we have seen some that were not, in my opinion, in the interest of the country. But, if they are too far out they can be changed, the Members can exert influence. We can only talk about the current time. I believe with the listening Government we have now, there would be no problem in asking them to look at the regulation if it imposes undue hardship in any area.

There are a few laws on our books now that require that Regulations come to the House. For instance, the Planning Law - but, as this is not a part of the Motion before the House I will not deal any more with it.

"Should the Constitution require the Government to have a balanced budget?" Over 72 per cent said yes. Well, for years the Governments have endeavoured to put forward a balanced budget. But sometimes putting forward a balanced budget does not give a true reflection of the situation. For example, in order to balance the budget, the Government may put in a lot of token votes in November when they know full well that they may underestimate a project and purposely put in a smaller amount. So there are little tricks that can be used to present a balanced budget. I think what is more important is to have a realistic budget where the proposed expenditure is in line with the revenue. But, here again, this was not a question in these amendments.

Similarly, Question 18 asked: "Should Government funds earmarked for specific public benefits be protected by the Constitution from other uses?" Here, again, I will just make one comment in passing. This is very difficult if money is earmarked for one thing and something arises later. The Government is an ever-moving, ever-living organisation which has the right, I should think, to change and to spend whatever is in the best interest of the country. For example, suppose $3 million had been earmarked for a new road, and then we had a hurricane which caused substantial damage to our hospital. Should we not be able to use that money to repair the hospital right away without having to go to London to change the Constitution?

Question 19, "Before any Constitutional Amendments are recommended to the Foreign and Commonwealth Office, should they require a two-thirds majority of Elected Members of the Legislative Assembly?" Forty-five per cent said yes, and 54.3 per cent said no. I do not think we need to worry too much about that. You will not get, London will not give, any Constitutional changes of major importance unless there is a substantial number of Members asking for it.

I believe the visit of the seven Backbenchers to London in August 1990, opened the eyes of the Foreign and Commonwealth Office to the way that the Government was being manipulated and being run by force with just a scanty vote carrying everything. I believe this is why they listened to us when we went there and begged them not to amend the Constitution before the election. This is why, as I mentioned yesterday, the letter came down saying any amendment would await the new Government. They knew that the Motion asking for the change had been forced through, not by elected Members, but by coercing the three

Official Members to help carry it. It did not reflect the majority will of the elected Members. I do not think we will ever find London making any substantial change to the Constitution unless there is a good majority, probably even more than two-thirds of the Elected Members, asking for it. It is not something that can be manipulated, even as smart as some people thought they were, because we know when this request which we are dealing with today originally came to the House, the idea was to amend the Constitution or to write a new one and put it in, then hold the election and the new Government would work on it whether they liked it or not. But that strategy did not work.

Question 19, "Should they require referendum by a percentage of voters?" Fifty-four per cent said yes. This is something that we will have to decide on the way a referendum will be triggered and whether it will just be advice to the Government or if the Government will be compelled to handle it.

Question 10, "Should our Constitution include a definition of Caymanian?" Sixty per cent said yes, 40 per cent said no.

Apart from the questionnaire which went out the Chamber raised certain other matters. There was the question of privilege. Some members felt that Members should not be privileged. I had missed this, it was question 16. Let me read this because it is very important. I am sorry that I missed it because I intended to come down on this one harder than any other because it strikes at the very core of democracy.

> "Due to Parliamentary Privilege, members of the public do not have the right to sue for damages or defamation resulting from statements made in the Legislative Assembly. Should Legislative Assembly Members be allowed to make defamatory statements concerning other members and/or the public in the Assembly?"

To the question, 24 per cent said yes, and 76 per cent said no. The principle on which the British system of Government and justice is built is that those who administer justice, or Government, must be free and unfettered from any disturbances or any encumbrances. The courts of the land could not function if a witness in a murder trial, or any other trial, could be sued for what he said in the Court House. Parliament would grind to a halt if the Members were prevented from speaking freely. This has existed from time immemorial. I would just like to quote from *Erskine May*, this is the 21st Edition, page 69:

> "Parliamentary Privilege is the sum of the peculiar rights enjoyed by each House collectively as a constituent part of the High Court of Parliament, and by Members of each House individually, without which they could not discharge their functions...".

It goes on to say:

> "Thus privilege, though part of the law of the land, is to a ceratin extent an exemption from the general law. Certain rights and immunities such as freedom from arrest", that is while in Parliament, "or freedom of speech belong primarily to individual Members of each House and exist because the House cannot perform its functions without unimpeded use of the services of its Members.".

But, having made that clear, we have to remember that although a Member of the House can say things in the House that normally he could be sued for on the outside, he cannot, he dare not, abuse his position. He would not be allowed when there is a Speaker in the Chair. I know it happened in this House during my time, but not during the time of the present Speaker. If things get out of hand there are sanctions, if the Member breaches the Order of the House, if the Member who has the privilege breaches those privileges he can be sanctioned.

I would like to quote again from the same volume, page 84:

> "Subject to the rules of order in debate, a Member may state whatever he thinks fits in debate, however offensive it may be to the feelings or injurious to the character, of individuals; and he is protected by his privileges from any action for libel, as well as from any other question or molestation.".

But, it goes on to say in the third paragraph of that section;

> "In the past, Members were frequently called to account and punished by the House for offensive words spoken before the House. Some have been admonished, others imprisoned, and in the Commons some have been expelled.".

No Member of the House can use the House just to get at somebody on the outside. I do not think the Chair would allow it. Furthermore, there is another side to it. The Member has a duty to his constituents, as a whole, to the people who elected him, to behave in a fashion suitable to the high office which he holds.

Now, if there is any Member who falls from this high position, he can be dealt with. I would like to quote again, and this is the last paragraph I am going to read, on page 65:

> "The Speaker having claimed and statutory recognition having been granted to the privilege of speech, it becomes the duty of each Member to refrain from any course of action prejudicial to the

privilege which he enjoys. On the 15th of July 1947 the House of Commons by resolution declared that 'it is inconsistent with the dignity of the House, with the duty of a Member to his constituents, and with the maintenance of the privilege of freedom of speech, for any Member of this House to enter into any contractual agreement with an outside body, controlling or limiting the Member's complete independence and freedom of action in Parliament or stipulating that he shall act in any way as the representative of such outside body in regard to any matters to be transacted in Parliament; the duty of the Member being to his constituents and to the country as a whole, rather than to any particular section thereof.".

So, to wrap this up, while the Member normally can say what he wants to say in a debate, he really cannot say it. If he gets out of order the Speaker may stop or expel him, probably put him in jail overnight. I do not know what the Speaker would do. But what would happen to that person, if he disgraced the people from his constituency, I do not think he would remain long in office.

But then, if I had to come here and worry about what the Chamber of Commerce would do to me if I said something about them or if I had to worry about what so-and-so would say, or would try to do to me as an individual, because I spoke my mind freely, we would have no Government. This question should not have been asked to the Members, but I wanted to deal with it because there are people outside who, perhaps, do not understand it is freedom of speech upon which the Parliament itself relies for its authority to remain the Highest Court in the Land.

In this document from the Chamber there is a section dealing with the findings of the Chamber of Commerce on their Constitutional survey:

"Members have agreed to the addition of a fifth Member to the Executive Council, but many have suggested that consideration should also be given to the alternative of assigning specific areas of responsibility in particular special projects to those MLAs not on Executive Council. It is considered that this alternative will save the salary of another ExCo Member, lighten the work-load on ExCo and will help to involve the other Members of the House in the job of running the country".

I do not know what projects they refer to, but it would be difficult indeed if one of the Government projects should be assigned to a Member who is not in Council. In the first place, the Member would not have the staff, would not have access to the Department, there would be a multitude of problems with getting anything done. The Executive Council Member on the other hand with his Principal Secretary, his office staff and his Head of Department at the snap of a finger can usually get things rolling. So, while the suggestion is, perhaps, not a bad one, I think a lot of thought would have to go into it before it would improve things.

Most of the rest of this appears to be covered already, with the exception of "parliamentary privilege should cease." I wonder if a lawyer put this together and if he would write into this that the privilege in the courts should cease. This is the most ridiculous statement I have seen in a long time. Whatever else happens in this House, I am begging the Members, even when I am gone, never let anybody take away from you your parliamentary privilege. Guard it zealously, but guard it well.

The repeated statement that "consideration should be given to limiting the terms of office of Executive Council to two consecutive terms, which may be repeated again after an interruption of one term." to me that is nonsense. Would a Member serve better after an interruption or if he continued on in the job? If he is going to serve at all, would he not serve better continuing? This does not make sense, and perhaps it was just put in to justify that they should limit the terms: "Consideration should be given to amend the Constitution to require that no future changes be made without a referendum."

I believe that in Cayman no Government is going to get away with any constitutional changes unless the public agrees. Our public is very sensitive about their Constitution and anyone who tampers with it - anyone - is likely to go. We just saw it happen, we saw a whole Government removed and for no other reason than they tampered with the composition of our Finance Committee and tried to put in a new Constitution before a General Election. They have not realised it as yet, but that is exactly what happened.

There has been considerable quoting from the Chamber of Commerce document: "There has been considerable concern over whether the United Kingdom Government will allow all the recommendations which Cayman puts forward." Well, I believe, personally, that the United Kingdom Government may not agree with all of the recommendations we have made. I will be surprised if they allow us to put the composition of Finance Committee into the Constitution. You will remember that this was recommended as far back as 1972 and it never appeared in the Constitution. In the Commissioner's Report they too felt that the Finance Committee, being a Committee of the Legislative Assembly, should be regulated by the Legislative Assembly. I have my doubts that London is going to put that in, I will be pleasantly surprised if they do, I will be happy about it, but I will not be surprised if they do not include it.

They go on to say: "Some respondents who opposed Constitutional change in this survey expressed the concern that the United Kingdom Government will not truly seek or follow the wishes of the Cayman people." I do not believe that. The British Government did seek, and I believe will follow, the wishes of the people. It is true that they used an archaic method, but when they received the Report of the Commissioners, they knew that something was wrong with that Report.

Throughout the Report the Commissioners said, "That we were told that this is what the people wanted, but we recommended something else." So the British Government knew that the Report was really the opinion of the Commissioners, the recommendations were the opinions of the Commissioners rather than the recommendations of the people. This is why as I mentioned earlier we are now

debating this today so that the new House, the product of the last election, the newest feeling of the public, will be able to say to London, "This is the feeling here about the Constitution and, despite all that has gone on over the past, these are the changes that are most acceptable to us. This concern led some to oppose any change at all for fear that we the people will have no control over the changes.".

Well to a certain extent, that statement is true. With Constitutional changes we have little or no control. We can only beg, we can only ask and London either grants or does not grant. We know that a couple of years ago London was approached about changing the qualifications for Members of the Legislative Assembly and those who could vote, and there were certain changes which the Government requested and London did not agree to. So this is always possible. "Some Members of the Assembly have also suggested that the Foreign and Commonwealth Office will not allow certain changes, particularly the right for Caymanians to call for a referendum." Well that has really fallen to naught because the amendment before us which was put into legal language in London does make a provision.

"The Chamber would like to point out at this time that we have been advised by Governor Michael Gore that, in the meeting in London between himself and the FCO earlier this year, the FCO advised him that Cayman can have any Constitution it wants, including referendum by the public." This is indeed heartening to us all, and encourages us all the more to make sure that the proposal which goes to the FCO does indeed represent the expressed wishes of the public.".

In closing, one of the most fortunate things about this exercise is, as I mentioned earlier, that London saw fit to delay dealing with the changes until such time as the public could have some input and the new Assembly could deal with it. I believe this is because London was well aware of the yearning for power that was here, the desire to stay in office and the jostling for the Chief Ministership.

Motion No. 3/90, which triggered all of this, forced a prominent citizen, Mr. David Ritch, to write a column in the newspaper saying that if he heard the word 3/90, 6/90, 9/90 again he would definitely be sick and he would hope that the Government would get on with the job of fixing the things and attending to the things that needed to be done. Unfortunately, that Government never listened to Mr. David Ritch, nor anybody else for that matter, and continued until November 1992, never addressing the problems, never completing the Constitutional changes.

I am hoping today that when this debate is finished and this report goes to London, the next thing we will have will be the completed document, ratified in London and forwarded to us so that the fifth Member may be added to Executive Council to help with the work load of those four Members who now have so much responsibility, and so that the other changes will take place over a period of time.

THE SPEAKER: The Chair has observed that the last Member speaking quoted extensively from a document from the Chamber of Commerce. Perhaps he would be so good as to give the Serjeant-at-Arms a copy to be laid on the Table of the House. Thank you.

MR. G. HAIG BODDEN: What happened, Madam Speaker, was that the copy I had belonged to the Honourable John McLean. I can bring my copy for the Clerk. I do not have it here with me.

THE SPEAKER: Well, I am sure that Members realise when they do quote from a document it should be laid on the Table.

MR. G. HAIG BODDEN: Oh yes, definitely. I want to give it to the House. Sure! Please note that we have given it to the Clerk now.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Madam Speaker, I rise to offer my contribution on the debate calling for amendments to the 1972 Constitution. The present format introduced by the Member for Education and Culture and Aviation on behalf of Government represents minor amendments to the present 1972 Constitution as opposed to the new Constitution compiled by the Constitutional Commissioners on behalf of the past Government which represented radical and far-reaching constitutional changes headed up by a Chief Minister.

Madam Speaker, that Report proposed by the past Government, gave the Chief Minister awesome powers. I feel the reason why Members of the past Government were pushing for that was that they each saw themselves as having an opportunity to be elected to that elevated position of Chief Minister.

Madam Speaker, thank God that a majority of the 1988 to 1992 Backbench took a more conservative approach with regard to Constitutional amendments and were prepared only to support minor amendments to the Constitution which they felt were necessary to improve the efficiency of Government on a whole. What has been evident is that the 1972 Constitution has worked well for over 20 years. I remember one of the excuses put forward by the past Government was that they needed changes to the Constitution in order to get their jobs done because they did not have the support, mainly, of the Civil Servants.

Madam Speaker, it is my opinion that that was not the reason why they failed during their administration, but, rather, because the four of them failed to unite and stick together as an Executive Council in putting forward certain recommendations, or to even be in a position where they could question suggestions being put forward by Members of the official side of things, including the Governor. I have

seen Government work under the present 1972 Constitution because the Elected Members of Executive Council stuck together. You have a majority already in Executive Council, if the four Members decide that they are going to do anything, then, it is history, because they have four votes as opposed to three. So, that was not the reason why they failed as a Government.

Madam Speaker, during the past Government it became evident that some changes were necessary, and that is why the Backbench of that day put forward and supported certain amendments they felt should be entrenched in the Constitution. I recall that there was quite an outcry among the general population and even for Members of this House, in particular Members of the Backbench, when the four Elected Members of Executive Council decided that in order to ensure the continuation of their minority Government of the day they would change the rules with respect to Finance Committee and opted to put the three Official Members on as Members of that Committee which put them in a position where for over two years they were barely able to get their proposals through by binding the three Official Members under collective responsibility.

We felt very strongly at the time, and we feel just as strongly today, that the Finance Committee should be in the Constitution and that any changes to that Committee would then require a Constitutional amendment. The past Government did not support this. The Constitutional Commissioners did not support this. But I am thankful that the British Government took the view that they would only support those amendments or recommendations that had the support of the majority of the Members of this House and a majority of the general public.

It was evident, Madam Speaker, when the Commissioners came down for the review, that they came here with instructions or a pre-understanding. We were told, in no uncertain terms, by one of the visiting members, I think it was Mr. Lennox Boyd, that the British Government had every intention to see to it that the Cayman Islands had an advanced modern Constitution.

I remember attending a few of those sessions which were held by the Commissioners. They failed to listen to the people, because a majority of the people at those meetings made it known in no uncertain terms that they did not support the idea of a Chief Minister and his wide powers. Those comments or feelings were completely ignored by those Constitutional Commissioners.

I recall, even one of our Committee meetings, that the Commissioners became very upset when I passed a remark that the whole exercise that we were going through, as far as the Select Committee, the exercise that they were going through with regard to public meetings, was totally useless and a time consuming exercise which would not have amounted to anything because at the end of the day we would get exactly what they wanted, not what the majority of the people wanted or a majority of the Members. They were very upset!

Madam Speaker, you know that at the end of the day when the new proposed or Draft Constitution came back, that was exactly what we got - what they wanted and what the past four Elected Members of Executive Council supported as far as Constitutional advancement was concerned. I believe, Madam Speaker, as the Third Elected Member for Bodden Town mentioned, that our visit in 1990, that is the Backbench of the day (the seven Members) to London at our expense to talk with the Officials at the Foreign and Commonwealth Office with regard to Constitutional advancement and some other issues that we dealt with, really opened their eyes and it was not long after that when we had visits from some very senior officials from that department here to see first hand what was going on. I believe as a result of that the British Government probably came to the conclusion that they were being misled into thinking that the proposed amendments, or the new Constitution, had the support of a majority of the Elected Members of the House and a majority of the general public of these Islands.

I think the time has come when we have to put Constitutional amendments or changes behind us and get back to the job of getting this country back on the track economically, socially and every other way. I believe that the uncertainty with respect to what the final amendments would look like have created a feeling of uneasiness among our foreign investors. Many of them have been sitting on the sidelines just waiting to see what the final outcome will be with respect to this very important issue. I believe, Madam Speaker, it is time for us to move on in dealing with these Constitutional matters.

One of the things that the general public can be comfortable with is that the present proposed amendments have been circulated. The general public was given ample time to review the proposed amendments, and those areas where they had a problem or had concerns, the present Government has taken note of those areas and in most cases has agreed to the suggested amendments or deleted them entirely because they did not have the support of the general population.

I am pleased to see that the Finance Committee will be a part of the amendments to the 1972 Constitution because I believe, and we advocated this for the past four years, that only the Elected Members of this House should be in a position where they decide on what monies are spent in this country. Madam Speaker, there are checks and balances in place, whereby, if they are not prudent with regard to their approvals then when they go back to the polls, the general population and their constituents can deal with them, the Official Members do not have that kind of fear.

Madam Speaker, I am also pleased, and I have supported this from the beginning, to see that we will have one additional Member on Executive Council to help share the work load among five Members rather than four plus the three Official Members. Over the past 20 years Government has grown tremendously and the responsibility of the four Elected Members, especially, have also grown tremendously over that period of time.

I believe that by adding one additional Member on Executive Council it will give the Members more time to look in-depth at the respective subjects and issues that they are dealing with in their Portfolios, rather than the present situation where it is just in passing because of the volume of

responsibilities that they are called on to deal with from day to day. Madam Speaker, because of that, and in order to keep the balance between the Government Bench and the Backbench, we felt it was necessary for us to add three Members to the Legislative Assembly. I did not have a problem with that, but in the initial stages I felt (and I think I was supported by at least one or two other Members who were concerned also, with regard to additional expense) that we should have added one other Member of the House, but the majority felt at the time that a two-thirds majority was necessary on the Backbench in order to ensure that we continue to enjoy democracy in this country.

One of the issues that we fought very hard for over the past four years, which I understand can now be done through a Law, was a referendum provision. When issues of national importance are being discussed or debated and the membership of this House were uncertain with regard to how the general population felt, it would have been good for us to have had a mechanism in place where we could trigger the referendum and get the feelings or guidance from the majority or our constituents. I understand that that is now being proposed to be handled through a Referendum Law, and I support that, Madam Speaker.

I also do not have a problem with the title of Members of Executive Council being changed from "Members" to "Ministers" because it does cause some confusion or misunderstanding when they are travelling internationally on Government business. It is only a change of name and not of substance because they will continue to have the same responsibilities that they now have as Members of Executive Council. It does not give them any more power as far as dealing with the Civil Service as was proposed in the new Draft Constitution put forward by the past Government.

Madam Speaker, amendment to section 5 of the Constitution detailed who the three Official Members are who will sit on Executive Council. The present Constitution just refers to three Official Members. In the new amendment it will spell out that the Three Official Members will be a Chief Secretary, the Attorney-General, and the Financial Secretary, which I believe eliminates any misunderstanding as to who those three Members are.

THE SPEAKER: Honourable Member it is nearly 1:00. Perhaps we can take the luncheon suspension?

The House will be suspended until 2:30.

PROCEEDINGS SUSPENDED AT 12:56 P.M.

PROCEEDINGS RESUMED AT 2:31 P.M.

THE SPEAKER: Please be seated.
The Third Elected Member for West Bay continuing the debate on Government Motion 4/93.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. I would like to go on to the amendment of Section 13 of the Constitution, which basically reads:

> "The Executive Council shall be summoned by the Governor acting in his discretion:
>
> Provided that the Governor shall summon the Council if requested to do so by a majority of Ministers.".

I feel that this is good because the present provision in the Constitution says that "the Executive Council shall not be summoned except by the Authority of the Governor acting in his discretion." So, it gives the Members of Executive Council the authority, if a majority of them agree on it, to request of the Governor that the Executive Council be summoned, or convened, for whatever reason they feel is necessary.

There is a new provision to be added to the Constitution - 16A - which outlines the power of the Attorney-General. I think this is good because it leaves them no room for confusion or misunderstanding as to the powers and responsibilities of the Attorney-General and it makes it easier for all parties involved in keeping with amendment No. 5 which spells out the Official Members of Executive Council, namely, the Attorney-General, the Financial Secretary and the Chief Secretary. Here, in keeping with that it outlines the responsibilities of the Attorney-General.

The amendment of section 19 of the Constitution deals with the qualification for membership to the Legislative Assembly and it is in keeping with the present provision of the Constitution dealing with this subject in that anyone under a prison sentence in excess of 12 months does not qualify to run as a Member of the Legislative Assembly. I think this is very important in that we only want the highest calibre of persons running to fill such responsible offices as Members of the Legislative Assembly.

Sections 20 and 21 also deal with that issue in that the Member, if he is declared bankrupt, or is under a sentence while serving as a Member, has the right to appeal and his position does not become vacant for at least 30 days. This gives the Legislative Assembly time to put things in order and also gives the Member a chance to defend himself by way of appeal or otherwise.

Section 31A to the Constitution deals with the provision of a Speaker and Deputy Speaker. In the present Constitution it just mentions that there shall be an Office of a Speaker, but it does not detail the responsibilities, and it also does not detail how that Speaker shall be elected. I recall when the Motion was passed calling for a Speaker that there was some misunderstanding or confusion as to how the

Office of Speaker should be filled. Here it is set out and it also makes provision that whoever is Speaker shall also have a Deputy which means that if for any reason the Speaker is unable to attend a sitting then he or she can, through the Deputy Speaker, see that the business of the country goes on.

The new section 47A to the Constitution gives the Government the right to recall or reconvene the Legislative Assembly after the dissolution if the need arises for any emergency situation. I believe this is a good thing because between the dissolution of the House, which is in September, and the General Elections held in November (about three months), a lot of things could happen during that time when the country is in transition.

There is also a new addition to the Constitution on the fundamental rights and duties of the individual, or a Bill of Rights. This is one issue that the past Backbench, that is the 1988 to 1992 Backbench, fought their hearts for during their term. I believe it is a good thing to have incorporated in our Constitution a Bill of Rights that ensures the protection and freedoms of the individual. But, Madam Speaker, I believe that before this becomes part of the Constitution that a very close look has to be taken at what is included or proposed in these rights. They are very technical and pretty far-reaching. So we want to be comfortable that whatever we agree on, and whatever becomes a part of the Constitution by way of amendment in this area, that something down the road does not come back to haunt us.

Section 53A, which is also a new addition to the Constitution, called for a Register of Interest for the Island where Members, or candidates, especially Members who are elected to this Honourable House, are required to disclose their assets and their interests so that possible conflicts of interest can be avoided. I think it is very important also for members of the general public to be aware of the calibre of persons that are running for office or that are holding positions as Members of the Legislative Assembly.

I believe, though, that this has to be limited. We do live in a confidential environment where, for example, if a man and his wife are clients of a particular bank, but not joint clients, that is, they are not doing business together, if the husband or wife walked in and asked the bank whether or not the other was a client of the bank, the bank would not be in a position to confirm whether or not that information is correct. So, I believe that even though we are calling for a Register of Interests, we have to be very careful as to what is required of Members, or candidates who offer themselves as Members, who serve our country. What we do not want to do at the end of the day is to discourage the good candidates from coming forward because of what they may have to disclose, for whatever reason, decide it is not really worth the time and the effort to offer their services.

I recall saying that as a result of the increase in the salary that MLAs are now offered that I felt, in 1992, that we would be in a position where we had a more qualified calibre of candidate running and becoming Members of this House. That has come to pass, Madam Speaker, we have a very qualified House and I believe it is in our best interest to all be in a position where we can attract the most qualified, the most responsible and concerned individuals to serve as Members of this House.

Through our insistence also, there is a provision to be added to the Constitution, that is, the office of Auditor General. We all are aware of the circumstances under which this came about. It was brought about as a result of the pressure by the past Government - in particular, the past Member for Health who took exception to the Auditor General's Report on his dealings with respect to his responsibility to his Portfolio in dealing with the Hospital and the employment of consultants, etcetera, etcetera. As a result of that, efforts were made to replace the Auditor General only for that reason - because he had the audacity to question the past Government on its behaviour. In particular regard to the awarding of contracts, we are all aware that Government contracts, that is, those contracts in excess of $100,000, are subject to the provisions of the Financial and Stores Regulations where those contracts are required to be tendered to the Central Tenders Committee with the best party being awarded those contracts. In many cases these contracts were awarded by the Member himself without any consultation or without referring those contracts to the Central Tenders Committee. He took exception to the Auditor General's Report which highlighted these conflicts, and as a result lots of political pressure was brought to bear on the past Auditor General. The eventual outcome of that pressure - his term of office was terminated and he is no longer serving in that capacity.

I believe that it is very important that the office of Auditor General remain as independent and free as far as is possible from political interference in order to ensure that the office, or the officer who holds that position, is in a position where he can report on Government's operations as he finds them irrespective of who is the guilty party. By including the office of Auditor General in the Constitution, this will provide him with a greater degree of protection from such political victimisation.

The subject of the Constitution has been an issue which has been debated over the past four years extensively, not only in this House but also in our districts and on a national basis. I feel that my constituents and the general public know where I stand on the Constitutional changes. My attitude has always been that you only do those things that are necessary and because of the environment that we operate being tourism and financial, we have to be very careful as to how we go about doing such things as touching the constitution or calling for Constitutional advancement because it creates an environment of uncertainty. I believe that once these amendments are debated and the new amendments become a part of the present Constitution, and we can get it behind us, it will be in our best interest, because over the past four years there has been a climate of uncertainty. The foreign investor, in particular, is still sitting on the sidelines to see what happens as a result of this debate on the Constitutional Amendments.

So, these are basically the areas that I felt I had to comment on. The other amendments to the Constitution are basically a tidying up as far as the wording and providing a little bit more detail in those areas that the present Constitution does not outline. I believe that once this exercise has been completed and becomes a part of the Constitution we will have a document that will serve us for another five or ten years. If, at that time, through economic advancement or additions of responsibilities as far as Government Portfolios, etcetera, is concerned, if it becomes necessary we will have another look at it. But, I believe that this is the right approach in that we only do those things which we feel are necessary at this time to further enhance the smooth running of Government. It puts the Members of Executive Council in a much better position where they can get on with carrying out their responsibilities in a much more practical and realistic environment.

So, Madam Speaker, those are my comments, and I thank you for your time.

THE SPEAKER: (pause) Could this be likened to the pause in the day's occupation known as the "Children's Hour"? I hope not. (Members' laughter) The debate will continue on Government Motion 4/93 Recommendation for Constitutional Change. (Pause) Is the Honourable Member responsible for Education, Culture and Aviation prepared to sum up?

The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. The matter of Government Motion 4/93, Recommendations for Constitutional Change, comes at a time when much of the nation's effort and energy has been spent on discussing, arguing and commenting on how far we should go. Indeed, the present Constitution has served us for 20 years, and I was just reflecting on the fact that since this society prides itself on being a financial centre, the steps we have sought to take in the direction of Constitutional advance have been conservative indeed. I think that this is in the best interest of the country, the best interest of those people abroad who look upon events in this country prior to engaging and partaking of the services that we offer. So, Madam Speaker, I am led to observe that for the most part the proposed recommendations are reasonable, and one would have little or no reason to fear the steps being proposed. However, in my opinion, there are some improvements, some elaborations and clarifications which can be made.

I believe that we are well advised to try to arrive at a document which, once it has been approved, needs no tampering for another 20 years or more. To that extent, it behooves us in this forum to try to sincerely put forward positions which we can all agree upon and at the end of the day can all live with. That is a difficult, but, I hasten to add, not an impossible task. For the most part we have a basis, and, in my offering, I shall try to refrain from repeating much of what has already been said today. However, there may be those cases where it is absolutely impossible to avoid repeating some points which are so significant that they bear emphasis and re-emphasis.

The question of the additional Member to Executive Council, I think, is a foregone conclusion based on the fact that this country is a growing country - Portfolios and Departments are ever expanding. Indeed, provision has already been made by the addition of three new Members for the additional Portfolio in the Executive Council. As a corollary of that, the name change from Member to Minister or from Members to Ministers, as far as I am concerned, has been long overdue. Some people will argue that it is a matter of semantics, since there is no significant change in the function of the occupants of these posts, and I am happy that the Government saw fit to retract on clauses which, when initially announced, gave reason for public outcry and concern; namely, that of having administrative responsibilities for the Portfolio that are in addition to the normal functions and duties which the Members now have. It shows a sensitivity and a flexibility that people in the business of politics should have most of the time.

Similarly, the provisions which have been made for Speaker and Deputy Speaker - and I had been hoping that the Office of Speaker could have been so defined that it allowed for the occupant to be the Head of a Department on par with Minister, because I believe that in many of the modern territories that office, that exalted position, is equated with that of a Minister. Perhaps that is something that will evolve as we go by, and I am not alarmed seeing that provision was made in the present Constitution and remained there for 20 years before it was eventually enforced. I am sure that one of these days we will evolve to the point of having giving the position the prominence which it deserves.

One area which has given me concern, and which I cannot support, is that which calls for the removal of a Minister or a Member of Executive Council by a simple majority vote. It is my belief that that cannot be in the best interest of good Government and, indeed, the research that I have done leads me to conclude that there are few, if any, places where a Minister or Member can be removed by a simple majority. In cases where a sophisticated party system is practised, party machinery disciplines a particular Member. If he is to be removed because of a conflict within the party, that is taken care of by a reshuffle or by suspension or expulsion from the party.

If it is the case where a situation occurs in the halls of Parliament and an issue is put to the vote, if the Government loses, the particular Minister whose performance or non-performance may have triggered such a vote of [no] confidence is not only fired, but the whole Government is fired if they lose the vote of confidence.

So, Madam Speaker, the Westminster System with its long and rich tradition has dictated that the removal be done by a two-thirds majority. I believe that we should continue that because I am worried about the kind of situation arising where a person may not necessarily be nationally unpopular, but may just be unpopular with his colleagues in Executive Council. Then, who knows what will happen? So I will not be supporting that and I would hope that that is a situation which we can rethink.

Madam Speaker, I would like to spend some time developing Part IV A, which deals with the fundamental rights and duties of the individual which is commonly known as the "Bill of Rights". Now, those of us who were Backbenchers in the last Parliament tried on two occasions to have this implemented - and I speak with a great deal of pride on this occasion because these efforts on both occasions were led by yours truly. I would like to underscore a very important point, however, Madam Speaker, a point that was not made during those two debates and has not been made before.

In order for a Bill of Rights to be effective it must be balanced by a sense of responsibility. I suppose the ideal situation would be a situation where we have on the one hand a Bill of Rights and Freedoms, and on the other hand a list of obligations and responsibilities. In the Asian countries of Taiwan, Singapore, Malaysia and Indonesia, there is an absence of these kinds of fundamental rights and doctrines in their Constitution, because these countries have been influenced by the Confucian epoch which advocated, I suppose, a kind of harmony in the society which plays down any form of disagreement. Indeed, for a long time the developing country, which was touted as a model for other developing countries as far as economic and social prosperity was concerned, was Singapore under Lee Kuan Yew. The leadership role and the role of the Government which Lee Kuan Yew adopted was almost akin to that of a benevolent dictator. In other words, he suggested that the State knew best what was in the interest of the citizens. There is no question that Singapore has been guided to unheralded, unprecedented economic prosperity.

Indeed, many people called me up when we were debating the Bill of Rights and asked if I knew what I was getting into. Some people seem think that having a Bill of Rights entrenched in the Constitution is going to trigger thousands of law suits because it calls for protection from arbitrary arrest, secure protection of the law, etcetera. Madam Speaker, far be it from the case. I think those fears are unfounded and may indeed stem from a thorough misunderstanding of the situation. In the west, as we are a part of it, we are influenced for the most part by the liberal democracies of the United States, Canada, Britain and Western Europe. While it is true that in the United States there are, and have been, landmark Civil Rights cases in which complainants have successfully sued the State and sometimes the country, I do not necessarily believe - and, certainly, up to this point, I do not see situations in the Cayman Islands where our courts will be flooded with this kind of litigations.

Then, on the other hand, there are those who argued that we have always had these rights but they were vested in Britain. Madam Speaker, my answer to that is that I would like to be sure, if the situation arises where my door is kicked-in at the middle of the night, that I am in a position to do something about it. Britain is over 3,000 miles away. Who do I know in Britain? or who knows me? or how am I going to get in contact with them? So, I would like to see, as is proposed, these rights formally entrenched in a document. It does not end there, I would like every citizen of this country to be acquainted with these rights and also to realise that with these rights come certain responsibilities. Because it is documented that one has freedom of speech, does not mean that one has freedom to slander or libel or defame. And, because one has freedom of movement and freedom from arbitrary arrest, that does not mean that one can go around contravening the laws.

There is much merit to the Confucian Ethic and it is very interesting to know that long before we in the west talked about this kind of political system, long before the Glorious revolution of 1688, long before the American Revolution of 1776, and long before the French Revolution of 1789, the people in China influenced by the teaching of the man whom the west has come to know as "Confucius", knew that, "Good Government obtains when those who are near are made happy, and those who are far off are attracted."

I say that to say there is merit to both systems. To the Asian model and also to the model of Western Liberal Democracies there is a further argument that was made popular recently by at least one best selling author, Francis Fukuyama, in a book called "The End of History and the Last Man". He suggested that when we have these kinds of rights entrenched in our system, and he was talking primarily of the United States, that it breeds a kind of senility and decadence which leads to un-productivity among the citizens. I suppose that there is some justification if one were to examine closely some of the things which happened in the United States in comparison to what normally happens in countries like Japan, Singapore, Taiwan and, even now, China which is touted to be the next economic giant.

More recently a Harvard Professor by the name of Samuel Huntington, writing in a book called "The Third Wave Democratization in the late 20th Century", suggests if people misinterpret and misconstrue the purpose of these kinds of rights then that result is first of all a challenge and, secondly, a breakdown in the society which does not serve the economic interest and the economic productivity. And, there is a suggestion then, that these kinds of rights and freedoms, if allowed to be viewed as entities on to themselves without the connecting thread of a sense of responsibility, will certainly lead to a breakdown in the society because people will soon realise that they can get away from many things by using some of these rights and freedoms as a shield.

It cannot be over stressed that with fundamental rights and freedoms must come a sense of responsibility and obligation. Poised as we are, at the beginning, it is a good time to view the complementarity of these two and to pursue the possibility of marrying one with the other in an effort to ensure that there is no misinterpretation that our citizens realise that we cannot successfully have a country with one of these components and the other is lacking.

One of the things I noticed, Madam Speaker, is that in many of the developed countries this kind of philosophy is inculcated from the time one starts formal schooling: So, the suggestions is being made that this is the kind of approach which we should take. I noticed too that the Constitutions of countries and territories which have similar political status to our own have these rights and freedoms entrenched - and I am speaking of Turks and Caicos, Angullla, Montserrat and Bermuda, etcetera. In those cases, Madam Speaker, I am not aware of any proliferation of law suits based on this. So, I say, again, that I do not believe having fundamental rights entrenched in the Constitution will necessarily lead to a breakdown in the society and in the societal mores resulting from any flood of court cases.

Madam Speaker, another major area that I would like to spend some time developing has to do with the appointment of a Complaints Commissioner. As I see it, the Complaints Commissioner, or an Ombudsman, as I prefer to call it, is a position which this country is ready for at this time. I am going to return to this point, but permit me now to remark that I noticed in the Chamber of Commerce's survey that

they have suggested that Members of the Legislative Assembly could do much of what the Complaints Commissioner or an Ombudsman does. I am saying, Madam Speaker, emphatically and categorically No! they cannot under our system, if an Ombudsman or a Complaints Commissioner is what I understand it to be.

I will take an instance from my experience: When I lived in Ontario in the late 1970s there was appointed an Ombudsman, a very respected jurist by the name of Mr. Arthur Maloney. He was appointed by the famous Mr. Bill Davis, who was then the premier of Ontario. One of the duties of the Ombudsman was to investigate complaints made against the Government. So the Office of Ombudsman and Mr. Maloney investigated some complaints made against the Government and embarrassed the Government so seriously that the Government decided to try to get rid of the Ombudsman because the position was entrenched in the Law. There was no way of getting rid of him except the next year they voted no funds in the budget for his office. What ensued was that it became a political issue and that caused Mr. Bill Davis to lose the election, and he must have been Premier then for a good 10 or 15 years. Indeed, there were many people who were saying that as a progressive conservative he was immovable. I am saying that under our system there is no way that any Member of the Legislative Assembly or any other elected person could investigate the Government to that extent. It has to be a special position. Members of the Legislative Assembly, as I understand it now, cannot carry out those kinds of investigations and certainly cannot make those kinds of recommendations.

While I concur that there may be some gray areas, that gray area is not large enough to suggest that a Member of the Legislative Assembly could be an Ombudsman. So, in any sensible system there should only be one Ombudsman clearly set out and covered by law and in the Law. The Chamber of Commerce is ill-advised to suggest that the position could be filled by Members of the Legislative Assembly. While it is true that Members of the Legislative Assembly do many things similar to those required and requested of an Ombudsman it cannot work. There would be too many clashes, and there is certainly no legal or constitutional precedent.

I believe that the Office of Ombudsman should exist if for no other reason than the fact that we have in this country a growing and vibrant society and one in which serious complaints are made both against the Government and the private sector in terms of victimisation, keeping people down from promotions, etcetera; the matter of compensations for unfair dismissals and gratuities. These are some of the matters I see the Ombudsman looking into and I believe that we should have it so articulated that while the Ombudsman has powers of investigation the business of prosecution or the decision to prosecute rest with someone else.

In Ontario, the system was that the Ombudsman reports to the Parliament and the report was tabled and debated and the decision, or what decision to take after that, was a decision of the Parliament. If it was a legal matter it was then seconded to the relevant authorities who decided what steps were to be taken. I would recommend in our case that the Ombudsman be granted powers of investigation and that the report of the Ombudsman be tabled and debated in the Parliament, particularly, where those reports involved investigations into Government Departments or governmental activities.

Madam Speaker, concerning the entrenchment of the post of Auditor-General and an Attorney-General, I believe we are on the right track. Recent history has suggested that as far as the appointment of the Auditor-General is concerned it will be a wise move, indeed, to have that position secured in the Constitution. There is a school of thought which suggests that there could have been a clearer articulation of the functions and the duties of the Auditor-General. Suffice it to say that that could be covered in some kind of law. Similarly, it is a move in the right direction to have the office of Attorney-General entrenched in the Constitution.

Madam Speaker, if there is a weakness in the proposed amendments it is perhaps due to the fact that there should have been a more wide-spread dissemination and consultation. By that I mean that I believe the general public expected that the Government would have come around to the various constituencies. Certainly, when we held meetings in our constituency, the three Members from Bodden Town, there were requests that the Executive Members come and explain some areas of the Constitution. I believe that this could have only served the general public well. It certainly would have broadened their understanding and there would have been the opportunity to ask first hand any questions and to seek any clarification which may have been desired. Madam Speaker, they would have been able to speak directly with the authors of the documents who knew exactly what they meant. I think that there is still a need for that kind of dissemination. Perhaps it is not too late to do so during the course of these debates.

What we are talking about here is an important document which governs and affects the lives of everyone in this country and will perhaps so govern and so affect lives for the next 20 years. It is incumbent that the people get an understanding and are assured that they understand what is being proposed. Such an assurance and such an understanding can only come from those who authored the document. Otherwise, what we are having is interpretations by persons other than those people who wrote it and while, for the most part, they may be correct, there may be some new answers and some idiosyncrasies which can best be put across by those people who wrote the document.

Madam Speaker, let me turn now to the survey conducted by the Chamber of Commerce, and I shall preface my remarks by saying that the Chamber of Commerce should be congratulated for the job which they have done with this survey. Suffice it to say, however, that the Chamber of Commerce is a special interest group which represents, first and foremost, its members. So in many respects the views of the Chamber of Commerce can be held in contradiction to the views of the Members of the Legislative Assembly whose primary interest is to represent their constituency and the country. I make that distinction because in some areas it seems that the Chamber of Commerce in encroaching on territory which should be the domain of the elected representatives of the people, and while, in the essence of democracy, I am quick to agree that it is essential for constructive criticism, I am saying that there is a line beyond which none but the elected

representatives of the people should tread. For that to be the ground or territory of any other persons would mean that we are not a true democracy and might be drifting into oligarchy or anarchy or whatever else there might be and, also, because when one takes these kinds of steps one runs the risk of being exposed as uninformed or, worse, completely ignorant of certain situations.

For example, a recommendation comes to mind - the notion of limited terms. I recall, Madam Speaker, a few of us discussing this with the Constitutional Commissioners, and the response of one of the Commissioner was that in a society like the Cayman Islands that had no merit because first of all we are a small society and there is a limited pool from which our leaders come. So, if we are saying that a man or a woman cannot be a Member of the Legislative Assembly for more than two or three terms, we might be doing ourselves a great disfavour. Remember, already we have the check and balances of a free open and fair election based on secret ballot. So if a person is deemed, for any reason, unfit or unsuitable, first of all he or she has to get a majority of votes. So that is, perhaps, the greatest check and balance that we may have.

In the second instance, let us reflect upon the fact that this business is a voluntary business. There is no law that says when you reach 25, 30 or 35, you have to stand as a Member of the Legislative Assembly. There is no draft. So the people who come forward, come forward voluntarily - and not everyone is so moved to set themselves up for this kind of sacrifice, because it is a sacrifice. While it is true that in some countries there are limited terms, these countries, for the most part, have larger populations from which to draw.

The United States amended its Constitution several years ago so that now no one can be President for longer than two terms. There has to be a break. But, Madam Speaker, the United States has a population of 250 million people. We have a population here of 26,000 and if we narrow that down to the people who are eligible to be Members of the Legislative Assembly, it would be minuscule, comparatively speaking. So, while surveys of this nature have a role to play and a purpose to perform, we cannot attempt to take them as any political Bible, and it cannot be stressed enough that the Chamber of Commerce, while it presents itself as being in the best interest of the country, it is first and foremost a special interest group.

Madam Speaker, one section which pricked my interest was section 9: "Should there be provision for a referendum in our Constitution?". Almost three-quarters, 74 per cent of those people polled said yes. This notion of a referendum was one that evoked heated debate during the time of the last Government. I am still convinced that provision for a referendum should be entrenched firmly in our Constitution. Now, I am aware of the fact that in the Westminster system, certainly in Britain itself, a referendum is not viewed favourably. Indeed, some of the comments I received from some British Members of Parliament, when I informally raised the idea during a Seminar I attended, was that that was an American undertaking.

I believe, Madam Speaker, that true democracy has no particular nationality. I believe it is cross-national, or international, and there are those people who suggest that if provisions for a referendum are entrenched and followed then that Government which is wise enough to employ the medium when necessary will, even in our system of democracy, stay in power forever. If the views of the referendum are binding one has only to follow the wishes of the people.

I do not necessarily believe that it should be so implemented that a referendum can be called for every trivial matter, but, certainly, matters of grave national importance arising out of certain kinds of duties; matters which involve significant expenditure; the notion of certain development projects; these are the kinds of things a referendum or a provision for referendum should cover.

"Should the results of the referendum be binding?" According to the Chamber of Commerce's survey, 65 per cent said yes. Either way we take it, Madam Speaker, whether it is implemented to be binding or whether purely advisory, I think that the provision can only serve us well, and I am an advocate of that.

Section 20 raised the controversial point: "Should our Constitution include a definition of Caymanian?" I noticed that 60 per cent said yes, as against 40 per cent saying no. I am of the opinion that this matter is something that we have to give some thought to at some stage. It is not one which should preoccupy us at this moment in time. I think now the sentiments are too biased because of the kinds of pressures that are obtaining in our society now. This question is one which could better be handled in less heated times. Nor is it one which is of a pressing nature, seeing that we have coexisted for all of these years. It is, however, important to bear in mind that every nation which has a Constitution written like we have has some definition for their citizens.

Madam Speaker, what comes out of this exercise is entirely up to us, the Members of this House. I believe that we have had a long enough dress rehearsal. I believe that we have had much, perhaps too much, acrimonious debate, and I know that however long we spend debating and pondering there will still be some difference between us. But, I am saying that it is high time that we get on with this business, if for no other reason than the country expects it to be put behind us. There are just as many significant problems and challenges out there for us to deal with.

As I said, the exercise could have been more effective if the Elected Executive Council had been so disposed to move around the country explaining, answering, and in many cases allaying fears and having wider consultation among and between all of the Members of this House on the proposed matters.

However, Madam Speaker I see the document, as far as I am concerned, as one which I am prepared to support bearing in mind those areas that I mentioned having some difficulties with. I thank you.

THE SPEAKER: I understand that there is to be a meeting of Executive Council at 4:00. Perhaps, at this time, the Honourable Leader of Government Business might move the adjournment of the House.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I think that we are all happy to call it a day at 4:00 on a Friday afternoon. I move the adjournment of this Honourable House until 10:00, Monday morning.

THE SPEAKER: The question is that the House do now adjourn until Monday morning at 10:00. If there is no debate, I will put the question. Those in favour, please say Aye...Those against No. The Ayes have it. The House is accordingly adjourned until tomorrow morning at 10.00.

AT 3:51 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 20TH SEPTEMBER, 1993.

MONDAY
20TH SEPTEMBER, 1993
10:13 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.

APOLOGY

THE SPEAKER: Apologies have been received from the Honourable George McCarthy, the Third Official Member, who will be absent on official duty. Mr. Joel Walton has been appointed to be Temporary Third Official Member during Mr. McCarthy's absence. The Oath of Affirmation will now be administered to him by the Clerk.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF AFFIRMATION
Mr. Arthur Joel Walton, Deputy Financial Secretary

HON. JOEL WALTON: I, Arthur Joel Walton, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

THE SPEAKER: Please take your seat Honourable Temporary Third Official Member. We welcome you to the sitting. We also welcome the Second Official Member who has returned from his duties as Acting Governor.

Questions to Honourable Members. Question No. 123, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 123

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

NO. 123: What is the official position of the United Kingdom Government regarding the constitutional changes drafted by the present Executive Council and any other impending changes produced by Executive Council?

THE SPEAKER: The Honourable Member for Tourism, Environment and

Planning.

HON. THOMAS C. JEFFERSON: We have requested the views of the United Kingdom in relation to this question.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. The country was told earlier this year that the Draft Constitution was sent to the United Kingdom Government for its perusal to say whether it was acceptable in form or in substance. Is it the case that the United Kingdom Government has not said anything about the present Draft Constitution including to the Members who went to the United Kingdom some months ago?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, it is difficult for anybody in this Government to say what the official position of the United Kingdom Government is without first asking them what it is.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I wonder if the Honourable Member can say when was such a request made and when might we expect a reply?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, the request was made some time ago and when the information is available we will be willing to, as usual, pass it on to Members.

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 be more specific, whether it was made a month ago, two days ago, or three months ago?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, if the Member wants an exact date I would defer because I do not remember the exact date.

THE SPEAKER: The next question is No. 124, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 124

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

NO. 124: What is the official status of the new Draft Constitution 1992 prepared by the United Kingdom Government from the view of the present Government of the Cayman Islands and the Government of the United Kingdom?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: The view of this Government is that the 1992 Draft Constitution has been rejected by the public. We have requested the views of the United Kingdom Government in relation to this question.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Is the Member then saying to the Legislative Assembly that since November of last year, and since the time that it has drafted a Constitution as it sees fit, there has been no official word from the United Kingdom Government to this Government, or to the people of these Islands on the matter of the Constitution?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: I thought the Second Elected Member for Cayman Brac and Little Cayman was asking at this moment the official position on the 1992 Constitution that was drafted back in 1991, or so. I do not know what that position is. It is certainly funny to say that there has not been communication between this Government and the United Kingdom Government. But what he is talking about is the official position of the United Kingdom Government.

THE SPEAKER: The next question is No. 125, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 125

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

NO. 125: What is Government's total revenue and expenditure for the period 1st January through 31st August, 1993?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Government's total revenue and expenditure for the period 1st January through 31st August, 1993, is as follows:

	1993	1992	1991
Receipts:			
Local revenue	$ 90,822,270	$84,817,131	$78,143,774
Loan Income	17,492,562	2,929,186	1,151,168
Total receipts:	$108,314,832	$87,746,317	$79,294,942
Expenditure:			
Recurrent - Local	$74,155,186	$71,214,713	$67,164,844
Capital - Local	4,279,620	7,559,355	7,525,698
Statutory - Local	7,068,830	5,717,741	5,196,851
Recurrent - Loan	11,445,431	-	508,252
Capital - Loan	825,897	2,716,186	672,305
Total Expenditure:	$97,774,964	$87,207,997	$81,067,950
Excess Local Revenue over Local Revenue Funded Expenditure:	$5,318,634	325,322	(1,743,619)
Excess Loan Receipts over Loan Funded Expenditure:	$5,221,234	212,998	(29,389)
Excess Receipts over Expenditure:	$10,539,868	$538,320	($1,773,008)

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say why it is that the revenue has been $108 million and the expenditure has only been $27 million in that eight month period or is it the other way around? Forgive me, $97 million, why has it been such a difference there in that one would expect that by this time of the year the numbers would have been much higher?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Madam Speaker, if you will just permit me to take a minute to explain. I was speaking of total receipts which is a combination of local revenue, that is, revenue from local sources, which is sometimes called recurrent or domestic revenue, plus loan income. The actual Local Revenue for the period was $90,822,270. However, when you add the incoming loan funds of $17,492,562 it gives you total

receipts of $180,314,832.

In terms of the second part of the question, as to why our receipts are running so far in advance of expenditures, there are two main reasons for that. The first one is that the local revenues from local sources are preforming well up to this point. The second reason would be that the recurrent expenditures, in particular, and capital as well are also performing quite well. However, Members will note from the answer being circulated that another reason is that the loan income of $17 million of that incoming $17 million only $12.2 million, approximately, has been paid out to date.

Members will recall that these funds were brought in to assist in the recapitalisation of Cayman Airways which is approximately $16.6 of that $17.4 million. A portion of the balance relates mainly to incoming loan funds from the Caribbean Development Bank for our lending of the CAA.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, can the Honourable Member say how these receipts and expenditures compare with the Estimates for the year?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: In general terms the performance of the financial position to date is basically in line with the Estimates at this point.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say how these figures compare with the revenue and expenditure figures for last year during the same period?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. If we take the same period, that is January to August 1992, and compare the performance of that period to the most recent period in 1993, we have a few basic comparisons we can look at. I will do them one after the other.

Excess Local Revenue Over Local Revenue Funded Expenditure: This is probably the most instructive figure because what this figure is saying is that our day-to-day incoming revenues, how well that is doing against your day-to-day operation expenses. For the same period 1992, that figure was $325,322 as compared to $5,318,632 for the 1993 period.

Incoming Loan Receipts: I would take that with some caution because we are now talking about borrowed funds. The period January through August 1992 Incoming Loan Receipts over Loan Funded Expenditure was $212,998 as compared to $5,221,234. Part of the reason over loan funded expenditure was $212,998 as compared to $5,221,234. Part of the reason here is the timing of incoming loan funds against the payment of those loan funds on related expenditure. That is why we have such a big gap here. Overall, if we compare the total receipts against the figure of $10,539,868.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, can the Honourable Member say if it is true that where you have received over $5 million in loan funds above what you have actually expended, there is the opportunity to earn some interest on those funds?

THE SPEAKER: The Honourable Temporary Third Official Member.

MR. JOEL WALTON: As I attempted to explain, the $5 million that I was referring to, Honourable Member, was actually the Excess Local Revenue over the Excess Local Revenue Funded Expenditure. In terms of your question, where we do have excess loan funds in the account, it does provide an opportunity for some earned interest where we have not actually coincided in common loan funds of outgoing expenditures related as loan funds.

THE SPEAKER: The next question is No. 126, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 126

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

NO. 126: To provide a list of those persons given "Permanent Residence" and "Permanent Residence with the right to work", giving name, nationality and length of residence in the Cayman Islands?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: The number of permanent residents without a right to work is broken down into the following nationalities:-

Australia	3	India	3
Austria	4	Ireland	1
Barbados	2	Italy	2
Belize	1	Jamaica	34
Brazil	1	Japan	3
Canada	72	Lebanon	1
Colombia	3	Nicaragua	12
Costa Rica	4	Nigeria	1
Cuba	6	Norway	1
Denmark	2	Panama	1
Dominica	1	Paraguay	1
Finland	1	Philippines	1
France	3	Spain	1
Germany	9	St. Lucia	1
Great Britain	38	St. Vincent	2
Greece	2	Switzerland	11
Guyana	2	Trinidad & Tobago	2
Holland	3	Unites States of America	178
Honduras	42		

The number of permanent residents with a right to work is broken down in to the following nationalities:-

Barbados	2	Honduras	8
Belize	1	India	2
Canada	5	Ireland	2
Chile	1	Jamaica	53
Colombia	1	New Zealand	1
Cuba	8	Nicaragua	11
Germany	1	Puerto Rico	1
Great Britain	31	St. Vincent	2
Guyana	2	Trinidad & Tobago	1
Haiti	1	United States of America	14
Holland	2	Zimbabwe	1

The information giving actual names and lengths of stay is not currently available and would entail lengthy research. If required it could be supplied in writing at a later date.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say the actual number of applicants which were received in the category of permanent residents with a right to work?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I do not have that information although it forms part of a latter question. So I daresay that it will be answered in due course.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if once an applicant has received permanent residency if it is possible for that applicant to have the category changed from purely permanent residency to that of permanent residency with a right to work and, if so, has the Board been receiving these kinds of requests?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I am afraid that I do not have the answer for that.

THE SPEAKER: May I ask the Serjeant-at-Arms to ask all persons in the Gallery to be seated? Thank you. The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I wonder if the Honourable Member could say, approximately, what period of time it has been taking to process these applications with the

applicants getting replies?

THE SPEAKER: The Honourable Temporary First Official Member.

MR. JAMES M. RYAN: Thank you, Madam Speaker. It is my understanding that it has been taking quite some time. I do not know the exact amount of time, but efforts have been made since the beginning of this year to speed up the process and quite a bit of work has been completed. By that I mean that quite a number of outstanding applications have been dealt with. I would just like to point out that the information I have given goes back over a period of 10 or 15 years. So it is not a short period of time.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I wonder if the Honourable Member would be in a position to say if there is a set method for dealing with these applications and how often does the Board meet to deal with them?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The procedure for dealing with them would be laid down in the Law and if not would be regulated by the Board. The actual time for dealing with them, I am not in a position to answer that, but I do know that the Board is working as expeditiously as possible to deal with them now.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: One final question, Madam Speaker. I wonder if the Honourable Member would undertake to give, in writing, the answers that he was not able to give regarding the supplementaries to this last question.

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Yes, Madam Speaker, if I could, perhaps, get a list from the Honourable Member I will certainly attempt to get the information.

THE SPEAKER: Thank you. The next question is No. 127, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 127

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE TEMPORARY THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 127: What arrangements are currently in place for the maintenance of the Customs' boat?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Maintenance of the Customs' pursuit boat "Derry's Pride" is currently being performed by Scott's Industries Ltd.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if there is scheduled regular maintenance periods for the boat, and in addition to these regularly scheduled maintenance periods in the past six months, for example, how many times has the boat had to have emergency work done?

THE SPEAKER: The Honourable Temporary Third Official Member.

MR. JOEL WALTON: Thank you, Madam Speaker. In terms of the service contract, there is a monthly maintenance check which is provided upon the request of the Customs Department. In terms of the actual details of the number of times it has actually been done in recent times, I would have to have information provided to the Member.

THE SPEAKER: The next question is No. 128, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 128

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO. 128: What is the amount spent on official travel for the four Elected Members of Executive Council since November 1992?

THE SPEAKER: The Honourable Temporary Third Official Member.

SUSPENSION OF STANDING ORDER 23(5)

HON. JOEL WALTON: Thank you, Madam Speaker. I would beg the leave of the House to have this question deferred under Standing Orders 23(5). The Department needs some additional time to get this information together. We are currently working on it and we will do out best to have it done as soon as we can.

THE SPEAKER: The question is that the House grant permission for the deferment of the answer to this question. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. QUESTION 128 DEFERRED.

STATEMENT BY MEMBERS OF GOVERNMENT

THE SPEAKER: I was advised by the Clerk this morning that the Honourable Member for Health and Human Services wished to make a statement but...

HON. W. McKEEVA BUSH: Madam Speaker, the statement is not ready so I seek leave to postpone it.

THE SPEAKER: Accordingly the question is that the statement be deferred. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. STATEMENT DEFERRED.

GOVERNMENT BUSINESS

'GOVERNMENT MOTION 4/93

RECOMMENDATIONS FOR CONSTITUTIONAL CHANGE

(Continuation of debate thereon)

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

MR. GILBERT A. McLEAN: Madam Speaker, I rise to speak on Government Motion 4/93, Recommendations for Constitutional Change. On Thursday of last week, we saw, here in the Legislative Assembly Government take a high-handed move not to allow Private Member's Motion day so that the Constitutional Amendments could be discussed. The reason given by the Government Member speaking was that it was of such importance that it should have priority over Private Member's Motions.

From Thursday to Friday I did not see any Members of the Government dancing to their feet to debate this Constitution nor any of their Backbench supporters so I wonder where the importance really lies. In fact, on Friday the debate would have closed down if not for my learned friend from Bodden Town who rose to give his contribution.

This Motion that is before the House is a scrappy piece of paper with various suggested recommendations for Constitutional change. Most of the parts included in this document have been plagiarized from the new Draft Constitution 1992 which, I contend, should be the document that is being debated in the House at this time.

One can easily arrive at that conclusion when one takes into account the answers that were given less than a half an hour ago that the British Government has given no official indication about the new Draft Constitution sent to these Islands by them. Nor have they given any official response to the document which is before this House, supposedly, to be debated. So why then is it here?

I see the Government Members are all working hard making notes, I am sure there will be lots to say when I am through. I trust I have sufficiently stimulate their thought process.

Madam Speaker, to truly debate this matter of the Constitution, one cannot take it in isolation for at this point in time this is but an act of the present Government and for one not to examine what happened prior and include the environment in which this now exists, one of uncertainty, one would

not get a clear picture of what has transpired on this whole issue of the Constitution.

It is well to recall that this process has been in effect now for three years in this country. This country, in many ways, has been agonised over this matter of the Constitution. The people of this country have been told all sorts of untruths, misinformation and have been misguided time and again about the question of the Constitution. The Government of the day claims that they know what the people of this country want and they have prepared it in a document. In other words, the Government's Executive, and I would assume particularly the Member for Education, is capable of writing a Constitution for the Cayman Islands and bringing it here to have it passed.

There has been no input from the public regarding this Constitution or this Motion with Constitutional Amendments that has been brought here to the House. In fact, if I remember correctly, it was in March of this year that, by chance, I discovered that the Government was secretly writing a Constitution. At that time I exposed it. (Members' laughter) The response of the Government was that they were not preparing anything of substance, they were preparing a form. This form was to be sent to England where the British Government was to tell them if the form was all right and then one wonders what would happen thereafter. Apparently the thereafter is now in the House. We still do not know if the form was approved or if the substance is approved. But yet, when I look at this document I see where at the end of it (page 16) there is a place to be signed by the Clerk of the Privy Council. What is really going on?

Madam Speaker, it has to be the case that there is either absolute and utter confusion on the part of the Government with regards to this Constitution or the British Government is indeed taking an attitude, "Let us leave those natives alone to see what they will do next and after they have jaw-boned all they want, we will then make a decision".

If the latter is the case it is unfortunate for that was not the way it started out in the first instance. When it started out, there was a request to the British Government through a Motion in this Legislative Assembly to review the Constitution. The British Government responded clearly and definitively. They appointed Commissioners to study the Constitution. The Commissioners came and studied the Constitution and made an in-depth report although in this House I have heard those Commissioners consternated and accused of all sorts of things, including coming here strictly to write what they had been told to write.

I do not accept that, because anyone who has taken the time to read that report of the Commissioners knows that those two Commissioners took a lot of time to enquire into the conditions here in this Island and to talk with a lot of people to arrive at some of the very insightful conclusions that one finds in that report.

Madam Speaker, the country, since 1990, has been attempting to arrive at what it is with this Constitution. Of course, the Chamber of Commerce has determined what there should be as a Constitution, or what amendments. Since the Chamber of Commerce has decided, that means the Government has decided, that is the elected Government, since it does appear that the two are synonymous. But I truly question whether any truth or thought has gone into what this country needs and, indeed, what the people want. The term "the people" is banded about quite loosely in this country; "the people" this and "the people" that. One thing I will say with regards to the people is that the Chamber of Commerce does not represent the peoples of the Cayman Islands. They are not their elected representatives. For the authority given by the people at the last General Election to the Elected Government now in office, to be handed to the Chamber of Commerce is a very serious matter indeed.

Madam Speaker, the British Government said originally what was to happen. That is set down way back from June 1991, in a release from the Governor's Office, when the new draft Constitution came about. One has to bear in mind that this was not lightly arrived at. For this Constitution was arrived at after considerable research, considerable input from all sectors of the Cayman Islands. And then what did the British Government, at that point in time, say about it?

I would just like to refer to a statement embargoed until 12 noon on the 19th of June 1991. It was issued by the Governor's Office and the letter is addressed to the Governor by the Honourable Mark Lennox-Boyd, Parliamentary Secretary of State for Foreign and Commonwealth Affairs. This Minister, I understand, is still in office so there should be some degree of continuity in what he is doing, or what the Foreign Commonwealth Office is doing in respect to this Constitution. He said, and I quote:

> "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 difficulty with any of the recommendations in the report and see much to commend them.".

Madam Speaker, there was, at least at that point in time, some position of the British Government regarding the Constitution of the Cayman Islands. At this point in time there is none and the country is still agonising about a Constitution hearing scores of different arguments about the Constitution and what they do not want. Madam Speaker, this Motion comes here in a cloud of uncertainty, not unlike conditions in the Country, on a whole, since the present Government Executive has taken power.

This particular communication said that the British Government wanted a reply by a certain date which was before the end of 1991. The British Government had a reply, for a Select Committee of all Members of this House was set up and I believe that that study has been the most intense of any

looks at the Constitution in this country. Not that our forefathers in the Legislature did not look at it in 1971/72, but I think at this time when it was looked at there was more legal, and otherwise, expertise available with knowledge of how the other territories were functioning and all the rest of it. So it was a comprehensive look. That report was forwarded to the United Kingdom.

Madam Speaker. It met the deadline. Another thing to bear in mind is that at that time there were 12 Elected Members of this House. All 12 were members of that Select Committee. Every recommendation that went into that report was the recommendation of the majority of such Elected Members. Eight such Members are still in this House only four are not here. Therefore, it is not a question that there was any flimsy attempt by the Legislature or by the Elected Members then and now to look at the Constitution.

The British Government recognised the work of that Committee, for there was a visit by a top official of the Foreign and Commonwealth Office at that time, Mr. Gordon Baker, and one of the things that was being questioned at the time by the Committee was the implementation process of whatever the recommendations might be.

On the 4th of October 1991, the Chairman of that Select Committee, Mr. Norman Bodden, received a letter from the Governor of the day speaking about the report and the question of the Constitution, I would just like to quote from that section E which says, or notes:

> "A General Election is expected to be held in November 1992, although Constitutionally is should 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.".

Well, Madam Speaker, the process started, the British Government increased the seats in Bodden Town to two more, in West Bay one more, in George Town one more, the process was on the roll. The numbers increased in the House to maintain the two-thirds Backbench majority, with one more person going to the Executive Council, as was the sensible recommendation of the Committee.

Nowadays, one hears Elected Members saying that the work-load they have found, and the need for a fifth Member. Everyone knows the work-load there, we all recommended that over two years ago for there to be an increase. So no one need, at this time, to take any pats on the back that their genius is directing the country in that direction. This letter also noted that the Constitution would normally be brought in by an Order in Council, which is that normal and appropriate method for implementing a Constitution. I note that such procedure is also expected by the present Government that it will come in by an Order in Council.

Madam Speaker, a crucial question that has not been answered, and the Government of the day has tried to say is the case, that the elections last year and the campaign therein completely revolved around the Constitution. I say that is not so. That is not so because questions of the Constitution were only mentioned from political platforms around these Islands when the attempt was to create a scare or play on a fear of the people with regards to the whole matter of the Constitutional review and arriving at recommendations for Constitutional change which included changes that brought about necessary advancements.

How well I remember it. The Mover of this Motion, for example, and his entourage came to Cayman Brac with pieces out of the Minutes of the Committee which was systematically read from the political platform on that Island telling the people, for example, where - I have a copy I will just quote what I said then - and it is speaking about the Constitution and the question of the Chief Minister: "Mr. Gilbert McLean suggested that the mechanics of this subject should be raised with the Commissioners. He expressed the view that the country move to a Ministerial system of Government.". I said that two years ago, and I am saying that now. I will continue to say that. I will continue to say that not just the name "Minister" is necessary, it is necessary for Ministers to have the relevant authority which the Members of Government want but do not have the courage to say because they believe it will not give them the type of political power or acceptance that they want.

Madam Speaker, the question of the Constitution was only fairly and reasonably discussed in Cayman Brac between the First Elected Member for Cayman Brac and myself when we held in the three major districts of Cayman Brac and Little Cayman, sit-down forums where we handed out to the Members of the public the Constitution that the British Government said they wanted discussed. We discussed it from cover to cover, saying to the people, giving the people the same advice and information the Commissioners had given us expressing our own views and position on it. Mine has been very clear, I have never changed that, including the need for a defined Leader of Government, a defined political leader who, under the system, is called a Chief Minister. There has never been any change in my position that that is necessary and it becomes more necessary every day because the country is growing more leaderless by the day.

But, as for the claims of the majority of Government now that the whole election revolved around that and that the people had the opportunity to be told and the ramifications of this were explained to them, it did not happen. And the results of the election and the electing of the present Members in the majority did not come as a result of their advocacy about the Constitution on which way or the other, that was no referendum election. It was a situation where the emotions of this country were fired up beyond any previous such instance and the people were elected making many wild accusations about the Constitution and many things that could not be done which, I argue, is why the British Government until now, supposedly, has made no official position one way or the other.

Madam Speaker, the situation moved on in the process where, and here is where I have a serious problem of concern, for while my views on anything might be extremely explicit and strong, I like to argue from a point of fact. Fact, as best as I could argue it, during the last election was what

was the official position of the then Legislative Assembly and the British Government's position. Again, I refer to a correspondence, on the 28th of July 1992, from the Government Information Services, 'Draft Constitution Issued' is the title, a time table is actually set out in this correspondence. I will not take the time to read it all, but it sets out various points that it must be debated and the recommendations sent to the Secretary of State, and so on, and early in 1993 the Secretary of State would reply to the Territory. Well, I suppose any word or term is what it is in the eye of the beholder or the writer in this case, this is nine months later, but I suppose nine months later is still early. Apparently there is no word yet from the Secretary of State. In this correspondence, it states: "The Secretary of State, has asked that it be emphasised that apart from some minor non-controversial points, the draft Constitution which has been forwarded to Cayman is based only upon the reports of the Constitutional Commissioners. The recommendations of the Select Committee of the Legislature, although duly noted by Ministers, have not been included.". Now, I ask the question, if the British Government, which is under certain international obligations to the United Nations as far as its responsibility for the administration of this dependant territory goes, saw fit not to include the recommendations of the whole Legislature of a Select Committee, I want to know how it is going to accept the recommendations from one Member of Executive Council for a Constitution. What is the answer? Where does it lie? What do we hear next, or do we not? This Motion, these amendments, born in secrecy in the minds of the Government Executive, can that be accepted? How? Why? Is the British Government got some secret agenda it is working on along with the Government Executive of the Day? One must speculate.

I quote, again: "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 elections. The Secretary of State believes that this approach will provide the opportunity for measured deliberate consideration of any possible changes, which he believes to be the wishes of the community and in the best interest of the community.". Now, I have always thought of the Legislature as being all of the Members of the Legislature, and that the only way one could get the views, as was apparent the British Government wanted, was when the new Legislature was sworn and brought into being. That Legislature would then sit down, once again, to arrive at certain conclusions based on the Constitution that the British Colonial Administering Power of the Cayman Islands had sent to be discussed. Apparently, that is not to be. The Government Executive has said so and the Chamber of Commerce has said so. Madam Speaker, that this amendment is here at all is questionable. For the basic trend of all of the political arguments during the last election which, supposedly, gave to the present majority members the power to do what they chose, was that there should be no Constitutional change.

This can be supported, for example, by looking at the article appearing in the *Caymanian Compass* on page 2, of Tuesday the 23rd of March, 1993, when the Member for Tourism, also called the Leader of Government Business, is quoted as saying: "The 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 constitutional change.". Madam Speaker, the approach to this affair has not been honest. On the one hand the Government of the day with its majority supporters said that the worse thing that could happen to this country was constitutional change; We did not need it; it had worked well for 20 years, and so forth and so on, including the Mover of this Motion, the Member for Education. We find the Government constantly referring to what is in their Manifesto that they published for the elections. If one is to be guided by Manifestos, then it is reasonable that one could refer to what was the first composition of the person who has moved this motion which now wants Constitutional change in various amendments. If one refers to his Manifesto of 1988, and let us not forget that it came into being in 1990, which is only two years from that, point 8 of that Manifesto of this Member, says: "I am against, and will not support advancement in the Constitution whatsoever. Not just for those changes that are designed ultimately to lead into independence. The Constitution will work well if the Government working it is well and is capable and not power hungry.".

I wonder what the situation is now? When one comes to credibility one must wonder just where is this issue of the Constitution. Or does the Mover, or the Member, say what he means, or does that apply depending upon the situation? For, in the same Manifesto, at number 23, he also said: "I will move to see that an independent person reviews MLA's and ExCo's salaries reducing them to a reasonable amount and that the money saved is given to the poor and to provide scholarships.". I wonder, Madam Speaker, wherein does the truth in this whole matter of the Constitution lie? When I stood before the people of Cayman Brac and Little Cayman and talked to them about the Constitution, I told them that I could only tell them what the position was at that point in time regarding the Draft Constitution, our present 1972 Constitution and all that had been said by the Commissioners and my point of view. Now, at this time, I have told them that there is before this House a Government Motion which says they want Constitutional change and it has taken a completely different turn from what was the stated position by the administering power, the Governor and the Legislature at that time. At this time, apparently, there is no position at all. Is that good for this country? I say no. It is not good for the people, it is not good for business, it is not good for the public image, it is good for nothing.

Madam Speaker, the fact is that almost every recommendation that was made to the British Government by the last Legislature (the one prior to this), were, and are, included in the Draft New Constitution 1992. Large amounts of this have been plagiarized and put into this Motion here by the Government of the day.

I would like to look at some of the areas that are included and note some that are excluded. I wish at this point to make the point that if I, as an elected and responsible Legislator, cannot vote for a constitution of which I was a part and over the 24 meetings that were held and hearing the large number of witnesses before it and receiving the large number of written representations, if I cannot vote for a constitution that evolves out of that, I most surely will not vote for one drafted by four people in the Government Executive.

I agreed with many of these recommendations three years ago. The naming of the Chief Secretary, the Financial Secretary and Attorney-General, certainly. They are identified in most of the constitutions of the other Dependent Territories. I have no problem with that. There was only one point that arose at the time of the Select Committee and that was if the elected representatives were being given ministerial authority then it appeared to be sound that at that time the number of Official Members would have been reduced. The recommendations by the Select Committee, as I recall were that there should be two Official Members, namely, the Financial Secretary and the Attorney-General. However, the British Government exercised its opinion and its decision and they retained the position of Chief Secretary as also being one of those officials. It alters nothing, in that that is the way it has always been and the country has come to expect it.

Madam Speaker, the other part that I agree with is that Members should change from "Members" to "Ministers". But no feeble quasi type of situation where you are calling a Member a Minister but it does not mean anything more than calling him a Minister. Calling him a Member then, change nothing. Like the Government of the day said they wanted to do; change nothing. If it changes to Minister then it carries with it certain responsibility and accountability.

On this question of responsibility and accountability, the Manifesto of the Government of the day said, on page 6 section 5: "We feel that it is sufficient that Members be called Ministers with administrative responsibility for departments under their Portfolio as the Constitutional Commissioners stated at page 12 of their Report, 'It is a change of name only and not of substance.'" Madam Speaker, nowhere in the Constitutional Commissioners' Report had the words stated that Members be called Ministers with administrative responsibility for departments under their Portfolios. It does not appear in the Constitutional Commissioners' Report. Where it appears is in the Draft New Constitution where the question of Ministers is addressed in section 33, which I would like to read: "Subject to subsection (2) and (3) of this section, the Governor, acting in accordance with the advice of the Chief Minister, may assign to any Member of the Executive Council responsibility for the conduct subject to the provisions of the Constitution and any other Law of any business of the Islands including responsibility for the administration of any department of Government.". It is only there that it appears. It does not appear in the Commissioners' Report. So, where did the Government of the day get it appearing in the Commissioners' Report? Where did they get it?

On the matter of administrative responsibility for Departments. Of course, a Minister ought to have administrative responsibility for the department which falls under his or her Ministry. Why, the people elected the Members of the Executive Council now, and whenever to deliver their promises, to deliver their policies or the actions that they state are their policies. The only way that a Minister can truly have that authority legally is by having administrative responsibility for that department. I believe that every single Member of the Executive Council wants that, knows that they need that, but does not have the courage to say that.

The Chamber of Commerce said otherwise. The Chamber of Commerce said, "Thou shalt not have administrative responsibility", and the Chamber of Commerce is the Government therefore they are not supposed to have it. I want someone to tell me what the Chamber of Commerce has to do with the Minister and the Portfolio, or in the Glass House (as we commonly term it) administering the business of Government full well knowing they need the administrative responsibility and not having it? What does it do? Very simple, it puts the Executive Council Member in the position to say, "I do not really have any administrative responsibility over the Department, you know, it is the Principal Secretary". So the public, who elected that Member cannot hold him responsible and accountable and he is able to shift the blame on the Civil Servant whom the public can do nothing about. It is a shame that the Government of the day should have taken the action that it did in respect of that situation. It is necessary, it should be, and a Minister is supposed to have that responsibility. That is what makes him or her a Minister. That was told to us by the Commissioners at various times and the Commissioners made that clear at various meetings that they held. The legal people in this country have made that clear. Generally anyone of us who knows anything about Ministerial Government knows that to be the case.

Madam Speaker, if we go as far back as 1971, 22 years ago, Lord Oxford and Asquith was saying to the Legislators, saying to him, "Lord Oxford and Asquith we do not want just to be associated with the subjects, we want to have more responsibility in them." I would like to quote from page 15 of his Report, section 31, under the heading "Responsibility of members of Executive Council for particular subjects and departments of Government", it reads:

> "At present, unofficial members of the Executive Council are (non-constitutionally) 'associated' with various subjects and groups of departments. They are invited to take a special interest in the subjects and departments with which they are associated and to take a leading part in the discussion of policy or legislation affecting them. They have however, no authority in relation to the departments. There is a widespread feeling that this form of 'association' is unsatisfactory and too shadowy a one, and it was strongly urged to me that the members in question should be given (constitutionally) more effective responsibilities and a defined authority in these matters. What in fact is wanted resembles what used to be called the 'Membership' system, normally regarded as a short-lived and somewhat uneasy stage on the way to a full Ministerial system.".

Now, Madam Speaker, Lord Oxford and Asquith was asked that by Legislators 22 year ago, for changes to a Membership Government to get them more closely associated and to give them some responsibility for the subjects and departments. Now, 22 years later (because it is politically good) the Government of the day believes they are saying, "Oh no. Responsibility? What is that? We do not want any of that. We get to accuse the Principal Secretaries. We do not want any responsibility. The Chamber of Commerce

said we should not have it.". Madam Speaker, one of the sentences in this quote from Lord Oxford and Asquith, referring to the Membership system is, and I quote: "The main difficulty will be how to define the limits of the members' authority.". It is clear that it is that uneasy stage that he spoke about and now we have reached a stage where it is only sensible, practical and accurate - and it is what is being called for by the public - to have that responsibility.

During the election, every Member now in this House was telling the public, "Put me there, I am going to fix those Civil Servants, I am going to do this, I am going to change that. That bad Government lead by Mr. Benson Ebanks and those are finished, gone forever. Put me there I am going to do it.". The people said, "Here. Go." What are they saying? "No, no, I do not want any responsibility, I was only saying that to get elected. No responsibility for me.". Who has been let down? The public who elected them. Never before has the electorate of this country expected more of their elected leaders. They are demanding more of their elected leaders as they should. Never before, even years away from the year 2000, have elected people said, "Me? I do not want responsibility, leave that for the Civil Servants. I can claim it is him or her when I do not get anything done, or I do not do what I promised I was going to do.".

So, Madam Speaker, my position continues to be the same. If there is to be a change to Minister, then that Minister has got to have administrative responsibility for departments. They cannot hide any more behind the Civil Servant. The people did not elect the Civil Servant, they elected the Members of the Executive Council who want to be called Ministers.

THE SPEAKER: Would this be a convenient time to take suspension?

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

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

PROCEEDINGS SUSPENDED AT 11:42 A.M.

PROCEEDINGS RESUMED AT 12:02 P.M.

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

MR. GILBERT A. McLEAN: Madam Speaker, when we took the break I was speaking about ministerial responsibility for administration of departments, and saying that I have always advocated, and still do. I would not attempt to argue that informally as I heard one previous speaker say, "Members of Executive Council now exercise a certain degree of control over the administrative process." What I say is, that it is illegal. It is not a formal authority given to a Member of Executive Council and of course would not be until a Member becomes a Minister with administrative responsibility for Departments, which is what really makes the difference between a Member and a Minister. They cannot truly effectively run their Departments, or be responsible for their Departments, without such responsibility and such formal and legal authority recognised and entrenched in the Constitution.

All of the things that have been said politically in this country have caught up with the Government of the day. They have become victims of their own wild statements regarding the facts of the ministerial process. For example, they have told the public at large that a Minister having administrative responsibility for the Department means interfering with Civil Servants. They have told the public that to have a Ministerial Government of which there is a definable leader like a Chief Minister means that that person will have almost absolute authority to hire and fire Civil Servants. It is a falsehood, because the Governor has such power, and only him under the present Constitution. And, if the United Kingdom were to allow the Government to do what they want to do he would retain it.

If the Draft Constitution should be accepted, which I believe it should be, he would retain it. He would only consult with the leader of the Ministers, "consult" and "interfere" are two different words. Why should not the Governor in appointing an Attorney-General, an Auditor-General, a Principal Secretary, a Head of Department, for when it happens every 10 or 12 years maybe more in the case of a Head of Department of Principal Secretary, office of Attorney-General more regular like every three or four years, why on earth should the Governor not consult with the identifiable leader among the Ministers to say to him, "Look we have applications from six highly qualified people, what are your views on it, what is the view of your Ministers?" That is called interference according to the Government of the day.

Well, if that is interference it is my submission that the people of this country want their elected Members to interfere because the populace of this country are saying to their leaders on the Executive Council, "We expect you to do so and so. We expect that you will be involved with such and such", and the only way it can be done is through consultation when it comes to the appointment of Civil Servants which falls directly under the Governor as a reserved subject.

Another thing that is said, is that in scaring the public, which has now come back to live with the Government of the day, that we are against, and this is on page 5 section 1 of the Manifesto of the Government of the day that:

> "We are against a Chief Minister whose wide and, at times, near absolute powers include: the Chief Minister's powers to advise the Government on the appointment and revocation of Ministers and Parliamentary Secretaries, the assignment of responsibility of the respective portfolios to Ministers.".

Well who would do it then, and who should do it beside the Chief or the Leader among the Ministers whom they chose. Who would be the logical person to advise the Governor where he could say, "Look, Harry is a man who has a particular flair for culture or health or environment or tourism, so I would recommend that he have this group of subjects"? Who would do it but such a person? That is the whole process of formally structuring the Ministerial Government.

But, you know, Madam Speaker, while the public was being scared by this supposedly wide and almost absolute power of a Chief Minister who does not exist and who is only recommended that such person come into being by the Commissioners and, of course, in every territory that Britain has besides this one there is such a person who does not have this wide and absolute power, who, again opposite to what they say, cannot be fired or gotten rid of. I wonder if they keep up with the news and know that the British Government with the stroke of a pen took out the leader and the Chief Minister of Turks and Caicos, and over in Montserrat?

If the Government of the day wants to tell the people about power and absolute utter power, that the Prime Minister of England does not have, I would like to read from our present Constitution what real power is about. Section 38, and I would say that if the amendments that the Government wants come into being, this will be there and if the new Constitution which as proposed by the British Government comes into being this is there. It reads:

> "If the Governor considers that it is expedient that any Bill introduced, or any motion proposed, in the Assembly should have effect, then, if the Assembly fail to pass the Bill or to carry the motion within such time and in such form as the Governor thinks reasonable and expedient, the Governor may, at any time that he thinks fit, and notwithstanding any provision of this Constitution or of any other law in force in the Islands or of any Standing Orders of the Assembly, declare that the Bill or motion shall have effect as if it had been passed or carried by the Assembly either in the form in which it was introduced or proposed or with such amendments as the Governor thinks fit which have been moved or proposed in the Assembly or any committee thereof; and the Bill or the motion shall be deemed thereupon to have been so passed or carried, and the provisions of this Constitution, and in particular the provisions relating to assent to Bills and disallowance of laws, shall have effect accordingly."

Now, if the Members of this Government wanted to talk about absolute power, perhaps it was only right that the people of this country should have had their attention drawn to this section of absolute power of the Governor, and then compare that to the simple suggestions that the elected representatives of the people should have a bit more say in the administrative responsibility of departments and be held accountable for what they do on a day-to-day basis. I am no lawyer, but I wager that the Prime Minister of England would not dare attempt one like that in the Parliament of England. But, that exists here in this Island, in this country of ours.

Madam Speaker, as I think of the situation this Government has placed this country in, with respect and regard to what it does not want to do in assuming any responsibility or accountability in terms of what goes with Ministerial status, there is no wonder, in my mind, why there is such low self-esteem in this country among the people. We hear about it so often, this one is using drugs and the next one is using drugs - low self-esteem. It needs to be corrected and people need to be reassured to feel good about themselves, to accept responsibility, and so on. How can they do that in face of the fact that their leaders whom they elected are refusing to have self-esteem and to assume the responsibility under the mandate given them at the polls.

As for the matter of having an identifiable leader among the Ministers, again, any text one reads says that that is a must. The Commissioners told us that is the way it would be. I will look with keen eyes to see whether the British Government will pervert the Ministerial system, as has been requested in their particular motion. Certainly, if that happens it will not be the case that the Government is living up to its responsibilities under the United Nations Convention where it is supposed to encourage a dependent territory to assume more responsibility for itself and work, eventually and over the years, towards its greater self-reliance, instead of always looking abroad to be told what to do.

I believe that the business world requires a definable leader in the Government whom it is not necessary for them to go and chase around to speak to every Member of Executive Council, they can speak to one who is speaking for the others and that point is understood. This is borne out by the present Governor, who in reply to my letter when I exposed the fact that a constitution was being secretly written, said in the last paragraph of it, and I would like to quote that:

> "You also refer to my appointment of the Honourable Thomas Jefferson as Leader of Government Business, this has been the subject of comment in the press. I shall, perhaps, take this opportunity to point out that the Leader of Government Business is an administrative appointment made by the Governor to facilitate efficient Government.
>
> Previously, this appointment was held by an Official Member. I decided that this was more appropriate for an Elected Member of the Executive Council to have this responsibility as it enables me to deal with one Elected Member rather than four on those matters which affect more than one Portfolio.".

I totally, absolutely, and utterly agree with what it said therein. That is the point that I am making. But, for such a

person to be called the Leader of Government Business, and to hear his colleagues come here in this Legislative Assembly and say, "We call him Leader of Government Business, but that does not mean a thing, he gets to move the Adjournment and the Suspension of the House"; sad! Very, very sad.

If he is the Leader of Government, if he is the political leader among the Ministers, he must have the authority which goes with that. It is on this matter, Madam Speaker, that the whole crux of all the confusion and the misinformation in this country rests. This thing about having a leader and it is not, I submit, that all of the Members in the majority do not understand that it is necessary. It is a thing of personality, who it is, not that they do not understand. I would just like to quote a few lines from the Commissioners' Report on page 6, and this is in the Preamble, some of their first findings. I quote: "One of the defects which we have observed is the failure of the 1972 Constitution to identify a political head of Government.". Under the section 'Creation of the Post of Chief Minister', which would be the political head, I would like to quote;

> "As a result of the submission made to us on this issue, we gave it particular consideration and, in arriving at our recommendation, we took into account each and every opinion which was expressed to us, whether by individuals, groups or organisations. We are, of course, required by our terms of reference not merely to ascertain but also to evaluate opinion."

Further on it says, and I quote:

> "We ourselves have no doubt whatsoever of the benefits that would accrue from having a Chief Minister. He would be a leader - and how often during our review did we hear the legitimate complaint that the Cayman Islands Government is 'leaderless'."

It is still leaderless.

Madam Speaker, I think I have made my point on the necessity for having a formal organizational structure in the political arena and in the Government Executive where they have responsibility and they can be held accountable.

I would like to look briefly at the recommendation in this Motion for the removal of Executive Council Members and here it is recommended that nine people remove a Member of Executive Council, which would, in effect, mean to the larger extent a simple majority; one more than a simple majority. It would not, if accepted, be the two-thirds majority which was the majority recommendation of the Select Committee and also of the Commissioners. That brings me to the point that I made while ago that it is all personal. Who is going to decide that one Member of Executive Council is not doing his job under the present system? Are four or five going to gang up on him and are they going then to their Backbench supporters and say, "Look here, we have got to put the axe to this man, do you want to remove one or do you want to remove the Government that is not functioning properly?" You hear often, "It was an Executive Council's decision, we are a collective body, it was not either one of us it was Executive Council". Well if it is the Executive Council that is not governing properly, why would you want to remove one at any given time? You would remove them all. That is how the principle of collective responsibility works. The Commissioners also noted this fact, and I quote;

> "Another defect is that although the Constitution rightly enshrines the doctrine of collective responsibility, it also contradicts the doctrine by providing for the removal of an elected member of Executive Council by a vote of two-thirds of the elected members of the Assembly.".

Under the Ministerial system they stated quite clearly in their report, again, and I understand in this respect they were speaking for the authorities in the United Kingdom because this is the way it happens. Under the section on page 17, 'Vote of no Confidence' it reads;

> "The present Constitution provides, in Section 9(2), for the doctrine of the collective responsibility of Executive Council and we recommend that this provision should be retained. Somewhat in contradiction of collective responsibility, Section 6(2)(f) provides two-thirds of the elected member of the Assembly. We believe this to be wrong in principle and consider that such a vote can only be regarded as a vote of no confidence in the Government as a whole (and Section 6(2)(f) should therefore be deleted).".

The Government of the day says, "Let us keep it that way, we live in a personal world and we want to be able to remove ourselves one by one. We do not want collective responsibility to apply in that particular case.".

My position Madam Speaker on the question of removal of the Members of Executive Council is that if a motion of no confidence is moved, its is moved against the whole Government and the whole Government would be removed and not any one. And, seeing how personal the Government of the Cayman Islands is and has become, I most certainly change my position where I argued most strongly for a simple majority of removal, and would most heartedly, at this time, accept a two-thirds removal of the Government. Because, one would never know when a personality flare-up might mean the loss of a legitimate Government of the day. The summoning of Executive Council almost seems childlike that it should be able to be summoned by the Members of Executive Council and not purely the Governor as he thinks fit.

A new section has been put in, the powers and the office of the Attorney-General. I believe it is one of the most important offices in the land and I think it should be entrenched in the Constitution as was recommended. It certainly makes the holder of that post the very mighty man. In some parts of it where, for example in section 5(3) of the proposed amendment, it says:

> "The powers conferred upon the Attorney-General by subsection (1)(b) and (c) of this section shall be vested in him to the exclusion of any other person or authority.".

I understand that is the way it applies and works in practice under common law but, it surely does write a very strong job description for the Attorney-General.

Madam Speaker, I certainly agree with the change in Finance Committee being made up of all elected Members with the Financial Secretary as Chairman. I fought that issue incisively from 1990 right on into last year through the election, simply because I believe that the representatives of the people are the ones who should answer to the people for the way their money is spent. I certainly supported it then, and I support it now.

A Speaker and a Deputy is provided for in the Motion. I fully support that. I supported the two motions when they were brought into this House to create the Office of Speaker even then, when others of my colleagues did not believe that was a good thing at all. It was going to cause us to sink into the Caribbean. It was going to bring an end to the world. We have a Speaker and the political development of the country has been better off for it and we have seen the business of the Legislature go forward with smoothness and accuracy. So, I certainly support the continuance of the Office of Speaker and where an elected Member may be appointed as a Speaker other than a Member of Executive Council. My preference would be that the Speaker, if at all possible, should be someone not in the Legislative Assembly, because of the simple fact that such a small community, the whole total of the Legislative Assembly is so small, there would be some degree of bias among persons who form the majority of Government.

The Fundamental Rights and Freedoms. My colleague, the First Elected Member from Bodden Town who moved that motion twice in this House knows that I, and the records show, totally support such as the fundamental rights and freedoms. The way, however that it is written, I somehow wonder about. I am told that this is a style which evolves out of the European Convention which is not necessarily worded the same and, perhaps, even perceived the same as it is, for example, in the United States. I will just cite, in this Motion, section 48I which speaks about the protection of freedom of Conscience, and it begins: "48I.(1) Except with his consent, no person shall be hindered in the enjoyment of his freedom of conscience...". My question is, I cannot consent to give up my freedom of conscience because it is mine. And if I give it up, nobody can take it up for me. So I think that this particular wording leaves me with somewhat of a query and a puzzle in my mind. How it applies in fact or in practice I really do not know, but I would accept this being what it is to know that there could be a Bill of Rights and Freedoms.

Again, I supported the entrenchment of the Courts, and it was part of the recommendation of the Select Committee and the appointment of Judges, and so on, as it is set down there. I do not have a problem at all with judges being given time limitations for how long they can sit on the bench for I believe that there is such a thing as getting too old. Whether or not they go on in the United Kingdom to astronomical ages, I do not see that that is something that we really should have any need to adopt. In fact, I read in the local newspaper some weeks ago that there is a lobby that is being set up, or is working in England right now, about changing the age limits or setting age limits for judges whom, particularly women claim, are not cognisant of the rights of women in the modern age and they want to see limitations put in place. So I have no problems with limitations on ages.

The Ombudsman, certainly, I support that. I have in the past, I do now. Such a person should not be any Member of this Legislative Assembly as far as I am concerned whether he has two PhDs in Law simply because he will be serving two masters, the political side of things, and he is to be an arbitrator at the same time. I believe it should be somebody separate and apart with the necessary qualifications.

On the question of a Register of Interests. I support the idea of a Register of Interests. But I do not support the Register of Interests being a document that, as it is termed, is open to public scrutiny since that is not defined. Would that mean that every person who runs for the Legislative Assembly would put down in that their various interest, be that whatever the case may be, and that would be in some public place that any Member of the public, irrespective of how ill-informed, would go in and look at it and say, "Yes, you see that Harry got so-and-so, or he keeps that from so-and-so, and so-and-so". Would that help the career of a political leader? I do not believe so. I believe the Register of Interests should be similar to how it is in the House of Commons. It should be a must for Members to register their interests and if they do not, there should be severe penalties, right up to loosing their seat. But it should be kept within the sensible confines of the Legislative Assembly, or such place and be made available to the Courts, or to such persons who really have business to do with it, for personality attacks and innuendos and misunderstandings and dis-information is all too prevalent in this country and I believe that this could help create more harm than it could good. It could also have the effect of people who would be very good and capable persons as elected representatives not wanting to get into the situation.

The office of Auditor General, certainly we need that entrenched in the Constitution. It was in the draft Constitution. I supported it, and I support it now.

The Pensions for Civil Servants, it goes without saying that I support that, I always have over the years and it seems to still be some degree of influence exercised over it by the Governor where Civil Servants are concerned. I believe that there is such a thing as cutting off someone's pension up to the point that they do a misconduct, but certainly what they have worked for should be rightfully theirs.

This Motion leaves out, and I do not know why, the Public Service Commission which is provided for in the draft Constitution and which I certainly support as being there. I do not know if it makes it easier to interfere with the Civil Service, as the Government likes to talk about by leaving it out, but, certainly, I support that as it is in the draft Constitution and believe any changes to the Constitution should have it.

It has also left out the question of electoral boundaries and I believe that is something that needs to be addressed in this country through a properly structured organisation. One which can be done unbiasedly and eventually which will bring this country to a point where the people of this country can exercise their democratic right in the manner of one man (or one woman), one vote, and not as it presently is where any given person can manipulate the results of the poles by voting a certain number and withholding the votes for voting for others.

Madam Speaker, I have spoken to this Motion which is before the House, which I believe rightfully should not be here. I believe what should be before the House is the new draft Constitution and I believe that any changes whatsoever, or any recommendations in that, the draft Constitution, or in this Motion, should be the subject of a similar getting together of all Elected Members of this House in the form of a Select Committee where everyone would have the same opportunity to speak to these matters, as before, where all organisations and persons would have the opportunity of doing so. For this to come about the way it has is inherently wrong. The country does not know where the United Kingdom stands, it would seem like it is only right for the United Kingdom to make that clear. What will happen next? Will they utterly change their Ministerial form of Government to suit the Cayman Islands and the vagaries of the proposals before them? Or will they honour the unbiased recommendations of their Commissioners who came and studied the situation in the Cayman Islands and made certain recommendations? Will they see to it that the Cayman Islands is encouraged towards assuming more of its responsibility for itself, as it should as we enter into the year 2000? Or will they go along with an absurd situation that for us to progress is not too assume any responsibility and to have as little accountability as possible? These are the questions, Madam Speaker, and certainly my call is on the Government of the day to understand the necessity for Constitutional change which brings with it an advancement and a development of the people who run the Government having responsibility for running the Government and having to answer and be accountable.

My call is on the United Kingdom Government to act properly as the Colonial Administering Power of the Cayman Islands to fulfill its obligations under the United Nations Convention in regards to dependant territories. My call is on the United Nations to examine the situation that is occurring here in the Cayman Islands in respect of this Motion which is before this House and, indeed, what will be the ultimate action taken by the Legislative Assembly.

I have made it clear, I believe, what I support out of the new Draft Constitution which are parts that are stuck into this Motion here and what I disagree with. On principle I will not vote for this Motion that is before the Legislative Assembly.

THE SPEAKER: The House will be suspended until 2:15 P.M.

PROCEEDINGS SUSPENDED AT 12:45 P.M.

PROCEEDINGS RESUMED AT 2:17 P.M.

THE SPEAKER: Please be seated. Debate continues on Government Motion 4/93. The Honourable Elected Member for Health.

HON. W. McKEEVA BUSH: Madam Speaker, I am certainly in support of this resolution which has long been debated and aired in this country. In doing so I bear in mind that our forefathers established a firm foundation on British Parliamentary Democracy. I believe, I hope and I expect that whichever Government that is in power will continue to accept those traditions as our foundation. We as a Government, would seek to build upon these foundations what has been left in trust to us.

Political institutions, be it constitutions, or otherwise, like education, religion and all sociological institutions, are made by the people and not for the people. In many cases, political institutions have achieved high success in certain countries of the world but are not as successful as one would expect them to be when introduced into other countries.

Madam Speaker, I ask that we observe that because it is very easy to transport ideas and to transplant them in countries such as ours simply because they have worked or thought to have worked in other countries. What we must seek to do is what we have done in the past and that is to use the system of British Parliamentary Democracy in our country as a foundation so as to establish a parliamentary structure that will fit the sociological pattern of this country.

Those of us in the minority last year said that we wished to see gradual change. Those of us who were Members of the House then can well recall that five Members of the then House put in the Minority Report of the majority report of the Committee. This is what this Motion, this resolution, is all about today. It is about gradual change. We have to move cautiously. We cannot transport what some of the other countries might use to their advantage. We see what full-fledged Constitutional advancement did to other countries: other countries who, today, are saying that they wish they were like the Cayman Islands where we have the best of a lot of worlds. Not that we are without problems, but that constitutionally, we have the best of both worlds in that we have a major super power in the world, the United Kingdom Government, to stand behind us for defence on other matters, and where we are free from the trappings of independence.

We have the best of both worlds because the people, in free elections, elect the people of their choice and here in this House we make policy, set laws for the good running of the country. If that is not good, Madam Speaker, tested and true and proven, then I would like to ask the Second Elected Member for Cayman Brac and Little Cayman what more does he want. Because apart from what we have we could only go just a step before independence.

What we are trying to design is a social contract. A contract

between our people and their country, a contract which will embody agreements which will not only be designed to give a Government some authority in order to be able to enact their role of Governing, but we are also seeking to come to agreements in all the relationships of these parts of our Government that we work.

Madam Speaker, we know that at present we have an Executive, we have a Legislative body and we have other services which are supposed to carry out a balance of power, such as the Police, the Judiciary and Civil Service. That is the basis of our Constitution. Apart from these, we have the individual who, himself, must be protected and who has his rights.

I take note that the Motion for amending the Constitution is inclusive of a Bill of Rights. Such a Bill of Rights seeks to establish the relationship which must exist between the individual and the state. It would seek to establish rights and safeguards for the individuals. Someone once said that there cannot be a Bill of Rights without a Bill of Wrongs. We must teach our people, we must tell our people, that this so-called Bill of Rights does not mean a licence for them to do as they please. A Bill of Rights means that everybody has rights and one cannot trample on the rights of others.

It is one thing to protect the individual from the state, it is yet another to protect the state from individuals and entities. It is wrong and it must be constitutionally wrong for people who are members of the services I named, which are the bulwark and safeguards of the democratic structure we are seeking to protect, the Police, Judiciary, and Civil Service, not to carry out their duties in the way it was designed for them to do - politically impartial. For when they do so, they are destroying the whole balance of power within the framework of the Government that we have laid down in the democratic fashion.

It is not right for them to act this way. It is wrong, and it must be constitutionally wrong, Madam Speaker, if Members of this House who are constitutionally bound to uphold the Law cannot be prosecuted for minor infractions of the Law. Will those constitutionally bound to enforce the Law, namely, the Police, be capable of carrying out their duty? Must they turn their heads and say in this matter, "I have no ears, so I cannot hear; I have no eyes, therefore I cannot see"? No, Madam Speaker, the due process of Law must apply to all.

At the time the Constitution was being debated, last year in a draft before the country, a Member of the previous Executive Council, Mr. Benson Ebanks, should have been taken to court for drinking and driving and getting in an accident. What happened? A police car came upon the accident and took him home without a warning for prosecution for being drunk, driving and causing an accident. These are the safeguards that we must protect. We must be, as Members of this House, within the Law.

I will talk about powers given to Elected Members, Madam Speaker. Must these services, bound to uphold the Constitution, be the very ones to abridge it when they prevent justice from taking its course in the very halls of justice, namely, the Courts? Must those who are constitutionally bound to enforce the Law pilfer the property of those they arrest and say it happens all the time as a matter of course?

Madam Speaker, it is no use having certain understandings for people who are employed in certain services if those understandings are not kept. No Bill of Rights can protect these wrongs, Madam Speaker, and they have been done, perpetrated by people in high offices in this country. No Bill of Rights can protect these wrongs. If something is wrong, that destroys the whole democratic framework that we are trying to build, it must be constitutionally wrong.

We are talking about a Bill of Rights that proposes all sorts of freedoms; freedom of expression, freedom to congregate. Madam Speaker, the media, to serve the public interest, must have a soul and a conscience, a burning desire to excel as well as to sell, the urge to build the character, citizenship and intellectual stature of people and, Madam Speaker, I say in this country a better job can be done.

Yes, we will continue to protect the freedom of expression, we will continue to protect the media. But this freedom must be fair. Constantly, bias is exhibited. It is not hard to tell which reporter comes into this Honourable House, by the way the report is handled. Speaking openly, as I always do, let me say I have always had a lot of pride for the only daily newspaper in this country. I have lost a great deal of respect for that paper because of bias and outright dirty reporting. Freedom of expression must not be freedom to destroy people, Madam Speaker. It is not hard to see the tripe on the front page, the thwarting of news reports, the banner headlines of rubbish and the heading out of individuals. Madam Speaker, freedom of the press, yes, but is this what freedom of the press is all about?

Madam Speaker, must a successful country be crippled because of sensational headlines of a letter or letters on the Editorial Page? Must the investment of people, their hard-earned life's savings in a business be threatened because of journalists who do not like a Government? Is this fairness in the press? Is this freedom of the press? Well, Madam Speaker, freedom of the press is one thing, a Bill of Rights is good to talk about, but it carries out with it an awesome responsibility.

In recent weeks the papers in this country have done more hurt for this country than any politician in this country and I say that the owners, the managers and, especially, the news writers at that daily newspaper must reflect less of themselves in what they so nastily report about the leadership of this country.

Madam Speaker, I have always been one, as I said, to protect and to fight, when I thought it was necessary, for press freedom. Many a politician has been afraid of the press. In fact, I do not know how many would do what I am doing here today. I am not scared of unbiased press. But a reporter who shows disdain for this country is severely misled, if they believe they can scare me because they have the power of the pages.

So, I pray that the hope of a Bill of Rights will not be taken by anyone, especially the press, to mean they can do and say as they please and they can thwart news reports as they please. I hope that with the coming of the Bill of Rights comes the promise of success and the promise of real

enlightenment and not bias in the press in this country.

We must be careful then that as we bring about a Bill of Rights that we do not entrench minority rights to the point where we affect, or put the majority to a disadvantage. It is all right to speak of freedom, but freedom, sometimes, given in large doses, is often abused and misused. What is freedom must remain as freedom and not licence, Madam Speaker. We are a small country and perhaps the problem that another country might handle appropriately we might find ourselves open for abuse.

I support the Bill of Rights bearing in mind the qualification that a Right can be taken away by due process of Law. What does that mean? Does it mean that people cannot be stopped from leaving the country? What is meant by freedom of movement? Does it mean people can march whenever and wherever they like? What is meant by Freedom of Expression, of Association? In most constitutions containing a charter of fundamental rights and freedoms, they are followed by a long list of exceptions setting out what is to be done in spite of those freedoms. Let us be teachers then. Let our people know there are no rights without exceptions.

We all know, Madam Speaker, that the moment you start to put down the rights you find that no country can live unless those rights are modified by a variety of exceptions. It may be so that by the time we have written all the exceptions it is difficult to say what would have happened to the rights. It might almost be accepted out of sight. Nevertheless, it is good to say to the world, "This is what we stand for and they form a framework within which, if our intentions are good, we must work and not stray outside of".

Madam Speaker, I support the Register of Interests, as is asked for in the resolution. The House may recall (those of us who were here), that it was this Member who moved a Motion here calling for such a vehicle. I believe that it is of paramount importance to have a vehicle where rules are written for all to adhere to. Since it is, undoubtedly, possible that there will be those individuals who will seek to become parliamentarians while simultaneously not having the best interests of the people, in general, at heart. Some kind of clear rules and similarly a workable system, not just the rules, but a workable system of enforcement must necessarily be introduced.

We all cherish, or at least we say we do, our successful democratic experience. Two fundamental requirements of our system are the integrity of the system itself and of the people who operate it. Sometimes we hear from some Members here all sorts of references to other Members, all sorts of names. I believe they even called me Schwarzenegger. We hear of heated debates. Madam Speaker, I find that it should really not bother us as much because such action or behaviour does not really tear down our democratic system. If a Member gets a little heated in his debate, and sometimes (in the recent past) I have been accused of preaching fire, like a revival, in this House. But then, we do know that at times a revival is necessary because people have backslid or they need a calling to the alter. But, as I said, this is normal and can be expected in the cut and thrust of debate. So I do not worry when any Member gets a little hot expressing their opinion. That is good for democracy. It is wholesome.

What I worry about is behaviour and business practices on the outside of this House which are altogether unacceptable, dishonest and damaging to the county, its image and reputation. I have always been of the opinion that if someone challenges my integrity, that I should be able to satisfy that challenge by public disclosure. He who has nothing to hide would not be afraid of such challenges. In my life, I have accepted such challenge because you can always prove your honesty without doubt.

It is our duty then, as responsible citizens and representatives of our people, to jealously ensure that those who operate the system are, at all times, persons of the highest integrity. Some people may argue that it is unreasonable to ask an individual to disclose his or her personal economic interests, for example, to the public. However, I firmly subscribe to the belief that he who enters politics has, in some respect, become less of a private person and more of a public servant. There is a necessary balance between the two and politicians of high integrity should have no qualms about conforming to a code of ethics. That code must imply the surrender of privacy to whatever extent it may infringe upon the public's interest.

Morals cannot be directly legislated and Parliamentarians should be of good personal moral fiber by way of personal choice. But, realistically, this will not always be the case, or in some instances it would be even difficult to ascertain whether or not it is the case. Relationships of trust cannot exist if a parliamentarian's personal honour and integrity are open to public doubt. So these values of professional obligations should be clearly stipulated. I have no problem with this particular section. Bearing in mind that no parliament can bind a future parliament, it is my opinion that it is practicable to enshrine such a code in our Constitution to bestow some higher form of significance upon it. Even though Parliament can alter the Constitution too that procedure is longer and more difficult.

Madam Speaker, much have been said about the Chief Minister system and there has been much prodding and pushing by certain Members of this House in favour of that Draft Constitution. But I believe that, at this time and stage of our development and maturity, the interest of these Islands would best be served without the office of Chief Minister and all his powers. I note that the Opposition Members who praised this system did not tell you about all the badness that was proposed by their colleagues, the previous Government.

From day one, I stuck to my agreement with the majority of Members of the House and what we put forward including, Madam Speaker (and this was the very first day of the Select Committee on the Constitution), the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac, the group of us seven put forward the proposition and that Motion said: "That the Committee wishes to see a gradual move into a ministerial system of Government and considers it prudent to make revisions in the Constitution." That was on the first day, and that is still my position today.

Madam Speaker, I had hoped to debate the Motion without reference to any one Member, giving the debate the due deference it deserves since we are discussing

constitutional changes. After listening to the Opposition I feel it incumbent to respond to their inconsistency, their confusion, and their deliberate attempts to mislead. The First Elected Member for Bodden Town spoke about informing the people, and why the consultation and input by all Members of the House, as if to say that he had no dealings with the Motion before the House.

Madam Speaker, everyone in this country well knows that the First Elected Member for Bodden Town campaigned with the National Team and campaigned on a Manifesto that asked, no doubt, for the same changes that we are today contemplating. Not only that, but he sat together with us as a group day after day, and night after night, putting together this same Manifesto. But, for one word which talked about administrative responsibility, this Manifesto is no different from what is in the Motion. But, even more than that, the First Elected Member for Bodden Town was still with us in February, when we as a group, and he was at that meeting, asked the Executive Council to formulate a Motion which embodied the portion that existed in our Manifesto.

Madam Speaker, that is what Executive Council did. You hear his colleague, the Second Elected Member for Cayman Brac touting out this rubbish that it was done in secrecy. Well it was done in secrecy to an extent that we as a group had to put something together and the idea was to ask the United Kingdom Government whether they would accept it. The United Kingdom Government said, they would accept what this country asks for in constitutional changes if it is a majority. Well, I will get back to that, Madam Speaker.

I cannot see how the First Elected Member for Bodden Town can stand in this House and talk about why the consultation and input by all the Members of the House, as if to say that this Member is like the wives in the Bible who washed their hands from it all, when that is not true. He knew from the outset what the position was. He, along with the rest of the group, asked for it because we, as a group, campaigned together on it and went to the public with it, and wanted to see it and we felt that we had an overwhelming mandate, including the First Elected Member for Bodden Town to do exactly what we are doing and nothing less.

I do not know, Madam Speaker, what this so-called Opposition wants us to do. What are they expecting, Madam Speaker? Do they believe that the people are blind, are deaf and dumb? While there are disgruntled people in the country, I know that this is the position after every election, you get this disgruntlement. But, the people very well understand what they asked for in the election, they voted for change and that is what the people are getting.

This matter of the Constitution has been ongoing since, I believe, 1990. It has had much long and drawn out debate in this House. It has been the subject of many public meetings where it was discussed from cover to cover and it was the subject that was paramount in the election campaign last year, where thousand of people listened to the pros and cons of the Chief Minister system, as was being presented by the Second Elected Member for Cayman Brac and his then colleagues, the Government at the time. The people very well understand what it is this Government is proposing. It is no different today, except, as I said, for one or two minor changes which makes no difference to our democratic system.

The First Elected Member for Bodden Town talked about how he is against simple majority for removal of Members. The trouble with that Member, Madam Speaker, is that he cannot and he will not be consistent. He constantly shifts his position so that we, as a Government, hardly know what he is for or what he is against. As I said before, and I say again, be a man and stand up and say, "I am with you", or stand up and say, "I am against you", but you are not going to edge with me. You are not going to blow hot and cold with me, you are not going to run around from one end of the table and say I am with you, then run around the back and stab me when I am not looking.

Madam Speaker, our Manifesto carried a plank of removal by nine out of 15. This Manifesto, he is part of it, see him there on the front page, right on the front cover. He is in here with an X beside his name. That same plank in this Manifesto, I just want to find it and read it. I reads: "We recommend that removal of Elected Ministers should be by a vote of nine Elected MLAs (that is, one more than a simple majority and one less than a two-thirds majority).". You want to tell me, Madam Speaker, that with all their education and everything else, that they come and say that McKeeva does not have, that they did not know what they were signing? What they were proposing? That same plank has found its place in the Motion and recommendations before the House. He does not seem to understand or he choose to mislead, that the provision for simple majority is not in the recommendation. So do not come out blasting, as if this is what the Government is doing. But, Madam Speaker, further than that, when you go back to what the bunch of them put forward in the majority report last year, what do you find? "The Constitution must provide for a simple majority vote". That is section 21 on page 17, and who signed this, Madam Speaker,? The Hon. Norman Bodden, Hon. Benson Ebanks, Hon. D. Ezzard Miller, Hon. Linford A. Pierson, Mr. Gilbert McLean and Mr. Roy Bodden. What are they talking about now, Madam Speaker? They believe that people do not understand what they are trying to do and how they are playing politics.

The provision for removal of Members is nine votes, and not eight. Eight, of course, would be the simple majority out of 15. So they should not confuse the issue and they should also tell the people the truth. What is the truth? The truth is not as he was saying, when he said, "four Elected Members of ExCo, the four Elected Members of ExCo." This was not something done solely by the four Elected Members of ExCo, as he is trying to purport.

Yes, Madam Speaker, while we have a responsibility as the Elected Executive Council to inform the public, no one can say that they have not had the opportunity to understand what we are proposing. But, while we, on this front bench of Executive Council, have a responsibility, the First Elected Member for Bodden Town, too, has a responsibility in this issue. He has a responsibility to tell the truth and not confuse the issue so that people will be able to follow correctly what is being done. And, that is all I

am asking them to do.

I am not here asking that they must support me in everything. All I am saying to them is support what you supported before. Do not worry about Tom Jefferson, John McLean, Truman Bodden or McKeeva Bush, and do not worry about their cohorts, what they are saying on the outside. They, too, are confused. They cannot accept that the people whipped them soundly in November 1992. This is what it is all about! But they have to accept the democratic process and the democratic process gave us an overwhelming win for change and that is what we are doing. The democratic process gave us an overwhelming authority to do what we are doing here today. Let the Second Elected Member for Cayman Brac understand that.

Madam Speaker, if I was to try to deal with all the hot wind that I have heard from the Second Elected Member for Cayman Brac, I could spend the balance of the time in this House, another week or two. I do not need to do that, Madam Speaker. Everybody in this country well understands where the Second Elected Member for Cayman Brac comes from, what position over the years he has taken on independence and constitutional changes. Everybody knows he is for it and he is not saying any different today. But I contend that if the Second Elected Member for Cayman Brac had gone to Cayman Brac and Little Cayman last year and told the people all that he talked about here today, about bringing the United Nations down, if he had told them his true position....

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, the Member is misinforming the House. I made no statement whatsoever regarding bringing down the United Nations to the Cayman Islands.

THE SPEAKER: Honourable Member, I believe he is quite correct. He did not say anything about bringing the United Nations down.

HON. W. McKEEVA BUSH: What did he say, then, Madam Speaker? That was my understanding of what he said.

THE SPEAKER: I certainly did not understand that, Honourable Member.

HON. W. McKEEVA BUSH: Well the *Hansard* records it.

THE SPEAKER: Of course.

HON. W. McKEEVA BUSH: And, I know that he has talked about the United Nations to examine what is happening here and them coming here. So if that is not - yes its a Decolonisation Committee, that is what I am talking about. You could not very well bring the whole United Nations down here.

What are we going to do with them? If that Member had told the Cayman Bracers this is what he wanted he would not have been here today. But he would not tell them the truth. Yet, he gets up here and pontificates saying, "This Elected Executive Council is this, this Elected Executive Council is that, and we had not gone out and told the people what we wanted." Madam Speaker, I wonder where they were last year during the election campaign. I wonder. He says, we are not taking responsibility, because the words "administrative responsibility" is not in the Motion.

Well the resolution before the House is an amending Motion. This Motion does not seek to bring in effect a new Constitution. It is an amending Motion and this thing, I do not know where this big confusion has come from about administrative responsibility. Because, section 9 of our present Constitution, the Cayman Islands (Constitution) Order, 1972, is still intact and this is what it says:

> "9(1) Subject to any instructions given to him by Her Majesty through a Secretary of State, the Governor acting in his discretion shall to the extent that he deems appropriate charge members of the Executive Council with responsibility for any business of the Government (other than a matter mentioned in section 7(1)(c) of this Constitution) or any Department of the Government."

Or any Department of the Government. I cannot understand where all this confusion comes from about administrative responsibility. We have a responsibility and it is not illegal as the Second Elected Member for Cayman Brac would like people to believe. Madam Speaker, they have made so many wrong statements that we must clarify them or else posterity might believe that they were geniuses.

When I was elected to Executive Council, the first thing that was done was that I was sworn in and by Public Notice in the Gazette. His Excellency the Governor said, and I read:

> "It is notified for public information that the Governor in his discretion, acting under the powers conferred upon him by section 9(1) of the Constitution, has charged the Members of Executive Council listed below with responsibility for the business of the Government and for the Departments of Governments subscribed below their names to the extent described in letters address severally to Individual Members of the Executive Council. This list is not exclusive and is subject to amendment as and when they may be required.".

And, it goes on, Madam Speaker, pointing out the First Official Member of the Executive Council, the Honourable Chief Secretary - Portfolio for Internal and External Affairs goes with Immigration, Government Information Services, Police, Prison, this Legislature and various other Departments and sections.

The Second Official Member of Executive Council, the Honourable Attorney-General, various subjects, departments and sections. Same thing with the Third Official Member. Madam Speaker, it goes on then to list the Elected Members; the Honourable Thomas C. Jefferson - Portfolio of Tourism, Environment and Planning. All his subjects, departments and sections; Environment and Natural Resources; Fire; Lands and Survey; Mosquito Research and Control; Planning; Tourism; Trade and Labour; Turtles; Watersports Industry; National Trust; Port Authority; and many Statutory bodies and Committees.

The Honourable W. McKeeva Bush - Portfolio of Health and Human Services. Many subjects and departments: Environmental Health; Public Health; Social Services; Youth and Sports; Health; The Housing Development Corporation; Health Services Authority; and many Statutory boards and Committees.

The Honourable John B. McLean, JP. - Portfolio of Agriculture, Communication and Works. The same thing and the Honourable Truman M. Bodden - Portfolio of Education and Culture and Aviation.

Madam Speaker, the Governor has acted correctly under the present Constitution which carries with it powers to give us responsibility for our Departments. Let me say for one and all, if the Second Elected Member for Cayman Brac and anybody elsewhere believe that if someone in my Department, under my responsibility is going to do something and I know about it and he is going to get away, he is making a big, big mistake. I do not have the power to hire and fire, that does not go with it. And unless we get close to independence, we shall not have it. What we have, is responsibility and we certainly are held accountable by the country for our actions and we are certainly answerable in this Legislative Assembly to Members including the Opposition.

So, Madam Speaker, if the Second Elected Member for Cayman Brac and Little Cayman knows of anybody who is not doing their job and he believes they can get away with it, let him do his duty and tell us. That is what his duty is. If you want to ask the question, so be it. We might not know what is happening. We live in a big Cayman Islands. We might not know what is happening. But let me state for the record and let me be absolutely clear to one and all, as long as I have responsibility under section 9, given to me by His Excellency the Governor, I am going to carry out McKeeva Bush's responsibility. I am held accountable by the people of this country and I am going to see that the job is done. That is just the problem, Madam Speaker. That is why you hear so much hollering from those two corners. Because this selected Executive Council is doing their duty, because we are doing our job, because we are cleaning out the rot that was left by the previous administration, because some people that they are close to have to be touched. But, so be it, we are going to do our job.

I speak for myself, and I believe I am hearing "amen" behind me. So let no one be deluded into believing that because administrative responsibility is not inclusive in the resolution that anyone can do as they please.

They should tell the truth, they have a responsibility. But, you see that is just the trouble. They can stand and criticise and believe that they have nothing else to do. They believe that they can gather at the different hotels, behind our back, and stand and plan. They believe they can run to the newspapers and they believe they can return to the media and say as they please, and they have no responsibility. The four Elected Members of Executive Council have the responsibility. Madam Speaker, they want to play politics. They have somebody, and I am saying this, Madam Speaker, for one and all to hear. Since November, when I was sworn in, I have been busily doing my duty, taking my licks. But from here on in, the bunch of them can expect to receive as good as they give. I am ready for them. All I am asking of them is to remember this, that we have a country to run and this country is not in good shape today. This country is in the doldrums because it was left there and we cannot get it going if Members of this Honourable House constantly portray to their friends on the outside something that is not true. We will never get it going as long as we have newspaper reporters who do what the Opposition wants, who plan with the Opposition, who thwart news reports, who read banner headlines and therefore the investor in this country, or abroad, has a bad outlook on the Cayman Islands. All of us in this House remember that. It burns me, Madam Speaker, when I hear the things that are said about this country and how low the esteem in this country is today.

Yes, there is low esteem in some areas among our young people and perhaps those people using drugs. But that did not start with this Executive Council. It did not even start in 1988, when the Second Elected Member for Cayman Brac and Little Cayman was elected to this House. That started a long time ago and has nothing to do with the Government. It has everything to do with dirty rotten people who keep destroying our children by importing drugs into this country, who do everything in the world to destroy our children. It has nothing to do with the United Kingdom Government. It has nothing to do with this Government. It really hurts when I hear a Member of this House talk that kind of rubbish, low esteem because of this Government not agreeing to changes in the Constitution to make it more in line with his view. That is not the reason, Madam Speaker.

Another point was made. The Second Elected Member for Cayman Brac and Little Cayman claims that the country does not know where the United Kingdom Government stands on the Constitution. Madam Speaker, I believe that it is clear to everyone concerned where everybody stands, except for those Members who are constantly shifting their position. From day 1 there was a motion made by the former Government, made by the then Member for Education, Mr. Benson Ebanks. That motion took us into

a Select Committee and we worked at it, and we worked at it, and we wasted more time on it than any other Motion in this country, on any other issue. Then what happened? We called in the Commissioners. They had their say with it. They went Island-wide. We listened to them, they had public meetings, we sat there and we asked questions. They had meetings with the entire House at that time. Then the report was submitted to the United Kingdom Government. Then what happened? The United Kingdom Government said we will give you what you want, but you must face the public first. You must go through an election.

That is, or was at the time, the United Kingdom Government's position, "if this is what you say you want, the majority of you", because it was only 7 of them at that time, "you go and face the country." That happened, and this is the result. The five of us who signed a minority report fought the election with the rest of our colleagues and we won the election. Therefore, we put forward our policy on the basis of what we fought the election with. This is what the United Kingdom Government asked us to do, go out there and find out what the people want - face the public. But I am not going to give you any constitution now, that is what the United Kingdom Government said.

I do not know what more they expect from the United Kingdom. I am not here to tell any stories for them, but I will say this, in all fairness to the United Kingdom, that this Government has gotten more than, I believe, any of the previous three or four Governments from them. I believe that we will get more because we know how to sit down properly and talk with them and be rational with them. I think this country is getting more from the United Kingdom Government than any three previous Governments.

If he wants a fight with the United Kingdom Government, whether it be for independence or whether he wants the Decolonisation Committee to come down here, let the Second Elected Member for Cayman Brac and Little Cayman stand up like a man and say so. Do not try to blame the four Elected Members of the National Team's Government.

Madam Speaker, I said last year that I was against the system proposed by the then Government, the system proposed in their draft constitution. Because that system asked for powers without responsibility to the public, without accountability to the public. I am not going to waste the time of the House this evening, I am going to give other Members a chance. This Member claimed that the changes we proposed are not good for business, not good for the people. He says it is good for nothing. What does this Member want from us? I wonder what he thinks is going to happen if, after all the other problems that we are facing in this country in trying to get this economy going, and let me tell Honourable Members (I know they know), let me confirm their belief and other persons' belief in this country, our biggest problem today in getting things done and moving up is that we have an economy that is not good. We are busily trying to get it going. I wonder what the Second Elected Member for Cayman Brac and Little Cayman believes would happen with all the other problems that we have with Immigration and everything else, if we were to invite the Decolonisation Committee to come down here.

Do we really need that at this time? Madam Speaker, I believe that we still have a buoyant tourism sector, but that too will be damaged, that too will be wrecked and perhaps that is what the Second Elected Member for Cayman Brac and Little Cayman wants. He wants to see turmoil, he wants to see big confusion, he wants headlines...

POINT OF ORDER

MR. GILBERT A. McLEAN: Madam Speaker, on a Point of Order...

HON. W. McKEEVA BUSH: Madam Speaker, I am not giving way at this time.

THE SPEAKER: May I hear the Point of Order, Honourable Member?

MR. GILBERT A. McLEAN: Madam Speaker, the Member speaking has imputed improper motives to me and certainly such could never be the case. I do not want chaos in this country. I love this, if anything, more than he...

HON. W. McKEEVA BUSH: Madam Speaker, I ask you to rule on this Point of Order.

THE SPEAKER: If you will give me time to think about it, Honourable Member, he has just said that you are imputing improper motives.

HON. W. McKEEVA BUSH: He was going on to make a speech, that is why I asked you to rule.

THE SPEAKER: But you will give me a chance, because I am the one to do that, please. So if you will just give me an opportunity. I am just asking you to be careful in your statements, Honourable Member. Because I am sure there is no Member in this House who would wish to have any turmoil. Thank you.

Please continue, Honourable Member, with your speech.

HON. W. McKEEVA BUSH: Madam Speaker, thank you, very much. That is what I am about to do.

I am saying with the speech that I just heard from the Second Elected Member for Cayman Brac and Little Cayman, he wants turmoil, he wants confusion and he wants everything else to wreck this country because he cannot have his way...

THE SPEAKER: Honourable Member, I have made my ruling. Would you please stop shouting and replying to me? There is no debate on what I have said. Will you please continue with your speech, Honourable Member? Thank you.

HON. W. McKEEVA BUSH: I knew that I would be stopped because I am touching more than a few toes...

THE SPEAKER: Honourable Member, I have said will you please continue your speech.

HON. W. McKEEVA BUSH: That is what I am doing, Madam Speaker. I am still on the issue.

THE SPEAKER: Well, please do not reply to me.

HON. W. McKEEVA BUSH: I am not replying to you, but I have to talk to you because it is through you that I have to get to the Member for Cayman Brac.

THE SPEAKER: I will suspend the proceedings for 15 minutes.

HON. W. McKEEVA BUSH: Thank you.

PROCEEDINGS SUSPENDED AT 3:32 P.M.

PROCEEDINGS RESUMED AT 3:50 P.M.

THE SPEAKER: Please be seated. The Honourable Member for Health and Social Services continuing the debate.

HON. W. McKEEVA BUSH: Madam Speaker, there is one thing about it, when I rise, most times, I keep the House awake. I certainly believe that we are proposing here what is in the best interests of this country. In dealing with the Member for Cayman Brac, he made the point that what the resolution is good for is nothing.

Madam Speaker, let us look at what he is proposing. One of the things is for the appointment of Members to the Public Service Commission. We see inherent dangers in that. We believe it was good enough as it is, where His Excellency has that prerogative. The day that I believe that Members of the Public Service Commission are not doing their job, I will make my opinion known to His Excellency the Governor.

When one considers that we have a Government who rode rough-shod over everybody, what would have happened if they were in a position to appoint their friends, their colleagues, their cronies, to the Public Service Commission? What would have happened? I know one thing, there would not have been many people left in the Department of Health, or the Portfolio of Health and Social Services at the time, because we heard from this Honourable House many attacks on Civil Servants. I wonder if the Second Elected Member for Cayman Brac and Little Cayman forgot that, or whether he was part of it? What would have happened under their Constitution which was proposed which the Second Elected Member for Cayman Brac supports, the Draft Constitution of 1992, they would have had the power to appoint judges.

I do not believe, given the make-up of our country, that that is a good thing at this time. I believe that they would not hesitate to tell a magistrate or a judge how to adjudicate on a case. Because if, as ordinary Members of Executive Council, they could not face Due Process of Law, why should I entrust to them the appointment of a magistrate who could be pressured into whatever the Minister wants? Many a citizen would not have been safe. Many, including myself, because they tried everything in the world to get rid of me. Well, I will leave that one before I get in hot water again. But, I very well remember the many attempts that were made to attack McKeeva Bush in this House. I tell you this, I did not feel safe.

Things would have to change drastically, and I mean drastically, Madam Speaker, for me to even look at it, much less to agree, that a politician should appoint a judge. If the Second Elected Member for Cayman Brac and Little Cayman wants that, let him go there and tell the people so. But for four years they are going to have to stew, we are not doing it.

We chose to leave all of His Excellency the Governor's resolved powers. I heard the Second Member for Cayman Brac talking about the Governor's powers. Either he wants a Governor, or he does not want a Governor. But, the day we do not have one this country must understand that we got independence. He should tell the people if that is the road he is travelling on. Because he did make reference to the United Kingdom's responsibility through the United Nations. We know what the responsibility is. We know what the United Nations wants. We know that the United Nations wants Great Britain to decolonise the rest of Her remaining Colonies. We know that. That is independence plain and straight. And the Second Elected Member for Cayman Brac and Little Cayman is not going to have his way because he might call them here, if they want to take a political line. We have already told the United Nations Decolonisation Members, in New York, earlier this year, that, "we do not want that here, Sirs, you go wherever you please. We are doing O.K. in Cayman. If you want to do something, help us with the drug problem, help us with the economy. You have many agencies that can help us, help us with those." That is what the Second Member for Cayman Brac should be hollering about. That is what he should be asking the United Nations to do. He should be writing, he should be talking to them saying, send down

UNDP and help the Minister or the Member for Health and Human Services because he is trying to get a good drug programme going, he is trying to get a good mental health programme, he wants to see a good AIDS programme. That is where we need assistance, Mr. Member for Cayman Brac.

We do not need independence and I say to the United Kingdom, as I said before to them while I was there, "Hold fast. Because we, in Cayman, as the Elected Government are going to remain on the course we are on." We are stable and we want to remain that way. The route of independence of the other British Colonies in the Caribbean has not been good. You know, Madam Speaker, it is amazing, when you go abroad to the rest of the Caribbean and talk to some of them, some of them will truthfully tell you they wish they had not gone the way they had. Yes, it is good to say they are independent, but they wish they still had what we have. I say it to Members today, do not ever get it in your head about independence, it is no good for us, it cannot help us. We have all the independence we need. If you ever hear of anybody in this country talking about supporting the Second Elected Member for Cayman Brac and Little Cayman in calling the Decolonisation Committee here, you let us know in good time. I want to ensure that they get a good welcome.

We do not need them, they have done no good wherever they have gone. We know they came here back in the 1970s, and I went to their meetings. They could not tell us one good reason why this country should be decolonised. They could not tell us one good reason why we needed to separate from Great Britain. They have not changed. They are still the same backward-thinking people that they were then. I do not say this with any disrespect, but I mean they are backward in terms of their philosophy. The Second Elected Member for Cayman Brac and Little Cayman is still in that 1970/1960 mode. He will never change. Let him stew for four more years.

I hold fundamental opinions as regards the separation of powers, namely, the Judicial and Legislative powers. I believe that our little country is best left alone and that what we have in our present Constitution with the few amendments here, which, as far as I am concerned, are only a cleaning up situation, we do not need to go any further.

Let no one tell any Member of this House, or impress so much on any one Member in this House for them to change their opinion on the appointing of judges and the interference of Civil Servants with the Public Service Commission.

The Second Elected Member for Cayman Brac and Little Cayman criticised the appointment of the Leader of Government Business. First he said that nothing was wrong with it, then he went on to show everything that, in his opinion, was wrong with it. You cannot have your cake and eat it too. There are people, mainly the rejects of the last election, who are still out there writing letters, sometimes unsigned talking about the post of Leader of Government Business. The Leader of Government Business is nothing more than that - Leader of Government Business, the Chairman of the Business Committee. We, as a majority, have said that we wanted the Member for Tourism as Leader of Government Business and as Chairman of the Business Committee. We have also asked him to talk to the Governor when the Governor has a matter that needs addressing which spans all of our Portfolios. Sometimes that is done, and sometimes His Excellency talks to us individually as well. I see nothing wrong with this if we have a statement to make, generally, concerning business in the Country. We will send the Honourable Member for Tourism, he is the Member to do it. There is nothing wrong with that. There is no more expense.

What if we had a Chief Minister? He would hire and fire through his appointments to the Public Service Commission. He would fire the Ministers, especially under the system proposed by the Second Elected Member for Cayman Brac and Little Cayman and the rest of his cohorts on the outside, because they were appointing a Chief Minister, a Leader of the Opposition, Parliamentary Secretaries, entrenching themselves in the Government - unmovable. How we would move a Chief Minister would be anybody's guess. My opinion is that once you got one, it would not be an easy thing to remove him because there was not the party mechanism so that he could be removed.

The Second Elected Member for Cayman Brac and Little Cayman who critisises the appointment of a Leader of Government Business did not fully explain that there was no mechanism set up for the removal of the Chief Minister. How were they going to remove him? He had five Ministers. What happened if he became corrupt? He had three Parliamentary Secretaries that was it, Members of the 15. They would have two or three Official Members, that is 11 out of 18. Where was the majority going to be?

Yes, Madam Speaker, if you are going to do something, do it right. This is what the Member for Cayman Brac was talking about this morning. I am a believer in the party system, I have not hid that fact. I told them that one would be started if the former Government was lucky enough to get their Constitution going. Fundamentally I believed that we should have had a party system to operate what they were trying to put in place because that was the only way the public of this country was going to have a say in the appointment of a Chief Minister.

How you would remove a Chief Minister when he could "mammagise" the whole House because he was Chief Minister under the Constitution. Do not tell me that we are doing something wrong when you have that kind of monstrosity. He would act in perpetuity until the election. What happens in between the elections? What happens if he becomes corrupt and rides rough-shod over everybody? What would have happened if the previous Member for Health had gotten control with the Second Elected Member for Cayman Brac and Little Cayman? What would have happened with their dictatorial powers? Criticise the Civil Servants on the floor of the House? They would take steps to remove them. These are the statements you heard, Madam Speaker.

This country had better thank God that they elected the National Team, for more reasons than one. They had better thank God that an overwhelming majority rebuked them at the polls.

The Second Elected Member for Cayman Brac and Little

Cayman says their's was a good scheme, that was organisation, that was the right thing to have and that the bunch of us over here do not know what we are doing. The Elected Members are doing a bad thing. It is good for nothing. Oh yeah? I do not think so, I think that we are on the right track, doing the right thing.

So, Madam Speaker, let no one believe that we have done anything wrong in appointing a Leader of Government Business. This is not a Chief Minister's post. This Government has certainly not told anybody that that is so and anybody that tries to make it one is only looking for trouble. If the Chief Minister turned out to be a corrupt person, he would have had the power to be able to manoeuver around by firing a Minister, for example, and appointing a Backbencher, or promoting one of his Parliamentary Secretaries to Minister. So, we have nothing to worry about with what we are doing here.

Now they say the country is without leadership. I do not think so. It may not be the leadership they like, it might not be leadership that they appreciate, which is obvious by the many things that they are attempting to do. But we believe in what we are doing. We are not saying that we do not make mistakes, Madam Speaker, we are human and prone to make mistakes. If I make a mistake I will be the first to say that I made a mistake. But, I believe that the steps that we have taken in the past few months will only do this country good. You have seen it with Cayman Airways. In my Portfolio you have seen it with the many programmes that we are outlining, we are stepping up to and grasping every problem in this country. All the other Portfolios are doing the same thing. What more do they want? They want to run the country from the Backbench. I do not think so, I do not think that can be done. We are leading honestly. They cannot see that, of course.

So, Madam Speaker, I am satisfied that we are doing the right thing; satisfied that the Member for Education has studied this matter. He has explained it to us. We sat down together and I do not believe that we should carry on with this Constitutional issue any longer. It has been hanging around for much too long, doing the country no good.

I can only say to Members, you have to do what you think is best. But I know the Members of the National Team, when they tell you they are going to do something, they will stand by it. I trust them and I believe that they are going to vote with us on this resolution to bring it in force. I believe that the United Kingdom Government is satisfied that the people of this country have spoken loud and clear on what they want. One does not pull up an issue like the Constitution in a General Election and it not be the paramount issue. They would like you to believe that. They say we did not discuss it. I am convinced that if the opposition had told the public what they are telling them today, all about the United Kingdom and their obligations to the United Nations and the Decolonisation Committee coming in here. If they had told their constituents all this, we would not have that Opposition today, somebody else would have been in their seats. But that is why they are only termed "Opposition" because they are not of substance, they produce nothing of substance.

Let us all do what is right, let us all stick together. That is all I will say to my colleagues. Let us stand and be tested as true men and women. Let us stand the test because this is what it is out there, Madam Speaker, we are being tested by a few so-called "Opposition" boys who want to make a little noise here and there. But, we, in this House, are the elected leaders, let us lead. We must remember that troubles do not go away easy. Tell me one in our lifetime that has been erased quickly. No trouble, especially troubles of the magnitude that this country faces, can go away easily. We have to genuinely work at it. That is what this Executive Council has been doing. We have been working until, sometimes, the wee hours of the morning trying to get this country on the right footing again.

Let us all bear in mind that a Constitution does not make a nation. People make a nation. These are times when there needs to be much soul-searching by all of us. Those of us who stood on the public platform and said to the public, "We are there for your interests, not for our self-agrandisement; Not for our interest; Not for our pockets; We are there for your interest", let us realise our country is going through changing times. As a new Government, our job has just begun. We must not stop until we have done our part. Madam Speaker, whether we shout (some people do not like that, others like it), and, as I said, I like to keep the House awake, let us not stop until we have done our part to fashion our world in which there shall be some share of fellowship which shall be better than a den of thieves.

We must never disguise the difficulties we face, and above all let us not be content with just noble aspirations and worn out beliefs. Let us not be content with counsels of perfection, because we believe we know it all, of self-righteous advice to others because, "I have been there and you have not." We have a country to run.

In the times ahead I beg God for continued wisdom, for all of us, not only on this Front bench, for those on the Backbench as well. We shall be obliged to give and take. No Constitution can change those things, and we see it in this House so often, they can give it but they cannot take it. Do we not see that? Oh, yes we do. Perhaps, we shall be obliged to face the strongest of passions and still in the end we may have fabricated an imperfect instrument. Because, as I said, we are but mere mortals, mere human beings. But, I believe that we shall not wholly fail our duty, we shall have gone forward. We bring to our task a chastened spirit. Patience, that is what the country needs right now, understanding, we need sympathy for others, forbearance. We need generosity for our people. How about fortitude? How about, above all, an inflexible determination to do right? The choice can only be ours. We have, in this House, a duty to lead, to take the ship by the helm and steer a true course through the treacherous waters. The present choice is ours. Fail it, and we fall for austerity.

Let us then build our country. Let us ask the people to help us. Let us not ask the people to fight us. The choice is ours for this is our country and no matter what our problems may be, it is here that we must live and it is here that we must die and be buried among our forefathers. As for me, it will always be, "Land of my birth I pledge to thee loyal and faithful true to be."

Madam Speaker, this Motion has everything that is good in it. There is nothing wrong with it and Members can exercise their conscience as they know how to. Let us never forget

that the country belongs to us. We can damage it. We can destroy it or we can continue to build that which was left for us - good foundations.

Thank you, Madam Speaker.

THE SPEAKER: It is now 4:25 P.M. Is there any other Honourable Member who would like to spend five minutes making a contribution? If not, would the Leader of Government Business move the adjournment?

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10:00 a.m., Wednesday morning.

THE SPEAKER: The question is that this Honourable House do now adjourn until 10:00 A.M., Wednesday, 22nd September, 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 4:25 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 22ND SEPTEMBER, 1993.

WEDNESDAY
22ND SEPTEMBER, 1993
10:14 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. Presentation of Papers and Reports. Report of the Accountant General on the Accounts of the Cayman Islands Government for the year ended 31st December, 1992. The Honourable Temporary Third Official Member.

PRESENTATION OF PAPERS AND REPORTS

THE ACCOUNTANT GENERAL'S REPORT ON THE ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1992

HON. JOEL WALTON: Thank you, Madam Speaker.

I beg to lay on the Table of this Honourable House a report entitled the Report of the Accountant General on the Accounts of the Cayman Islands Government for the year ended 31st December, 1992.

THE SPEAKER: So ordered.

Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1992. The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker.

I beg to lay on the Table of this Honourable House a report entitled the Report of the Auditor General on the Audited Accounts for the Cayman Islands Government for the year ended 31st December, 1992.

THE SPEAKER: So ordered.

Report of the Standing Public Accounts Committee on the Audited Accounts of the Cayman Islands Government for the year ended 31st December, 1992. The Third Elected Member for West Bay.

THE REPORT OF THE STANDING PUBLIC ACCOUNTS COMMITTEE ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1992.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker.

In accordance with the provisions of section 74(5) of the Standing Orders, I beg permission from the Chair to lay on the Table of this Honourable House a copy of the Public

Accounts Committee Report for the year ended 31st December, 1992.

THE SPEAKER: So ordered.
The Third Elected Member for West Bay, Chairman of the Committee.

MR. JOHN D. JEFFERSON, JR: The Report of the Standing Public Accounts Committee on the 1992 Report of the Auditor General on the Audited Accounts of the Cayman Islands Government for the year ended 1992.

REFERENCE

1. The Standing Public Accounts Committee of the Cayman Islands Legislative Assembly, established under Standing Order 74, met to consider the Report of the Auditor General on the audited accounts of the Cayman Islands' Government for the year ended 31st December, 1992, as prepared and submitted by the Accountant General.

CHAIRMAN AND MEMBERS OF THE COMMITTEE

2. Members of the Committee were elected for the life of the 1992-1996 Legislature on 25th November, 1992, at the first meeting of the Legislative Assembly following the 1992 General Elections. They are:

Mr. John D. Jefferson, Jr
Mr. D. Dalmain Ebanks
Mrs. Berna L. Thompson Murphy, MBE
Mr. Anthony S. Eden
Mrs. Edna M. Moyle

3. Mr. John D. Jefferson, Jr, was elected Chairman at a meeting of the Committee held 6th January, 1993.

INTRODUCTION

4. This Report reflects the results of operations of the previous Government which left office in November, 1992, as a result of their overwhelming defeat at the polls.

5. The Committee was very concerned with the continuing serious decline in Government's financial position established in 1990 as was reflected in the Accountant General's Report and highlighted in the Auditor General's Report.

6. The past Government's stated short to medium term fiscal objective was to halt and stabilise the trend toward greater imbalance between local revenue and budgeted expenditure. The financial position of Government as at 31st December, 1992, reflected the following:

- the annual deficit before financing increased from $12.973 million to $16.877 million;
- the accumulated deficit on recurrent and capital accounts since 1990, after crediting loan proceeds, exceeds $30 million;
- the surplus and deficit account recorded an accumulated deficit of $7 million at year end 1992;
- Government's expenditure continued to increase at a faster rate than local revenue - in 1992 it reflected a trend of 14.5 per cent compared to 8 per cent for revenue;
- Government's cash balance which stood at $13 million at the beginning of 1990 was completely exhausted by the year end 1992;
- at year end 1992 Government's net assets were only $3.160 million, down from almost $30 million in 1990;
- during 1992 total public sector debt, excluding short term overdrafts, increased from $38.753 million to $42.903 million;
- total supplementary appropriations on recurrent account amounted to $15,872,947, representing 13.5 per cent of the 1992 Estimates; approximately half

of this related to additional funds voted for the Health Services Authority ($3.1 million) and to regularise overseas medical expenses incurred between 1989 and 1991 (approximately $4.1 million).

7. It is clear to the Committee that Government failed to achieve its stated objectives. However, the Committee is aware that the present Government is taking greater steps to correct this situation by way of tightening budgetary control, through the development of a medium term financial strategy and through greater financial discipline by restricting the availability of supplementary funds during a financial year.

8. The Committee recommends that the Government consider the following further measures: Strict annual cash limits on central Government spending; and a 3 to 4 year rolling financial plan.

The Committee also recommends that steps be taken to replenish the general reserves to equate to three months recurrent expenditure.

PAPERS AND PERSONS

9. The Committee invited the following persons to appear before it on the 18th and 19th of August, 1993:

1) Mr. Harding Watler, Principal Secretary, Portfolio for Tourism, Environment and Planning.
2) Mr. Errol Bush, Director of the Port Authority.
3) Mr. Donovan Ebanks, Chief Engineer, Public Works Department.
4) Mr. Brian Tomlinson, President, Tomlinson Engineering Ltd.
5) Mr. Phillip Tatum, Acting Principal Secretary, Portfolio for Agriculture, Communications and Works.
6) Mr. Anthony Hart, General Manager, Cable & Wireless (W.I.) Limited.
7) Mr. Michael Kiron, Telecommunications Officer, Cayman Islands Government.
8) Mrs. Jenny Manderson, Principal Secretary (Personnel).
9) Mr. Mervyn Conolly, Acting Chief Executive Officer, Health Services Authority.
10) Mrs. Patricia Estwick, Chief Financial Officer, Health Services Authority.
11) Mr. Rudi Selzer, Director of Tourism.
12) Mr. Peter Thompson, President and Chief Executive Officer, Caribbean Utilities Co Ltd.
13) Mr. Joseph Imperato, Chairman of the Board, Caribbean Utilities Co Ltd.
14) Mr. William Forsythe, Vice-President Finance and Treasurer, Caribbean Utilities Co., Ltd.
15) Mr. Michael Marsden, Acting Solicitor General.
16) Mr. Terrence Fenton, Director of Lands and Survey.
17) Mr. Allan Jones, Lands Officer.

10. These meetings with persons were recorded and have been transcribed.

11. The Committee wishes to express its gratitude to all persons in accepting the Committee's invitation to appear before it to give evidence.

IN ATTENDANCE

12. Mr. Nigel Esdaile, Auditor General, Mr. Roger Bicknell, Accountant General and Mr. Joel Walton, Acting Deputy Financial Secretary attended all meetings of the Committee.

MEETINGS AND MINUTES OF THE COMMITTEE

13. The Committee held six meetings to consider the Auditor-General's Report, viz:

(i) 6th January, 1993
(ii) 12th August, 1993
(iii) 18th August, 1993
(iv) 19th August, 1993
(v) 1st September, 1993, and;
(vi) 8th September, 1993, when the Committee agreed to its Report.

14. In accordance with the provisions of Standing Order 72(5), the minutes of meetings are appended to this Report. The Committee, however, in taking evidence on the Cable and Wireless Licence Fee, undertook not to divulge the rate of return being earned by Cable and Wireless in the Cayman Islands. Therefore, any reference to the rate of return has been expunged from the minutes.

OBSERVATIONS AND RECOMMENDATIONS

15. The Committee wishes to report and make recommendations on the following areas of the Auditor General's Report for 1992:

(i) Contributions and Repayment - Health Services Authority
Paragraph 14
(ii) Arrears of Revenue
Paragraphs 18 through 23 and 46 through 61
(iii) Extension of Crown Lease to Safehaven Ltd
Paragraphs 36 though 42
(iv) Tourist Accommodation Tax
Paragraphs 46 through 61
(v) Cable and Wireless Licence Fee
Paragraphs 62 though 70
(vi) Rates of Return of Private Monopolies in Cayman Islands
Paragraph 67
(vii) Port Authority - Cargo Distribution Centre
Paragraphs 81 through 92
(viii) Cayman Islands Audit Office Matters
Paragraphs 97 through 99.

(i) Contributions and Repayment - Health Services Authority (Paragraph 14)

Those who gave evidence were Mr. Mervyn Conolly, Acting Chief Executive Officer, Health Services Authority and Mrs. Patricia Estwick, Chief Financial Officer, Health Services Authority.

As a result of continuing difficulties in collecting fees and due to inadequate financial resources attributable partly to an unrealistic budget, the Health Services Authority (HSA) was not in a position to make its required budgetary contribution for 1992 to Government.

The Authority has continued to default on loan repayments and by 30th June, 1993, a total of $464,156 was owed to Government by the Authority. A recent payment of $258,870 for loan interest has been made.

As a result of discussions, the Committee was informed that at the end of 1992 $1.6 million was due from some 14,600 private patients. So far in 1993 another $700,000.00 is owed.

The Committee recommends that every effort be made by HSA to collect the outstanding fees owed by patients, including utilising the services of an attorney as a debt collector.

Further, in order to reduce the level of non-payment, the Committee recommends that a reasonable deposit be required from patients before appointments can be made to see any doctor. If, at that stage, it is determined that a patient is unable to pay then he or she should be referred to the Medical Social Worker for a financial assessment.

The Committee wishes to emphasise that those who can afford to pay for medical services must pay and when they fail to do so every effort should be exercised by the Authority in an attempt to recover outstanding fees due.

The Committee is pleased to note that the Hospital staff fully support the idea of Government reverting the HSA to a Government Department.

(ii) Arrears of Revenue [Tourist Accommodation Tax] (Paragraphs 18 through 23 and 46 through 61)
Mr. Rudi Selzer gave evidence.

The Committee observes from the Auditor General's Report that there are serious arrears due Government from certain tourist accommodation resorts, namely:

- Treasure Isle Resort	$586,726;
- Hospitality World	$350,000;
- Coconut Harbour	$50,000;
- Cayman Kai Resort	$53,000;
Totalling an arrears of	$1,039,726.

In addition it has been estimated that the under collection of tourist accommodation tax is in the region of $800,000 to $1.4 million annually.

Revenue loss occurs in various ways. Several operators simply fail to submit the monthly tax returns required by Law. The Committee was alarmed by the evidence submitted by the Auditor General which highlighted discrepancies between the Immigration Department's visitor arrival information and accommodation tax returns. The Committee considers that there is a strong possibility of tax evasion by the management of certain properties. The Committee was also informed by the Director of Tourism that some condominium owners are renting their units direct in the United States of America. The Committee acknowledges that a significant proportion of accommodation is contracted and paid for overseas, which further complicates revenue assessment and collection.

The Committee recommends that the following new arrangements be made to collect these and all outstanding fees:

1) that the Treasury Department work immediately with these properties to agree on a repayment plan for the outstanding amounts;

2) that the Tourist Accommodation Tax Law be revised to provide the necessary teeth to combat noncompliance, specifically by increasing the penalty for fraud or tax evasion which is currently set at a maximum of $100.00.

With regard to Hospitality World the Committee recommends that if an agreement cannot be reached on an acceptable payment plan for arrears of taxes, consideration should be given to restricting the company's licence which permits it to act as a tourist accommodation agency.

The Committee is concerned that Coconut Harbour is not paying tourist accommodation tax on an ongoing basis and recommends that consideration should be given to restricting its licence if suitable arrangements cannot be made for the payment of arrears and future payments.

The Committee further recommends that Government examine the structure of collecting taxes, as well as the possibility of providing additional staff for this purpose.

The Committee recognises that it is desirable to improve the quality of management information and recommends that the Immigration Department's visitor arrival system be upgraded.

The Committee welcomes the proposals to strengthen the expertise of the Legal Department with the employment of additional staff to deal with debt collection.

Recovery of Taxes

The Committee's attention was drawn to a number of instances where long outstanding arrears of revenue owed to Government will likely have to be written off as irrecoverable. In some cases taxes and duties have been collected by companies on behalf of Government in accordance with law, but the management of these companies has misappropriated the tax collected which is never paid over to Government. As the Law stands at present, only Government taxes, duties and impositions having become due and payable within 12 months next of the commencement of winding up of a company are preferred in priority to all other creditors. In most of the cases drawn to the Committee's attention debts owed to Government have accumulated over a period of several years; winding up proceedings have not been commenced in many of the cases. In the opinion of the Committee the Law does not provide sufficient protection for recovery of taxes owed to Government by a company being wound up. The Committee recommends that this situation should be studied by Government.

(iii) Extension of Crown Lease to Safehaven Ltd (Paragraphs 36 though 42)

Mr. Phillip Tatum, Acting Principal Secretary, Portfolio for Agriculture, Communications and Works: Mr. Terrence Fenton, Director of Lands and Survey and Mr. Allan Jones, Lands Officer gave evidence.

The Committee found the evidence on this subject inconclusive. The initial valuation recommended a minimum annual rental of $277,000. This would have generated total revenues of $27.4 million over the 99 years of the lease. The valuation was prepared in October 1990, but was inaccurate as it failed to take account of the unexpired portion of the lease.

Immediately prior to negotiations with SafeHaven's representatives, a further valuation note was prepared which calculated the landlord's premium in a range between $450,000 and $957,568. The Lands Officer has acknowledged that the consideration, as agreed, of US$940,800 was not arrived at through any formula or precise mathematical calculation but through negotiation with SafeHaven's representatives. In these circumstances the Committee was surprised to note that negotiations with SafeHaven's representatives were concluded within a period of two hours.

On the instructions of Executive Council, a premium of US$2 million was finally agreed - US$1 million payable on execution and the balance by 10 annual installments of US$100,000. No interest was payable on the deferred portion. The Committee is of the opinion that insufficient time and expertise was allocated to the negotiation exercise.

The Committee noted that the original valuation included provision for a 10 yearly rent review which would have permitted Government to adjust the rent to a market level. The Committee recommends that a regular rent review provision be included in all future leases of Government property.

The Committee was informed by the Portfolio that an additional justification for granting the lease extension was the stamp duty which Government would earn through subsequent property sales. The Committee was informed that there has been only two such resales to date.

Because of a lack of proper departmental and portfolio documentation on this transaction the Committee strongly recommends that, in all future negotiations, records be fully and properly maintained by departments and portfolios at all times to provide a proper paper trail in support of transactions.

(iv) Cable and Wireless Licence Fee (Paragraphs 62 though 70)

Those who gave evidence were Mr. Phillip Tatum, Acting Principal Secretary, Portfolio for Agriculture, Communications and Works, Mr. Anthony Hart, General Manager, Cable & Wireless (W.I.) Limited, Mr. Michael Kiron, Telecommunications Officer, Cayman Islands Government.

Cable and Wireless has been operating in the Cayman Islands since 1965 and has played an important role in the development of the Islands. In the early days Government had to offer inducements to attract inward investment. For 25 years Cable and Wireless has benefitted from import duty exemptions and was not required to pay a commercial licence fee.

The Company's licence was extended in January 1992 for a further 20 year period, subject to termination on 5 years' notice by either side, and a franchise fee has been agreed with the Company. This is the greater of 20 per cent of profits or 6 per cent of total revenue. The Committee acknowledges that this is an important new source of revenue for Government. For 1993, Government's revenue from this source is estimated at $3.2 million. However, with the exception of employees' private motor vehicles, Cable and Wireless has retained its long standing import duty free concession. This was estimated to be worth $1,310,000 in 1992.

The extension of the Licence Agreement was negotiated by the previous Honourable Member responsible for the Portfolio of Communications, Works and Agriculture. The Committee is unable to satisfy itself that, at the time of renegotiations, any external independent advice was sought, by the Portfolio, on a possible range of values for the licence fee.

It was clear to the Committee that Government failed to establish the historic rate of return being earned by the Company prior to concluding the new agreement.

The Committee noted with concern that the terms of the Licence Agreement prevent the Auditor General from disclosing the rates of return being earned by Cable and Wireless. The Committee has undertaken to Cable and Wireless not to make public the rate of return being earned in the Cayman Islands. However, from the evidence made available to it, the Committee is of the opinion that Cable and Wireless' rate of return on capital employed is excessive.

Evidence submitted by the Portfolio corroborates the findings of the Committee. High traffic growth in the Cayman Islands during the 1980s has enabled toll rates to remain static. The North American experience is that toll rates have steadily decreased over recent years. In one example cited by the Portfolio, Canadian consumers enjoyed a decrease of 63 per

cent in real terms in toll rates between 1987 to 1991. The Committee was informed that the Canadian situation is more comparable to Grand Cayman than that of the United States of America where intense competition has resulted in drastic toll rate reductions to consumers.

The Committee acknowledges that economies of scale in the Cayman Islands would not support a competing telecommunications service. In the absence of any competition the Committee considers that effective regulation is desirable to protect the interests of consumers and Government alike. It is the opinion of the Committee that a Public Utilities regulatory body should be established to regulate the telecommunications, electricity and water supply industries. The Committee envisages that two basic forms of control might be considered:

(i) rate of return controls (a profit control); and
(ii) price caps.

This is not a new idea as the 1988-1992 backbench brought a motion calling for the establishment of such an entity, but the motion was defeated by the Government of the day.

The Committee further recommends that when Government reviews the Licence at the ensuing 5 year interval it lifts the duty exemption on equipment which Cable and Wireless now enjoys and bring it in line with the 10 per cent import duty charged to Caribbean Utilities Co Ltd.

The Committee, here again, wishes to note its concern that records of negotiations between the then Member responsible and Cable and Wireless were not made available to Officers of that portfolio. The Committee is of the opinion that action of this nature must no longer continue. The Committee highly recommends that every measure be taken to ensure that departmental and portfolio records are properly maintained.

(v) Rates of Return of Private Monopolies the in Cayman Islands (Paragraph 67)

Those who gave evidence were Mr. Peter Thompson, President and Chief Executive Officer, Caribbean Utilities Co Ltd, Mr. Joseph Imperato, Chairman of the Board, Caribbean Utilities Co Ltd, and Mr. William Forsythe, Vice-President Finance and Treasurer, Caribbean Utilities Co Ltd.

A general discussion took place with regard to Caribbean Utilities Co Ltd's franchise agreement, the company's regulated rate of return and the cost of electricity in general.

The Committee recommends that Government review and approve as quickly as possible the Supplementary Agreement between itself and Caribbean Utilities Co Ltd, which includes:

1) structural rate change in favour of the residential consumer (the little man);

2) an interruptible rate to allow a reduction in spinning reserve which will further reduce the cost of electricity and is a normal provision in territories such as the Bahamas and Bermuda;

3) off-peak rates to encourage customers to use power during off-peak times at considerable savings;

4) provide a rate specialist to be brought in to review rates and make certain recommendations for improvements - these specialists will be an independent body.

The Committee further recommends that Government consider including a provision in the Supplementary Agreement requiring Caribbean Utilities Co Ltd to carry adequate insurance on its transmission distribution equipment; and further that Supplementary Agreement include that import duty paid by the company to Government shall not be used in determining the company's rate of return.

The Committee welcomed the information from Caribbean Utilities Co Ltd that no rate increase is anticipated for next year.

(vi) Port Authority - Cargo Distribution Centre (Paragraphs 81 through 92)

Those who gave evidence were Mr. Harding Watler, Principal Secretary, Portfolio for

Tourism, Environment and Planning, Mr. Errol Bush, Director of the Port Authority, Mr. Donovan Ebanks, Chief Engineer, Public Works Department and Mr. Brian Tomlinson, President, Tomlinson Engineering Ltd. Supplementary written evidence was submitted to the Committee by the consulting engineer and by the Auditor General.

The Committee inspected the Cargo Distribution Centre on 1st September, 1993. It was not clear to the Committee why the Airport Industrial Park was selected as the location of this facility as the site is in a low-lying swampy area.

The Committee observed that the "Port Authority's financial statements for the year ended 31st December, 1992, report a contingent liability in respect of probable rehabilitation costs at the Authority's Cargo Distribution Centre (CDC). This facility was brought into operation in 1992 at a total cost of $4,540,339.00 comprising:

Land acquisition	$1,502,186
Site development	1,527,841
Buildings, etc	961,847
Total CDC facility	3,992,847
Equipment	547,465
Grand Total	$4,540,339

Subsequently the pavement of this facility failed in certain areas resulting in uneven surfaces which appear to require major rehabilitation.".

The Committee is greatly concerned that the project cost increased from an estimate of $1,862,000 to $4,540,339 in the space of three years. Part of the cost increase was attributable to the purchase of an additional 3.082 acres of land costing $825,743 plus duties and fees. Only 5.92 acres of the 9.074 acre site has been developed to date. The Committee failed to understand the justification for the additional land purchases. It appeared that the scope of this project expanded as the Authority's financial position improved.

The Committee was most surprised to learn that, prior to 1993, the Port Authority had never made a contribution to the General Revenue of Government.

The Committee noted that due to department staff shortages in the Audit Department, the Auditor General was not able to enquire into land acquisition procedures or the tendering for site development and professional services contracts.

From evidence taken, the Committee learned of and is concerned that the land for the Cargo Distribution Centre was acquired by the Authority without any independent or Government valuation being undertaken.

The Committee found it inexplicable that the Port Authority failed to conclude a formal contract for the provision of consulting engineering services for the Cargo Distribution Centre. This Committee strongly recommends that, in any future undertakings by the Authority, formal contracts must be entered into prior to any works being carried out.

The Committee also noted with concern that competitive bids for the provision of consulting engineering services were not invited until several months after the consulting engineer had commenced work. Similarly, the Committee noted that the marl supply and site filling works were also executed without price quotations or a formal contract document.

Although the Committee recognises that the Statutory Authorities are autonomous organisations, it strongly recommends that these bodies operate to the same high standards required of Government departments.

The Committee recommends that the Port Authority take whatever legal action is necessary to determine who is liable for the structural repairs of the pavement and to ensure that the responsible party makes good.

The Committee welcomes the policy of extending the provisions of the Financial and Stores Regulations which include provisions for central tendering and valuations and also provides for the Legal Department to take responsibility for the vetting of all Statutory Authority contracts.

The Committee recommends that the Government shall require mandatory professional

indemnity insurance for all consultants engaged on large construction contracts.

The Committee requests a further report on this matter once the legal and technical issues have been resolved.

(vii) Cayman Islands Audit Office Matters (Paragraphs 97 through 99)
Mrs. Jenny Manderson, Principal Secretary (Personnel), gave evidence.

The Committee observed with concern that the Cayman Islands Audit Office is operating with less than 50 per cent staff complement. The Committee also noted the Auditor General's difficulty in recruiting suitable Caymanian staff. In 1992 the Department lost the services of all three Caymanian accounting graduates and one engineering graduate. The staff was further reduced in 1993 when two Assistant Auditors left the department on promotion in other Government departments or statutory bodies. The staffing outlook improved in July with engagement of one Caymanian accounting graduate with another scheduled for December 1993. The Committee was made aware that this staff shortage severely decreased the department's programme for departmental audits. However, sufficient examination has been carried out for the Auditor General to provide an opinion on Government's financial statements.

The Auditor General told the Committee that, in his opinion, part of the problem lay in the departmental grading structure. Suitably experienced Caymanians were not attracted to vacant posts in the Audit Office at Executive and Higher Executive Officer levels. The Committee was made aware that most general duties' officers did not have the appropriate background or experience to discharge audit duties effectively. Consequently most of the non-graduate personnel recruited to these grades were still undergoing training.

Several of the Administrative and Professional posts earmarked for returning accounting graduates had been downgraded to Higher Executive Officer in the general duties' grades. The Committee was informed that there were very few accounting graduates in 1992/1993, but the position was expected to improve considerably in 1994/1995. The Committee was advised by the Principal Secretary (Personnel) that the grade had been decreased in accordance with salaries in the private sector. The Committee recommends that Government take the necessary action to strengthen the Audit Office because detailed comprehensive audits are important to ensure effective public accountability.

The Committee understands that effective human resources within the Civil Service are being hindered by the existing centralized system of administering personnel. In this light the Committee recommends that Government consider changing the current General Orders.

The Committee also wishes to emphasise the need for effective career management as well as continuing professional development, particularly within specialist departments. The Committee also recommends that Heads of Departments should have a stronger influence in recommending staff transfers and promotions within their Departments.

The Committee wishes to congratulate His Excellency the Governor on his initiative to trim the size of the Civil Service and its cost. The Committee continues to support the Caymanisation of the Service.

The Committee was pleased to see that only three Government Departments overspent their annual budgets. This has no doubt been achieved to a great extent by the Departments' computer access with the Treasury Department in respect of accounts.

ACKNOWLEDGMENTS

16. The Committee wishes to express its gratitude and appreciation to the Auditor General, the Accountant General, to the Acting Deputy Financial Secretary and officers of the Audit Department for the thorough and invaluable input and assistance given throughout the Committee's exercise.

REPORT OF THE COMMITTEE TO THE HOUSE

17. The Committee agrees that this Report be the Report of the Standing Public Accounts Committee on the Report of the Auditor General on the Audited Accounts of the Cayman Islands' Government for the year ended 31st December, 1992, and laid, in accordance with the provisions of Standing Order 74(5), on the Table of this Honourable House during this Third Meeting of the 1993 Session of the Legislative Assembly.

Thank you, Madam Speaker..

THE SPEAKER: Thank you, Honourable Member.
It is now 11:05 a.m. Time for questions. The Honourable Member, Leader of Government Business.

SUSPENSION OF STANDING ORDER 23(7)

HON. THOMAS C. JEFFERSON: Madam Speaker, In order to allow the questions to be asked and answered, I move the suspension of Standing Order 23(7).

THE SPEAKER: The question is that Standing Order 23(7) be suspended in order to take the questions on todays' Order Paper. I will put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. STANDING ORDER 23(7) IS ACCORDINGLY SUSPENDED.

QUESTIONS TO HONOURABLE MEMBERS

THE SPEAKER: Question No. 129. The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 129

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

No. 129: What arrangements for overseas tertiary health care are presently in place for the Cayman Islands?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. The answer, the arrangements with the Cleveland Clinic Florida for overseas tertiary care continue to be in effect.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say, if by his reply it means that there are no other tertiary health care arrangements overseas by the Government at this time?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, by now all Members know and I believe most people in the country know that during the period of the contract with Cleveland Clinic other facilities were allowed to be used. This Madam Speaker, is still the case.

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

MR. GILBERT A. McLEAN: Is the Honourable Member saying that there are other arrangements by Government for tertiary health care or is it done on ad hoc basis that other facilities are used?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, there is only one contract in place and that contract is with Cleveland Clinic.

THE SPEAKER: The Member for North Side.

MRS. EDNA M. MOYLE: Madam Speaker, would the Honourable Member say, that the procedure is that the contract with the Cleveland Clinic if that clinic cannot handle the services needed for any patient they then refer them to another establishment?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. That is correct.

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

MR. GILBERT A. McLEAN: Could the Honourable Member tell the House what is the period of the contractual arrangement between the Cayman Islands Government and the Cleveland Clinic?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Yes, Madam Speaker. I am glad to answer that one. The former Member for Health, Mr. Miller gave an open-ended contract. There is no ending to the contract, there is no cut off date to the contract. That is one of those sweetheart contracts that were given out.

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

MR. GILBERT A. McLEAN: Is the Honourable Member saying that the contract could not be terminated for good cause? Is Government totally unable to terminate that contract if it so chose?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: I was getting some information Madam Speaker. I would ask the Member to please repeat his question.

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

MR. GILBERT A. McLEAN: Madam Speaker, the question was asked whether Government was unable to terminate the contract for good cause?

THE SPEAKER: The Honourable Member for Health and Social Services.

HON. W. McKEEVA BUSH: Madam Speaker, I suspect that that can be done and I guess the Member will have to wait and see whether in fact, it is done.

THE SPEAKER: The next question is No. 130 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 130

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

No. 130: How many children have been sent abroad on approved school orders; which institutions they are attending; and how many are attending each institution?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, question No. 130 has not yet been finalised and should be ready for tomorrows' Order Paper.

THE SPEAKER: Thank you, that is duly noted.
The next question is No. 131 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 131

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

No. 131: To outline the circumstances which lead to the recent termination of the services of a doctor at the George Town Hospital.

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. The answer, the Legal Department

is currently dealing with the matter relating to the recent termination of the services of a doctor at the George Town Hospital. They are responding to legal representation made by the doctor. In view of this consideration it is not considered appropriate to give any further details regarding this matter at this time.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member just confirm that the doctor is really terminated and not the case where he/she is suspended?

THE SPEAKER: I would assume that the Honourable Member means his/her services are terminated.

The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. That is correct. The services of the doctor has been terminated.

THE SPEAKER: The next question is No. 132 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 132

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

No. 132: To provide the total number of foreign police and prison officers who have been granted handgun licences over the past two years.

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The answer, whereas applicants for a Firearm Users (Restricted) Licence are required to indicate their nationality on the application form prescribed in the first schedule of the Firearms Law (Revised), there are no restrictions on non-Caymanians obtaining a Firearms Users (Restricted) Licence. Firearms' records are, therefore, not filed by nationality and some difficulty was experienced in answering the question.

However, since Firearms Users (Restricted) Licences for handguns are only granted to bona fide members of the Cayman Islands Gun Club. In accordance with Government policy laid down several years ago, the number of non-Caymanian police and prison officers holding licences for handguns are relatively few. A search of both personnel and firearms' records indicates that eight non-Caymanian police officers and one non-Caymanian prison officer have been issued with Firearms Users (Restricted) Licences in the last two years. Of these persons, three police officers are no longer serving in the Royal Cayman Islands Police Force and tow of these officers have left the Cayman Islands. One other police officer had his licence revoked in July, 1991. All these persons were members of the Cayman Islands Gun Club at the time that their Firearms Users (Restricted) Licences were issued.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. May I ask the Honourable Member if the requirements as laid out in the Firearms Law (Revised) and the Regulations of the Gun Court apply equally to handgun licence applicants of Caymanian nationality as well as non-Caymanian nationality?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Yes, and I think I brought that out or at least attempted to bring that out, that non-Caymanians and Caymanians applying for handgun licences who are bona fide members of the Gun Club would be treated equally.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. What happens in those instances where prison officers or policemen may be granted handgun licences while they are members of the Police or Prison Service, what happens in the case where they leave these services?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. As long as they remain on the Island and they remain active members of the Gun Club their licences would remain in force. Naturally, if they leave the territory they would no longer hold licence.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Are there any restrictions between the licences of revolvers and the automatic and semi-automatic handguns?

THE SPEAKER: The Honourable Temporary First Official Member for Internal and External Affairs.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Not to my knowledge there are any restrictions. Naturally small caliber handgun applications would be encouraged over larger caliber ones.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Is it the case where a person in the Cayman Islands, unless they are a member of the Cayman Islands Gun Club cannot have issued to them a licence for a handgun even on business premises or whatever else might be the case?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Yes, it is my understand that is the case, it is the policy laid down by Government several years ago and is still in effect as far as I understand.

THE SPEAKER: The next question is No. 133 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 133

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 133: What is the source of the potable water supply at the West Bay Primary School?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, the answer is that the drinking water at the John A Cumber Primary School in West Bay is obtained from three cisterns which, together, hold 62,000 gallons of fresh water. Sometime ago the West Bay Members of the Legislative Assembly requested that we connect up to the piped water and this is now being pursued.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what facilities exist for testing this water to see that it remains of a high enough standard and free from contamination and pollution so that those drinking it are not endangered?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. The cisterns are regularly tested by Public Health. The last test was done four weeks ago and the water is chlorinated as well.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if this system exist for other schools which has similar sources of water.

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, with respect, I came here to talk about water in one school and I am not prepared at this stage to give an answer in relation to any other schools.

THE SPEAKER: The next question is No. 134 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 134

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 134: Why were the "concrete pavers" used on the apron work at Owen Roberts Airport not purchased locally?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, the answer is that the main contractor on the Owen Roberts International Airport project was a local company, Island Paving Ltd. The company was contracted (and this was in June of 1992) to provide and lay the concrete block pavers on the aircraft parking area of the apron. Locally produced pavers were not used on the project because they were considerably more expensive than the pavers obtained overseas. In addition, the local blocks could not be palletised for mechanical laying and would have to be laid by hand at an additional cost for labour.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say from what source were the concrete pavers purchased?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, as the Member knows this contract was entered into by the former Member who was in charge of the Airport at that time. However, I am instructed that the supplier was Precise Paving of Orlando, Florida.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member also say if these pavers were laid by Island Paving Limited or were they laid by another company?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, I am instructed that these were laid by the same Precise Paving company I mentioned earlier.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Is the Honourable Member in a position to say if any local labour or expertise was employed in this exercise?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, as I mentioned earlier I was not the Member who entered into this contract. It was the previous Member for Tourism. But from what I can understand it appears that no local labour was involved in the laying of these pavers.

THE SPEAKER: That concludes Question Time for this morning. The House will be suspended until 12 noon.

PROCEEDINGS SUSPENDED AT 11:23 A.M.

PROCEEDINGS RESUMED AT 12:06 P.M.

THE SPEAKER: Please be seated.
Statements by Members of the Government. The Honourable Member responsible for Health and Human Services.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. W. McKEEVA BUSH: Thank you, Madam Speaker.

DRUG ABUSE SERVICES PLAN AT BREAKERS

Honourable Members will recall that at the last sitting of Finance Committee I brought forward a Motion to purchase property at Breakers for the purpose of being able to set up and operate a high quality substance abuse programme locally which would cater to the needs of our community. In the development of any programme there are certain fundamental components which must be in place in order to have a programme which is likely to be successful overall. Areas of service which must exist within a drug abuse service plan are:

1) Detoxification Services
2) Admission
3) Inpatient Residential Treatment Services
4) Half-Way House Services
5) Aftercare; and
6) Community Support Services

1. MEDICAL DETOXIFICATION:

This will take place at the George Town Hospital. It is planned that there will be a need to make two beds available for this purpose as needed. These will be reserved for those clients who are at high risk of developing severe withdrawal symptoms. The programme will train and work with staff assigned to this task. Those clients who are not in need of medical detoxification will be monitored at the residential treatment facility.

2. ADMISSION:

This will include a number of functions designed to provide a complete medical, psychological and social assessment of the individual. In addition to a standard interview and history, there are provisions for complete physical exams and standardized psychological testing. This information will form the basis for diagnosis, treatment planning and programme evaluation. It is anticipated that all information will be gathered within the first three days at the Centre.

3. RESIDENTIAL TREATMENT PROGRAM:

The programme will include a range of educational, psychotherapeutic, behavioral, spiritual, community and recreational services. The intent is to address all facets of the client's personal and interpersonal being. The psycho-education material, such as films and written material are provided to help the client to make rational choices at present and in the future. The group and individual therapies have as their goal to work both on specific emotional and behavioral problems as well as have the individual regain a sense of trust and support. The spiritual counselling is not only an integral step of the treatment process but an essential element of regaining a balance in one's world. The community groups are designed to encourage responsible behaviours during the stay at the residential facility. Finally, clients have to learn to enjoy recreational activities without drugs. The average length of stay is approximately 30 days.

4. HALF-WAY HOUSE:

This programme is designed to bridge the individual's return to the community, while safeguarding their commitment to abstinence. The client will be expected to return to work but will live at a residence where he will continue to participate in structured counselling and recreational activities. The average length of stay is expected to be between three and six months.

5. AFTERCARE:

This programme is based on a group that will meet twice per week. It is intended for those clients having completed all the previous stages of treatment. It is the next step for those having returned to the community to ensure their continued sobriety in the face of pressures of daily living.

Support groups: - These are community based such as Alcoholics or Narcotics Anonymous. Clients are now fully back into their community and dealing with all the pressures of life. Clients will be

expected and encouraged to attend the group meetings as part of their life long goal to maintain sobriety.

6. COMMUNITY SUPPORT SERVICES:

This aspect of service is best described as a community network which would provide a multiplicity of services at the district level and is aimed at preventing problems from developing in the first place. Such interventions include educational materials and presentations on the effects of alcohol and drug use, parenting programmes to increase parenting skills and coping mechanisms, enhancing community activities that engage members in healthy life-styles etc. The exact nature of such programmes is decided upon by representatives of the local community. Particularly the role and function would be to bring information right within the district and at the level of the community member so that all citizens could be educated about drugs and drug abuse.

Against this backdrop therefore, if we in the Cayman Islands are prepared to deal with the matter of managing our drug problem we must of necessity take positive steps to offer the range of services which are necessary to help our drug addicts recover. The plan for the site at Breakers which was previously brought before this Honourable House is designed to offer all those components here within the Cayman Islands. What is significant about this particular site is that largely it is capable of providing the spectrum of services quickly, given all the buildings which are in place and the ease with which they can be modified for this specialist purpose.

The Cayman Counseling Centre which opened in October 1989 is indeed the forerunner of this development of services. Since its inception, it has seen remarkable growth in the number of chemical dependency cases. The demand for services has increased so rapidly that the present staff is unable to handle the existing case load. Due to the lack of availability of local treatment facilities, chemically dependent individuals must be referred overseas for residential treatment. Not only is this treatment expensive, averaging US $8,500 per person for a 30 day treatment programme, but it is often not as effective as hoped. High relapse rates have been recorded after these individuals return from treatment. This shows the ineffectiveness of the present method of dealing with these individuals. The high relapse rate coupled with the high cost associated with overseas treatment programmes has resulted in an annual decline in the number of chemically dependent individuals seeking treatment programmes abroad. On the other hand, the number of identified chemical dependency cases being treated at the Cayman Counseling Centre has been growing steadily over the past four years. One possible reason for the high relapse rate is the culture shock experienced by many of these individuals when they arrive at the overseas treatment facility. As a result they are unable to relax and focus on their treatment programme. Furthermore, when they return home to the island they have no alternative but to go straight back into the unhealthy environment that enabled their habits to thrive. They lack the advantage of being placed in a halfway house facility locally that could assist them with their integration back into the local community and provide a supportive environment.

For many chemically dependent individuals and their families the following factors play an important role in their choice of a suitable rehabilitation/treatment centre:

i) cost;
ii) relapse rate;
iii) confidentiality;
iv) philosophy and type of treatment model; and
v) proximity to family and home.

These factors were carefully considered when this proposal for the Breakers Centre was being prepared. It is felt that the project will be able to meet the needs of the chemically dependent while addressing their concerns.

Reviewing case loads at Cayman Counselling Centre over the past four years it is projected that in the first year (1994) 90 clients are expected to pass through the programme. Thereafter, 180 per year is anticipated with a leveling off in the medium to long term, with the Centre operating at capacity in the long-term.

A public relations campaign aimed at informing and assuring the public that quality care and facilities provided will be first rate will be developed and indeed is seen a vital to the success of the project. The project is expected to be more economical and yield a lower relapse rate than overseas.

I will speak specifically today on the planned services which are being developed for the site at Breakers.

This aspect of residential treatment is aimed at individuals who have developed a chronic or long-term drug problem. This group could include, for example, those living with both a chemical dependency and a psychiatric problem. These individuals will require ongoing support with the goal being to maintain them in the community and having them live the most productive life possible. It is reasonable to aim at not having them use illegal drugs and not requiring hospitalization, while not being disruptive to community life. Recognizing these significant issues this proposal then, is for a residential centre, that would allow the client in need of residential treatment the opportunity to obtain this service in our local community and with the necessary support from family.

The primary belief of this strategy is that the chemically dependent person has the capacity to abstain from the use of mood-altering chemicals. It is also essential to recovery that individuals are viewed as having the capacity to demonstrate personal freedom and responsibility, to understand personal choice, to realize personal growth and to form meaningful relationships. Based on these beliefs the mission of the residential treatment programme is to help the client achieve the following long-term goals:

i)abstinence from the use of mood-altering drugs; and
ii)enjoyment of well-being and a generally improved life-style.

These long-term goals require a long-term effort and the rehabilitation programme is viewed as only the beginning of an effort that is conducive to their attainment. The residential programme, then, is an opportunity for the person to take some steps and begin making some visible change in a structured and supportive environment.

The model of treatment used will be based on the twelve steps programme of Alcoholic Anonymous. Consequently, clients will be expected to adhere to these programme values and principles. Those clients not willing to make this commitment are, of course, free to seek treatment elsewhere. The programme will provide individual and peer group discussion to both identify existing problems and develop a recovery plan.

It is expected that the average length of stay will be 30 days. However, the actual length of stay will vary and be based on the individual client's needs. The target client population will include both men and women who are not able to benefit from outpatient treatment. The minimum age for admission will be 18 years. There will also be an evaluation to ensure that clients meet the minimum physical and health requirements to fully participate in the programme. In order to provide a comprehensive range of services, all clients will go through the process of detoxification (if necessary), admission, treatment, intermediate care (halfway house), aftercare and finally, support groups.

It is planned to have the requisite number of substance abuse Counsellors within the programme to enable the programme to reach it's anticipated goals of successful treatment with the residents. An assessment of the selected site has been carried out by Public Works Department and Cayman Counselling Centre's personnel. To house this specialist type of programme the necessary renovations, refurbishing and furnishing necessary for transforming all the existing physical structures on site have been identified. The total cost of this Capital Work is estimated at $394,239. The project has been costed to be able to provide services more economically than those provided overseas and is expected to yield a lower relapse rate than that now experienced.

A 30-day treatment programme at the residential rehabilitation/treatment centre has been costed out at CI$3,500, with financial assistance available based on a financial assessment of the individual.

The foregoing statement has sought to provide this Honourable House with the degree of urgency which this matter of drug abuse presents, and the demand for the services provided by this aspect of the strategy. This Statement equally provides the means whereby we, as a country, can proactively address this urgent social matter. I seek the support of this Honourable House in the provision of this much needed service to the people of this country.

THE SPEAKER: Continuing with Government Business. Continuation of the Debate on Government's Motion No. 4/93 - Recommendations for Constitutional Changes. The First Elected Member for Cayman Brac and Little Cayman.

GOVERNMENT BUSINESS

GOVERNMENT MOTION NO. 4/93
RECOMMENDATIONS FOR CONSTITUTIONAL CHANGE

(continuation of debate thereon)

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. I rise to offer my contribution on Government Motion 4/93, Recommendations for Constitutional Change. The Cayman Island Constitution Order of 1972 which was made at the Court in Buckingham Palace on the 26th of July 1972 and which came into operation in the Cayman Islands on the 22nd of August 1972, is a Statutory Instrument known as the Cayman Islands Constitution. It is a system of fundamental laws and principles that prescribes the nature of functions and limits of our Government. This Constitution has guided this country well for the last 21 years, with only three amendments.

Today, after years of debate on Constitutional review, we are again debating constitutional amendment. We have heard many speakers in this Chamber give cause as to why we are seeing or hearing of amendments to the 1972 Constitution and not the new Draft Constitution of the Cayman Islands July 1992 which was circulated after the Constitutional Commissioners visited the Islands and issued their report. It was drafted and sent down. This Document was forwarded to us by the Foreign and Commonwealth Office.

That is history today and we now have a draft amendment to the 1972 Constitution which its origin I am not certain as to it. I am fully aware that the motion has been moved by the Honourable Truman M. Bodden, the Elected Member responsible for Education and Culture and Aviation. There is much in this Motion that I fully support.

I also note in the resolved section of this which reads:

> "BE IT THEREFORE RESOLVED that this Honourable House recommends to Her Majesty's Government that the provisions of the Cayman Islands (Constitution) Order 1972 as amended ("1972 Constitution") remain in effect with only the said changes as more fully set out in the draft Amendment to the 1972 Constitution of the Cayman Islands hereto (which forms a part of this Motion) being brought into effect as soon as is reasonably practicable by an amending United Kingdom Order in Council by Her Majesty.".

I also note, on the last page of this it is signed by the Clerk of the Privy Council.

Today, this country is at a stage in its development where it needs stability. We need to preserve and protect our Crown Colony status. We need to continue to be an economic success. This country has strived over the last 21 years under this 1972 Constitution and before, to become economically independent and I think we have been reasonably successful. I think what we do here today, if nothing else, must ensure that we preserve our economic independence and certainly preserve our political stability.

Madam Speaker, this Constitution of 1972 has many provisions and I think it speaks well of those who preceded us in this Honourable Chamber that after 21 years there has only been minor amendments necessary. It has been the view of the majority of the people in the Cayman Islands that we should move gradually with any advancement. This, I think, was clearly stated in my district. I was questioned thoroughly by my constituents as to my position on Constitutional advancements and I stand here today to say that the one thing that I do not want is to advance our Constitution to an extent that will damage the future stability of this country. I therefore am in support with most of what is put before us in this motion today. I do, like other Members, want to ramble a little and go back in to some of the factors that have brought about the constitutional review.

Much has been said that why we face a Constitutional review as requested is because of Motion 3/90. Each Member is entitled to their opinion, and I honour their opinion. But, I should like to put forth my views as well. History will recall that the 1988 election was a heatedly and heavily contested election with a very narrow margin of victory. It was not a large majority of a one group view. So there was a contention as to who would form the Government. I am not going to go into individual personalities, but history has recorded that enough. These was much contention and shortly after the election, and even before the election of Executive Council, there was contention as to who should rule. After the election of the Executive Council, the Government, naturally, took its seat and became the Executive Branch of this Government. It can certainly be said it had a strong Opposition.

As time went on, that opposition grew and was further strengthened reducing the majority. It was then through numerous requests for minor amendments to our Constitution, one that referendum be incorporated into our Constitution. In July 1990 a Motion was moved and I beg your indulgence to read just one paragraph:

> "BE IT THEREFORE RESOLVED that through the Governor of the Cayman Islands the Secretary of State for Foreign and Commonwealth Affairs be advised forthwith that the Legislative Assembly of the Cayman Islands requests that subject to the people as expressed in a special referendum, Her Majesty's Privy Council do exercise the powers pursuant to Council to amend only section 6(2)(f) of the 1972 Constitution by deleting the words 'not less than two-thirds' and replacing them with the words, 'a majority'.".

It goes on with other resolved sections.

Madam Speaker, this past the Legislative Assembly, by majority on the 26th of July, and the Government of the day then moved a motion asking that the Secretary of State send Constitutional Commissioners to review the 1972 Constitution and to make amendments if any were found to be necessary. That is the history as to why we were originally requesting Constitutional Commissioners to come to the Cayman Islands.

Prior to this, there were always discussions about certain necessary amendments. But this time that is why the Commissioners were requested. The wishes of this motion which passed by majority as well, the Secretary of State, in his wisdom, said that they did not want to make piecemeal amendments any more. They concurred that a review of the entire Constitution Order was necessary.

That was carried out in detail. A Select Committee of all Elected Members of this Honourable House met with the Commissioners on several occasions. The Commissioners met with the public in every district on three Islands of the Cayman Islands which had never been done on the previous Constitutional reviews. They made their report. I want to make it abundantly clear that because this was a Constitutional matter it was only the 12 Elected Members of this Honourable House that sat on that Committee. It was chaired by the then Member for Tourism and Aviation, the Honourable Norman Bodden, and as Chairman he had only a costing vote. The opposition consisted, as it was well known around the country, of seven closely knit individuals and it was only four other votes beside seven and four and one. So, I want to say today that when the report of that Select Committee was tabled in this Honourable House, I was a Member that signed the Report, not because I agreed with everything that was in that report, but I was a Member of the Committee and under Parliamentary Procedure the majority rules. Therefore it meant that in order to have a majority decision in that Select Committee Opposition Members had to support the items and they were taken item by item, number by number, and approved or rejected. So the Select Committee's report was a report of the majority of the 12 Elected Members. Some Members exercised their rights and issued a Minority Report, which is in accordance with the provisions in our Standing Orders. But, it did not alter the fact that those Members were also Members of the Committee which made up the majority vote that passed the amendments in the Report of the Select Committee.

I have never shirked my responsibility since I have been a Member of this House. I have taken views, not always popular, but always with just reason after proper study and I felt that I was doing what was in the best interest of this country. I feel that is what I have been elected to do and as long as I have the privilege of serving in this Honourable Chamber I shall continue to do so and that is why I am standing here today.

I want to make it abundantly clear that I stood during the election for gradual advancement in our Government. I did not stand for a Chief Minister. I did not say during the Select Committee that I supported that. The *Hansards* of the House will show that because I feel that we need to be very careful and move very gradually. I supported the fifth Member to be added to the Executive Council because numerous Members who have served in that high office have given us the view that the responsibility of so many different departments was too much to be shared in four. It was too much responsibility placed on four individuals and it was necessary.

When we were discussing the Constitution in this Honourable Chamber on the last occasion prior to this, I asked them that a motion be moved that we ask the Foreign and Commonwealth Office to approve the increase of Executive Council by one, to five instead of four. If that had been done at that time, after the 1992 General Election there could have been a very smooth transition with five Members of Executive Council taking their seat as the amendments to the Constitution had already been made to increase the Elected Members to 15. So the two-thirds majority was in place on this side of the House, the Backbench, the quorum of the House had been increased, it would have been a very simple and easy transition. But, that did not prove acceptable and today we have gone on almost a year without the fifth Member.

I think, as responsible Legislators, we need to get together and do what is best for this country as rapidly as we can because it is our responsibility to guide this ship. The Executive responsibility has been placed on the shoulders of those across the Hall. But the Legislative responsibility is shouldered by all of us in this Honourable Chamber.

I would now like to move on to the amendments as proposed. The amendment to section 17 of the Constitution which names the Chief Secretary, the Attorney General and the Financial Secretary as Official Members of the House which is something that I have always supported. This was quite an issue during the other Constitutional review. It was proposed to reduce the number of Official Members. I contended then that the Chief Secretary position should be reinstated. I felt it was an appropriate title and I am very happy that the Foreign and Commonwealth Office saw fit to reinstate that title and that it would be embedded in the Constitution that they will be a part of the Legislative Assembly.

One section in this thing that I am very concerned about which I should have spoke about before is that I have always been a staunch believer that a two-thirds majority vote is required on any vote of major significance in any Committee or any organisation. I voted against the motion to amend it before, I have spoken in Select Committees against it and today I want to ask Honourable Members here not for political reasons but for the stability of our country that serious consideration be given to section 6(2)(f) where they say, "by substituting the words "nine of" for the words "two-thirds of all", that that not be amended and that we leave it that two-thirds be required to remove Members of the Elected Executive Council. I think it is very important. I have very strong feelings on that and I want each Member to realise that the older you get you do gain something by experience. I think that if we reduce that, although nine is one more than a simple majority, it is not a two-thirds majority and I feel that nothing less than a two-thirds majority should be required.

I have noted the powers of the Attorney-General and I agree with those. Madam Speaker, I have no objections to placing the Finance Committee in the Constitution, if that is what the majority wants, that is fine. That was an issue that is history and now if we can avoid anything that can disrupt the future welfare of this country, I think it is time that we do that here today.

I have noted the provisions for the Speaker and the Deputy Speaker and I agree with all of that.

There has been much debate in this Chamber on placing the Bill of Rights (as it has been termed) which is called the Fundamental Rights and Duties of the Individual in this

Constitution. I am very happy because I do not think that any of us as citizens of the Cayman Islands have suffered from any rights and privileges being denied us over the years. But I think it is fitting and proper that it is embedded in our Constitution. Some of these I do not fully understand, I will be honest. Some of the wording is quite technical and complicated. But, I do hope that they will be understood and accepted by the people of these Islands and not abused.

THE SPEAKER: Could you take the luncheon suspension at this time?

CAPT. MABRY S. KIRKCONNELL: Yes, Madam Speaker. Thank you.

THE SPEAKER: The House will be suspended until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:57 P.M.

PROCEEDINGS RESUMED AT 2:16 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 talking about the proposed amendments to the 1972 Constitution. I am in full support of calling the Elected Members of Executive Council Ministers instead of Members. Over the years that has been explained to me the misunderstanding it has caused in overseas visits and if that can eliminate some embarrassment and some misunderstanding then I think it is a very minor amendment and there is no reason why we should not go ahead with it.

I am also please to see that there is provision being made that His Excellency the Governor can recall the Legislative Assembly in case of an emergency. I would like to read that, 'Recalling dissolved Assembly in case of emergency'.

> "47Alf, between a dissolution of the Legislative Assembly and the next ensuing general election, an emergency arises of such a nature that, in the opinion of the Governor, it is necessary for the Assembly to be recalled, the Governor, acting in his discretion, may summon the Assembly that has been dissolved and that Assembly shall thereupon be deemed (except for the purposes of Section 48 of this Constitution) not to have been dissolved, but shall be deemed (except as aforesaid) to be dissolved on the date on which the next ensuing general election is held.".

This speaks for itself and I think it is a safeguard provision whereby as we now have it the Elected Members of Executive Council remain available and in power but the other non-Executive Council Members are dissolved at the date prescribed by the Governor. So this will enable him, as it says if required, to call this Legislature back into Session.

Also, we have had considerable debate over the last several years on the appointment of an Ombudsman or a Complaints Commissioner. Provisions has been made in this proposed Constitution to amend the 1972 Constitution to make that possible. I think the Ombudsman can be a benefit, he can be a very useful person and this sets out his qualifications and will enable the community to have someone who they can take their complaints to, he then in turn will act as fitting and proper.

The 'Register of interest', I also agree with that. I think as this says;

> "53A (1)There shall be a Register of Interest for the Islands which shall be open to the public. The register shall be maintained by a Registrar who shall be appointed, and may be removed from office, by the Governor acting in his discretion.
>
> (2)It shall be the duty of any person to whom this section applies to declare to the Registrar for entry in the Register of Interest such interests, assets, income and liabilities of that person, and of such other person or persons connected with him, as may be prescribed by law.
>
> (3)A person shall make a declaration under subsection (2) of this section upon assuming the functions of his office and at such intervals (being no longer than twelve months) as may be prescribed by law.".
>
> (4)This section applies to all members of the Legislative Assembly and the holders of such other offices (except that of Governor) as may be prescribed by law.
>
> (5)A law may make provision for giving effect to this section, including the sanctions which may be imposed for a failure to comply with subsection (2) or (3) and, notwithstanding any provision of Part III of this Constitution, the sanctions which may be imposed may include the suspension of a member of the Legislative Assembly from sitting therein for such period as may be prescribed by law.".

Madam Speaker, I think that this is good. I think the people need to know who their representatives are, what their assets are and the law will prescribe just how it will be dealt with. I also support that the office of the Attorney-General shall be embedded in the Constitution, also that of the Auditor-General. I am also glad to see that the pensions are being embedded in our Constitution and I am hopeful that this will be worded and prescribed in such a manner that there will be by right the person who has worked the prescribed number of years will not be given it as a reward but it will be by right and it cannot be taken away from him/her. For in this day in time it is most important to have security and the pension is part, in my opinion, of the contract which the person signs, the wages plus the pension makes up the contract.

Madam Speaker, looking at the amendments I think they are timely. I am glad that they are here before the House. I have not been privileged to meetings, I am very grateful to the Member responsible for Education and Culture and Aviation for the information which he has passed on to me. But not being a member of their Team I have not had the privilege as the other Backbenchers have. But, nevertheless I am satisfied that this will be a fitting Constitutional amendments for us. I am indeed happy that we are not advancing our Constitution at this stage.

For, as I have said earlier, I want to make it emphatically clear that the people of Cayman Brac and Little Cayman elected me on the understanding that I did not support a Chief Minister's appointment or the moving to a ministerial form of Government, that was very clearly understood by all and I want to make my position today that it remains the same. I am a person, what I stand for I am prepared to die by my word and today my views is the that Cayman Islands have done exceptionally well with our present system of Government and if and when it is necessary a gradual approach is what a feel is best for the Cayman Islands.

So, Madam Speaker, in the essence of time there is no necessity for me to repeat what other Members have said. I again would like to ask the Honourable Mover in winding up, if he would speak to the two-thirds majority that I am asking to be embedded in the Constitutional amendments for the removal of Executive Council Members and if he would let it be further understood that this amendment which we are looking at has been approved by the Foreign and Commonwealth Office.

So with these words Madam Speaker, I support the motion.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker.

Madam Speaker, last week Thursday when this House was opened we heard the Leader of Government Business move the suspension of Standing Order to allow this debate to ensue.

Friday morning this country awoke to Headline News that there was a row in the Legislative Assembly. I believe that it is very, very important for me to just say exactly how I feel about that. Now, a row in my opinion is a lot different from a debate and what I heard in the Legislative Assembly that Thursday was simply a debate and it was well ordered. The newspaper decided to make an issue of this and reported Headline News that we had had a row in the Legislative Assembly. I think that we as responsible Legislators need to call on our journalist to report factually and be responsible about the way they report about the affairs of this Legislative Assembly, because, to tarnish the image of this Legislative Assembly certainly would be of no advantage to anyone living in this country.

So, I am personally calling on the journalist of all the newspapers to report factually and be very responsible about their reporting. We know that journalist and reporters have to wet the appetite of their readers, we know that. But it is very important that whatever occurs, especially in the Legislative Assembly, is not twisted out of all proportions.

We know for instance that there are newspapers and for that matter, all the mass media are quick to start reporting about violence in the Cayman Islands and who gets shot and who get stabbed and so on. Well, there is a place no doubt for this but I would like to suggest sometime that there is also some positive good news.

Recently, we know that there was an unfortunate victim, a restaurateur who got stabbed and it was very, very unfortunate. But you know what would make some good news is, if the newspapers would find out how that person is doing as a result of the very good medical facilities that we have in this country and all the good work that the doctors and nurses are doing at the hospital. That person would have died in many developed countries but because of the very good ambulance service now etcetera, the gentleman is doing extremely well and I am very happy to report that. He is doing very, very well because he had very serious intra-abdominal injuries that could perhaps have resulted in his death, not just in Caribbean countries, but in many developed countries. That would make some good news for a change. To give a follow-up progress report to show people reading the newspaper that indeed we have excellent medical facilities in this country.

The debate that is now in progress, we all have agreed is one of the most important debates that we have had so far this year. It is an extremely important debate. On Thursday when I got up I simply said that I felt that the debate should have ensue because it is one that should take priority. I did not admit as if I was making some confession that I was not at the Business Committee meeting on that Monday. I simply stated that I was away on official business and there is a lot of difference in that. I did not just simply say that every rule made were to be broken. I simply gave more concrete reasons for my suggestions when I spoke for the short time that I did on Thursday.

The Cayman Islands has seen so many changes since we were first discovered in 1503. Most of us know about the history of these Islands and how Government has gradually become more and more sophisticated. Our association with Jamaica between 1863 and 1959 and when the politician of the day thought it was very prudent to remain with the Crown rather than opting to go the way of

Jamaica in independence. I think that it is very appropriate to pay homage and congratulate those people who were so prudent, some of them are long dead. But they certainly stood up for what they believed in and said categorically that the Cayman Islands should remain affiliated with the Crown. I believe that that is the same today, those of us here feel that it is in all of our interest that we remain associated and affiliated and strongly tied, maintain our strong ties with the Crown for a very long time in the future.

The Cayman Islands we know had a Constitutional review that was conducted by the Earl of Oxford and Asquith and he released his recommendations in 1971 and that brought about our Constitution of 1972. More recently in 1990 the Government of the day felt that there should be another Constitutional review. Mr. Benson Ebanks moved the following Government Motion No. 9/90 to that effect in June of 1990, and I quote:

> "WHEREAS the last comprehensive examination of the Constitution of the Cayman Islands was conducted in 1971;
>
> AND WHEREAS since that time the islands have enjoyed considerable social development and economic growth;
>
> AND WHEREAS the debate in this Honourable House upon Government Motion No. 3/90 has focused much attention upon provisions of the Constitution including the role of the Official Members of this Assembly;
>
> BE IT THEREFORE RESOLVED THAT this Honourable House request, through His Excellency the Governor, the Secretary of State for Foreign and Commonwealth Affairs to appoint a suitably qualified and experienced person or persons as a Commissioner to ascertain and evaluate opinion in the Cayman Islands upon possible paths of Constitutional evolution, having regard to political developments in the Islands and to the social and economic development of the Islands since the introduction of the present Constitution in 1972; in conducting this assignment to consult with the Governor, the Members of Executive Council and of the Legislative Assembly, interested organisations and members of the public; and to report."

That was the beginning of this Constitutional debate that we are having even today. We know that that Motion was passed by an 8-7 majority with the help of Capt. Mabry, my good friend from Cayman Brac.

Then later on in that year Mr. Gilbert McLean moved Private Member's Motion No. 25/90 to ask that a Select Committee be formed. That Select Committee was ultimately formed November of 1990. The purpose of the Select Committee was; "To examine the present Constitution in the light of Members experience of working with it and to formulate a submission to the Constitutional Commissioners;" but by that time had been appointed by the FCO.

> "To consider the Report of the Constitutional Commissioners once it is Tabled in the Legislative Assembly and to invite representations and hear witnesses thereon;
>
> To consider whether any recommendations necessary for the conduct of a General Election should be implemented prior to a General Election; and
>
> To report to this Honourable House upon their consideration of the Commissioners' report;" (a very important addendum),
>
> "AND BE IT FURTHER RESOLVED THAT this Honourable House recommends that the implementation of any recommendations for Constitutional changes with the exception of the paragraph numbered 3 above shall not take place without the changes being the subject of a General Election.".

The Motion, in the absence of the Third Elected Member for West Bay, was seconded by the First Elected Member for West Bay, Mr. McKeeva Bush. And, so the Select Committee came into existence. I believe that Select Committee worked very hard, it seems that they studied many papers and documents and many man-hours were put in to studying the Constitution; what was needed to rectify it and what amendments were necessary, if any, and the public was consulted on many occasions.

Finally, a Report was given to the Constitutional Commissioners. Unfortunately many of the representations from the public were not included in this Select Committee's Report and this was referred to in many issues of the *Caymanian Compass* during that very year, in 1991 and even in 1992 in the 21st and the 27th, July issue of *The New Caymanian*. There was quite a write up there about the lack of representation of the people of the Cayman Islands in the Report by the Select Committee to the Constitutional Commissioners.

Moreover, even the Constitutional Commissioners themselves, Sir Frederick Smith and Mr. Walter Wallace, did not in my opinion, represent the views of the Caymanian public properly. Many of us have had strong feelings about what needs to be done about our Constitution and many of us did make representations to the Commissioners and were very disappointed to see that those views were not conveyed in their Report which was tabled in the House of Commons in May, 1991, even before that Report was tabled in this Honourable House.

The matter of the Constitution has been a very topical issue, certainly for the past three years. For anybody to suggest that during the last election it was not a central theme, then I think is very misleading. It was a central theme in the last election, it was discussed from pillar to post. It was discussed in the houses as we visited. It was discussed in public meetings, it was discussed in the mass media and it was discussed, it was discussed it was discussed, it was discussed. It was a central issue of the election, all be it there were other pivotal issues. For example, Crime, Cayman Airways, the Hospital and many other issues were discussed during that election. I would like to read verbatim what I said about the Constitution at my first meeting. At that time I was not part of the National Team. There was no National Team. This is exactly what I said about the Constitution in my first meeting after I declared that I would like to stand for the constituency of George Town. And I quote as follows:

> "I would like to take this occasion to personally thank the *Caymanian Compass* and *The New Caymanian* for their responsible action in attempts to educate us about this very topical subject "The Constitution". The first big question is, do we the people want to change our Constitution?. You have to answer that. I get the definite impression that the majority of us do not favour the Draft Constitution which has being proposed. I plan to solicit more public opinion through the press and through person-to-person interviews in the next few weeks, so as to get a proper understanding of what you want. I will explain things clearly, I will spend time to answer your questions and most importantly I will support what you want.".

Very familiar words for someone campaigning Madam Speaker.

> "I have my own personal opinions about the Constitutions which I shall now share with you.
>
> I do not support the Chief Minister and Ministerial system of Government as proposed in the Draft Constitution. More precisely, I disagree with the selection process and the adverse effect of power play this is likely to have in Government.
>
> I support the idea of a Leader of Government Business and feel that the person should be an Elected Member of Government. At present the Leader of Government Business is the First Official Member. In my opinion the Leader of Government Business should be an Elected Member of Executive Council.
>
> Motion 3/90 and Motion 6/90 should be revoked and the Finance Committee should be enshrined in our Constitution with the Committee consisting of all Elected Members and the Financial Secretary the Chairman as before.
>
> I think it is vital that the Civil Service should be independent and free from political interference to ensure its stability.
>
> The Leader of Government Business or ExCo should not be consulted regarding Civil Servants or Public Service Commission appointments.
>
> I believe that there should be one more Member in Executive Council bringing the total number to five. The new Member should be responsible for Community Development, Sports and Youth Affairs.
>
> I am against the idea of three or more Parliamentary Secretaries because this would make Executive Council larger than the Backbench Government eroding the necessary checks and balances against abusive power. Such a system will mean that there will be 11 persons on Executive Council and seven on the Backbench, an undesirable situation. Remember we do not have an established party system in Cayman.
>
> I endorse the position of Speaker and I am very, very proud that the present one is a competent Caymanian. The Speaker should be appointed by Elected Members and qualified to be a Member of the Assembly.
>
> Provisions should be made in the Constitution for the post of Attorney-General, the Judiciary, Ombudsman and the Auditor-General.
>
> The Constitution should also make provision for a Register of Interest of all MLAs open to public scrutiny.
>
> I support the introduction of a Referendum Law to be used when necessary on major national issues which are of a controversial nature to determine the public's wishes.
>
> I recommend that the public be given at least two months notice before Bills are brought to the Assembly when this is appropriate.
>
> I also feel that Regulations should also accompany Bills.

Ladies and gentlemen let us maintain our vital link with the United Kingdom as long as we can. Every advancement in our Constitution takes us that much closer to independence for which we are totally unprepared. At this time the European Economic community is putting pressure on the Mother Country to give up its Colonies. Let us not pressure her also from this side.".

So you can hear from that Madam Speaker, that I, from my very first meeting, discussed the Constitution. I was present at other meetings when this Constitution was discussed, and discussed to the point that many people listening eventually said to me, "Do not let Truman Bodden speak about that Constitution again", because they had heard it and heard it and heard it. They wanted to hear something else.

The Constitution was debated and all the various things in the Constitution were debated. Indeed it was a central theme. So there is no question that it was in fact pivotal; very, very important and regarded so in the election campaign. It was a central issue without question, so much so that I decided that I should get this questionnaire designed and some 3,100 of these questionnaires went to voters in the constituency of George Town. Exactly 1,214 of them were returned. I did a computer analysis of it, and on the front of it is; 'Important Public Questionnaire in order to determine the public's wishes, I urge all Caymanians to read the following questionnaire carefully and complete it'. The first question was;

"Do you think that our present Constitution (1972) need any change?
Answer 80.4 per cent of the respondents said yes.

Have you read the Draft Constitution proposed by the Foreign and Commonwealth Office?
Thirty per cent said yes.

Have you read the reports submitted by your present MLAs on the Constitution?
Twenty-two per cent said yes.

Did anyone explain (2) and (3) of the above to you?
Fifteen per cent said yes."

This was in the early stages of the campaigning I would like to remind Honourable Members.

"Do you understand what changes are being proposed?
Twenty per cent said yes.

Do you think the Cayman Islands needs a Chief Minister at this time?
Ninety per cent said no.

'If yes, do you agree that he should be appointed by the Governor acting in his discretion?

The 2 per cent of the 10 per cent who said yes replied yes.

Do you agree that the Chief Minister should be able to appoint and dismiss other Ministers?
Ninety per cent said no.

Be able to advise the Governor on the appointment or firing of ExCo Ministers?
Eighty-eight per cent said no.

Be able to assign Portfolios to Ministers?
Ninety-two per cent said no.

Be able to give permission for leave of absence to Ministers?
Seventy-eight per cent said no.

Be consulted by the Governor to dissolve the Legislature on a vote of No Confidence rather that resigning?
Eighty-two per cent said no.

Be able to recall a resolved LA in case of an emergency?
Eighty-one per cent said yes.

Be consulted by the Governor on the appointment of the Official Members of ExCo?
Sixty per cent said no.

Be consulted by the Governor on the appointments of Principal Secretaries and Heads of Departments in the Civil Service?
Ninety-two per cent said no.

Be consulted by the Governor on appointments of the Public Service Commission?
Ninety-five per cent said no.

Do the Cayman Islands need Parliamentary Secretaries now?
Eighty per cent said no.

Should a provision for Parliamentary Secretaries be made in our Constitution?
Eighty-five per cent said no.

Do you agree that the title of ExCo should be changed to Minister of ExCo?
Seventy-five per cent said yes.

At present the Leader of Government Business is the First Official Member of ExCo, do you agree that the Leader should be an Elected Member of ExCo?
Eighty per cent said yes.

Should ExCo be appointed as they are now?
Eighty-five per cent said yes.

Do you agree that there should be an extra Elected Member in Executive Council and three Official Members should remain?
Eighty-one per cent said yes.

The next House of Legislature will have 15 Elected Members, five of whom will sit on ExCo. Do you agree that a Member of ExCo should be removed by a vote of nine Elected MLAs?
Seventy-eight per cent said yes.

If no, how many do you suggest?"

Of the 22 per cent remaining, 10 per cent did not answer the question and of the 12 per cent who said no, 100 per cent said 10.

"Should provision be made in the Constitution for the position of Attorney General?
Seventy-six per cent said yes.

The Judiciary?
Seventy-eight per cent said yes.

Complaints Commissioner?
Sixty per cent, yes.

Auditor General?
Seventy-two per cent, yes.

Should the provision be made in the Constitution for a Register of Interest of Politicians?
Ninety-eight per cent said yes.

Do you agree that the Constitution should have provision for a referendum to be used on major national issues to determine the publics' wishes?
Ninety per cent said yes.

If not, do you think that a Referendum Law should be made as soon as possible?
Eighty-eight per cent said yes.

Do you believe that the Civil Service and the Public Service Commission should remain free of political interference?
Ninety per cent said yes.

Do you agree that responsibility for Finance should be only with the Financial Secretary and should not be the responsibility of an Elected Member?
Eighty per cent said yes.

Should Finance Committee consist only of Elected Members with the Financial Secretary as Chairman, as it was before Motion 3/90 and 6/90?
Ninety-eight per cent said yes.

Should it be enshrined as such in our Constitution?
Ninety-five per cent said yes.

Should the public be given at least two months notice for review and input before Bills are brought to the Legislative Assembly?
Seventy per cent said yes.

Should regulations accompany the Bills?
Sixty per cent said yes.

Should pensions funds be earmarked and not used by the Government for other purposes?
Seventy-six per cent said yes.

Do you think Parliamentarians should have a Code of Ethics?
Eighty-eight per cent said yes.

Do you support the Bill of Rights as it is outlined in the Draft Constitution?
Sixty-eight per cent said yes.".

Madam Speaker, it was easy to see why the National Team won. With those kinds of answers and with what we were saying from our public platforms it was very clear that we would have an astounding victory which, indeed we did.

Politicians need to listen to the voice of the public. Even as we are here today we should still be listening to the voice of the public and we should certainly be listening to what they are telling us about the present proposed amendments to our Constitution as we debate it. I believe and I hope that this is the position that this Honourable House will be taking.

I would like to point out that the Select Committee's Report to the Constitutional Commissioners. In fact I have it right here, I found it very interesting. I noticed from the very outset that this was not signed by Mr. McKeeva Bush, Mr. John D. Jefferson, Mr. Truman Bodden, Mr. Haig Bodden and Mr. John McLean. To me that was significant. Then, in the Dissenting Report which was also sent to the Foreign and Commonwealth Office, that was only signed by Mr. Truman Bodden, Mr. McKeeva Bush, Mr. John Jefferson and Mr. John McLean. What was that Dissenting Report about? Basically that there were other important matters that needed to be represented to the Foreign and Commonwealth Office and they were outlined and that none of these things should come into effect before the holding of a General Election. They fought tooth and nail here in this Legislative Assembly, I am sure, for that. Eventually it was listened to and finally it was put off and we were told by the Foreign and Commonwealth Office that it would have to be the subject of debate during the elections and then after that the new Assembly would have to decide what would be the amendments to the Constitution. Here we are today because of that decision.

Generally speaking I am in agreement with this Motion that is in front of the House. But, I would like to point out from the very beginning that there are some things which give me some concern. Some of them, in my opinion, are not minor at all. I would like to take some time now and go into each one of these amendments in some detail and say why I am concerned about those that I am concerned about and why I believe that those that are good, are good.

First I would have to say that although I am not a lawyer, I believe that the drafting of these amendments are a bit untidy in areas and could very well have been better drafted. Especially taking into account that the constitutional lawyers most likely had some input into it. But that is not so significant as to the substance of the motion. I would like to suggest that when all is said and done and we finally get our Constitution that all of the amendments that have been moved and passed since 1972 are put into the final Constitution. It will not be a new Constitution as such, it will be an amended 1972 Constitution. But, I believe that all of these amendments should be put, once and for all, into one document so that we can really read it and understand it and the public can similarly do so without referring to all of these amendments in this hocus-pocus manner. So I am hoping that finally when it comes back to the Cayman Islands that we have one comprehensive Constitution that includes all the amendments including those that have gone through this House previous to now. We had in 1984 and 1987 Constitutional Amendments that had to do with making sure that the voters and those persons eligible to be MLAs had to have closer ties with the Cayman Islands. Last year we had an amendment, a 1992 Constitution Order, where we increased the number of the Elected Members to 15 and the quorum from 7 to 8. All of these things and all of the amendments that will be approved, I would like to see it in one comprehensive document.

I would like to refer to item 2 of the Motion, and I would like to say right away that I am in agreement with this section. It says in paragraph (a): "(a) by replacing paragraph (a) by the following: '(a) the Chief Secretary, the Attorney-General and the Financial Secretary, ex officio, who are hereinafter referred to as the Official Members of the Council.'". So we will have ex-officio posts. I am in agreement with that and it enshrines it in our Constitution. In (b) it says: "(b) in paragraph (b), by substituting the word 'five' ...". Meaning that we will have five Members in Executive Council, and I think that is a foregone conclusion and I will not waste time speaking about the necessity of these five Members. I agree they should be entitled Ministers. It was the Constitutional Commissions who referred to that on page 12 of their Report:

> "There was also a great deal of support for Elected Members to be known in the future as Ministers. We similarly agree. There is in fact no Constitutional distinction between the responsibility of a Member as set out in section 9 of the 1972 Constitution and that of a Minister. It is a change of name only and not of substance.".

It is in their report, although some people claim that it was not.

Originally, the Motion read that the Ministers should have administrative responsibility. I would like to point peoples' attention to the present Constitution, in section 9 it reads that:

> "Subject to any instructions given to Him by Her Majesty through a Secretary of State, the Governor acting in his discretion shall, to the extent that he deems appropriate, charge Members of the Executive Council with responsibility for any business of the Government other than a matter mentioned in section 7(1)(c) of this Constitution.".

So, section 7 (1)(c) are the exceptions. The Members of the Executive Council, soon to be called Ministers of the Executive Council, can never, under this Constitution previously, or the one we are proposing, have responsibility for anything to do with:

> "(i) defence;
> (ii) external affairs;
> (iii) internal security;
> (iv) the Police; or
>
> the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal, or retirement of any public officer or taking of disciplinary action in respect of such an officer, the application to any public officer of the terms or conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision:
>
> Provided that in exercising his powers in relation to the matter mentioned in this paragraph (that same paragraph that I read) (c) the Governor shall keep the Executive Council informed of any matters that in his judgment may involve the economic or financial interests of the Cayman Islands or the enactment of laws under Part IV of this Constitution.".

So whether the people believe it or not, the Governor can give administrative responsibility and, indeed, from the way I see it, the Ministers do have administrative responsibility under the 1972 Constitution. But I agree, since there was a furor in the public and they did not like the words, take it out. Maybe it would just restrict the Ministers to administrative responsibility. So it is best to take it out and just leave it as responsibility.

I will now go to item 3. I have been told that subsection (1) of section 6 of the Constitution need to be deleted because of the amendment made in the foregoing about the official posts. I certainly understand that. This is the reason why it was also deleted in section 20. So I think that is mostly a legal and technical point and I trust the Honourable Member who moved the Motion in these regards.

Item 4, section 13(1) of the Constitution:

> "(1) The Executive Council shall be summoned by the Governor acting in his discretion:
>
> Provided that the Governor shall summon the Council if requested to do so by a majority of Ministers.".

That just turns a negative statement that is in the 1972 Constitution into a very positive one and it gives some autonomy to the Executive Council, which I think they should have. I certainly support that.

Regarding item 5, "Addition of new section 16A to Constitution", I have no problems at all. In fact, I am very comfortable with the duties of the Attorney-General and his powers. But I really think that this is a very good example of the very poor drafting. I wonder why the powers of the Attorney-General is placed in this part of the Constitution. Would it not flow better if this was put in just after section 5 which gives the composition of Executive Council? There could be a subsection (2) of section 5 and it would make far better reading.

Section 16A (5) reads:

> "(5) In the exercise of the powers conferred on him by this section, section 24 or section 25 of this Constitution the Attorney-General shall not be subject to the direction or control of any other person or authority.".

We know that section 24 and 25 of the Constitution deals with who has the right to vote or not. That has been amended subsequent to the 1972 Constitution and makes sure that people who run in an election, or who can vote, must have much closer ties than in the original 1972 Constitution which simply stated that:

> "Subject to the provisions of the next following section, a person shall be entitled to be registered as an elector in one electoral district only, but he shall not be entitled to be registered as an elector for elections to the Assembly unless he –
>
> (a) is a British subject of the age of eighteen years or over; and

(b) either has been ordinarily resident in the Islands for a period or periods amounting to at least five years out of seven years immediately preceding the date of registration and is resident therein at that date, or is domiciled and resident therein at that date.".

We know that has been amended and now you have to be a real Caymanian to vote.

Amendment of section 17 of the Constitution. We know that there has already been an amendment in the Constitution (Amendment) Order of 1992 and the word "twelve" has already been changed to "fifteen" so that took care of that. There are now 15 Elected Members in the Legislative Assembly. I certainly agree with this section, item 6 and all the amendments to section 17(2). Also the incorporation of (d) where it says: "(c) by adding the following new paragraph: '(d) if he is not an elected member of the Assembly, the Speaker.'". That is the situation that exists.

On item 7, I feel that section 19(2), is certainly necessary to have in our new Constitution but I would recommend that (c) needs to be changed to include "any country", not just the Commonwealth, in regards to bankruptcy also and not just these offences as stated. Because what is good for one is good for the other. "(c) no account shall be taken of a sentence of imprisonment imposed by a court outside the Islands other than a sentence on conviction for an offence constituted by conduct which, if it occurred within the Islands, would constitute an offence punishable under the law of the Islands by imprisonment of 12 months, or any greater punishment.". Our previous Constitution refers to bankruptcy also and I believe that we should definitely take out the proviso there about the Commonwealth and "any country" should be inserted and this should also apply to the section regarding bankruptcy.

Item 9 which deals with section 21 of the 1972 Constitution, "Delay in vacation of seat to allow an appeal". I need some clarification on this and I have asked the Mover of the Motion to provide that clarification because it is obvious that there have been a number of changes from the 1972 Constitution. The 1972 Constitution said that the Governor could give an extension of up to 330 days. This one states that the Governor can only give 150 days extension in the event that a Member wants to appeal his case. I want to know why this period has been decreased from 330 to 150 days. I certainly would ask the Mover of the Motion to give me some clarification on that.

I am going to skip two sections now and go down to item 12 section 26(1)(a). I feel that the provision of 19(2)(c) should also apply to electors and I have already been assured that it does because of subsection 26(2) of the 1972 Constitution. I have been very reassured to hear that. I will go on to item 13 of the Motion. This is one that I cannot go along with at all. My constituents of George Town have clearly told me and I believe that they have also told the other George Town Representatives that they want to see a provision for a Referendum in our Constitution and not just a Referendum Law. This has been made extremely clear to us and while the Mover of the Motion has explained that it is very unlikely that the United Kingdom would grant us this, I have been told on repeated occasions that the constituents of George Town would like to have this provision made for a Referendum in our Constitution and not just that, but that it should be triggered by a certain percentage of the voting public. Various percentages have been suggested. One has been 10 percent, perhaps the most common percentage suggested has been 10 per cent. But they are saying that they want a provision for a Referendum, not just a law that can be repealed or changed, they want to see a provision for a Referendum in our Constitution. They do not want a majority of the Elected Members alone to be able to call that Referendum. They want to make sure that the voting public, a percentage of them, if they feel strongly about an issue that they can petition the Governor to make sure that a Referendum is called. I, therefore, cannot agree that this is a satisfactory amendment to section 29 of the Constitution which reads:

"(2) Without prejudice to the generality of subsection (1), a law may make provision for the holding of a Referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted by a majority of the Elected Members of the Assembly to be a matter of national importance and specified in such law.".

I think I have made my point clear. The constituents have informed me that they want a provision and it needs to be engraved and enshrined in our Constitution that we can have a Referendum, that a certain percentage of the voting public can call for that Referendum when they think it is important to have a Referendum and not just a percentage or a majority of the Elected Members.

I would like to go on to item 14. "Section 31 of the Constitution shall be amended by adding the following new subsection:". If there is any amendment that I agree with in this whole Motion, it is this one where Finance Committee will be enshrined in our Constitution and the Members will be the Elected Members with the Financial Secretary as Chairman. I believe that the voting public, and all the people of these Islands, have been relieved to know that this present Parliament did in fact, revoke Motion 3/90 and that the present Finance Committee is exactly how they want it..

Going on to item 31A. I believe that this section would flow a lot easier if it were part of section 32. Bearing in mind that 31 deals with Standing Orders and 32 refers to the Speaker and Deputy Speaker, then all of these matters that really concern the Speaker and the Deputy Speaker, I believe, should be part of 32. But, then again, that is just a matter of the drafting.

I will go on the 31A (2)(f): "(f) on the passing, by the votes of two-thirds of the Elected Members of the Assembly, of a motion expressing no confidence in him as Speaker or Deputy Speaker, as the case may be.". The Speaker or the Deputy Speaker will have to vacate his or her Office. My feeling on this is whatever number it will take to remove a Minister in Executive Council, it should be the same number to remove a Speaker. If that number is going to be nine for the Ministers, I think it should be nine for the

Speaker. But I would strongly recommend that it is kept at 10, at least two-thirds of the Elected Members. I would recommend that we seek to make that amendment. Here it is two-thirds, so we do not have to amend (f), but we would need to amend 9 when it refers to the Ministers.

I think item 16 section 32 is perfectly reasonable, therefore I will not comment on that.

I have strong feelings about the amendment to Section 34(2) of the Constitution. This amendment was made last year and the quorum was increased to nine, eight in addition to the Presiding Officer. I feel that with the increase to 18, of the membership here in the Parliament, this quorum should be at least nine in addition to the Presiding Officer. I hope that the Mover of the Motion will at least give this some attention. I am sure he will.

Item 20, section 47A which gives the Governor the latitude to recall the Assembly in the event of an emergency after it has been dissolved. I feel this is an example of an amendment which rectifies an inadequacy in the 1972 Constitution and therefore I fully agree with it.

Madam Speaker, what gives me most concern about this Motion is the Bill of Rights. I shall have to take some time to talk about this. Every person in the Cayman Islands, I feel, would like to know that they have the fundamental rights. Indeed, every person has the fundamental rights of life, liberty, security of person and protection of the law. In essence, a Bill of Rights, looking at it from that perspective is a very good thing for the people of this Country. I am also happy to see that it does say that just having these rights does not mean that one can interfere and encroach on the rights of others. It says categorically "but subject to respect for the rights and freedoms of others and for the public interest".

Then again, in 48A(c) it says: "being limitations designed to ensure that the enjoyment of the said rights and freedoms by any individual does not prejudice the rights and freedoms of others or the public interest.". All of that is well and good but there are some sections in this Bill of Rights that give me some concern and I will now go on to that. It is true that provisions are made that any existing law shall be exempt. It says in 48(c)(2): "(2) Nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of this section to the extent that the law in question authorises the infliction of any description of punishment that was lawful in the Islands immediately before the coming into force of the Cayman Islands (Constitution) (Amendment) Order 1993.".

But what about laws that we might want to propose later on after this Bill of Rights is passed? There is no provision here and some of those laws might become necessary. Who will decide if it is reasonable and whether it is fit for a democratic country? It is going to be the Court? Is it going to be Amnesty International? I do not want to be far-fetched, but it is really vague and I would really like to understand more about the workings of this Bill of Rights before I can feel content and comfortable with it. It says here in 48D:

48D. (1) No person shall be held in slavery or servitude. (We all agree with that)

(3) For the purposes of this section, "forced labour" does not include-

(c) labour required of any person while he is lawfully detained that, though not required in consequence of the sentence or order of a court, is reasonably necessary in the interests of hygiene or for the maintenance of the place in which he is detained;".

Madam Speaker, in my opinion, all prisoners should be expected to perform hard labour. I do not believe that it should be restricted to the Court Order and this is something that I am not very content with. I think it should be left to the discretion of the Prison Authority. After all, they are but prisoners.

In other sections there is always the qualification, "nothing contained in or done under the authority of any law shall be held to be inconsistent with or in contravention of the" whatever they are talking about. Therefore it means that if a law is in place then that can be enforced in spite of the Bill of Rights.

One of the things that gives me great uneasiness is Protection of Freedom of Conscience. It says: "48I. (1) Except with his consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for the purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, and both in public and in private," etcetera, etcetera. Now, who is the Bill of Rights referring to? We know that it says that it refers to everyone in the country whatever his race, place of origin, political or other opinions, colour, creed or sex. Therefore, many, many people of different religions could possibly come into this country and we would have to be very tolerant if we put this Bill of Rights in place. So, our society will find that it will have to become more tolerant to religious beliefs, possibly even certain cults, for example Rastafarianism. I am not so sure that some of us would like to see even some of the acceptable religions, like some of the eastern religions here in the Cayman Islands. If we are going to pass the Bill of Rights, we will have to become more "Americanised" and accept these individuals and they would have to have equal freedom as all the rest of us that are Presbyterians and Church of God attenders and so on. That is the way that I see it, Madam Speaker. I think that is a situation that is dangerous. I would like the Mover of the Motion to take this into consideration.

Regarding the section regarding the protection of freedom of expression, this is one that always gives people some concern. It is true that many laws are already in place that limit freedom of expression and it does say here: "(2) Nothing contained in or done under the authority of any law

shall be held to be inconsistent with or in contravention of this section to the extent that the law in question makes provision.". So all of these laws that were made such as the Prohibited Publications Orders, etcetera, would be upheld in the interests, I imagine, of defence, public safety, public order and public morality and for the purposes of protecting the rights, reputation and freedoms of others, and so on. There is quite a long list of these. I asked the Clerk to get me these and I was very interested in learning about some of these restricted publications. Most of us would agree, of course, that the "Book of Magical Art, Hindu Magic" and Indian Occultism Magic", all of these should be prevented and banned from coming into the country. "World Marxist Review", "Chinese Literature Monthly", "New Observer", "Peeking Review", "China Reconstructed". It is a long, long list here, some publications that I have enjoyed abroad I can no longer have here, restricting my own freedom, like publications of "The World Federation of Democratic Youth", which I myself enjoyed, especially when I was much younger, and the publication of the "International Union of Students". These are not allowed under the laws of our country. So we already have some very serious restrictions in place in the Cayman Islands. I sometimes wonder if the public realises how much they are already restricted in the Cayman Islands regarding what they can read and what they cannot.

These things are taken care of in this Bill of Rights and this law will be upheld. The point I am making is that many people have come to me already and said that they are concerned about their freedom of expression because they feel that it is already too limited. Perhaps it will be even more limited in the future if more laws are going to be made. The reverse of the coin is also true, there could be so much freedom of expression in the news media and so on that we certainly hope there would be mechanisms in place to make sure that these adverse programmes, and so on, do not affect our society to our detriment.

I ask again, who decides what is reasonable in the interest of all of these things? I have been told by the Mover that it shall be the Courts. Many public officers have approached me too, Madam Speaker, and I would like to call attention to this. Restrictions are imposed throughout this Bill of Rights on public officers. I remember that during our campaign that we told public officers that we were going to try to free them up a bit. Here in the Bill of Rights we are, in fact, putting the screws on them. They have approached me about this. They wonder how in the world their representative could support this Bill of Rights when it imposes restrictions upon public officers in so many instances.

The next section which I am very uncomfortable with is section 48M in the Bill of Rights. That is the section which deals with discrimination. "(2) Subject to subsection (6) of this section, no person shall be treated in a discriminatory manner by any person acting by virtue of any law or in the performance of the functions of any public office or any public authority.". It tells us what they mean by discriminatory. I had to do a bit of research and I looked at the other Constitutions in the Caribbean Dependent Territories and I had to notice that some of them, when it comes to their Bill of Rights, do not include sex, for instance, whereas ours does. I believe it is for a very good reason why some of them do not include sex. But it says there, "discriminatory means affording different treatment" to persons of different "race, place of origin, political or other opinion". That is a dangerous statement, "political or other opinion, colour, creed or sex whereby persons of one such description are subjected to disabilities or restrictions to which persons...", and it goes on. The more I read this, it reminds me of the existing situation in the United States. Homosexuals, for instance, will have to have just as much right as [heterosexuals], if we pass this. I believe that I can prove this legally.

Also, as far as I can determine it will not be legally correct anymore to advertise for female workers, or male workers. It will restrict it. For instance, in Guernsey, this is one of the reasons they did not put sex, they can advertise. In the Turks and Caicos, they did not put sex because people feel they should still be able to advertise in these countries for whomever they want and it will affect the present workings of our society.

Also, it says here: "(d) Whereby persons of any such description as is mentioned in subsection (3) of this section may be subjected to any disability or restriction or may be accorded any privilege or advantage which, having regard to its nature and to special circumstances pertaining to those persons or to persons of any other such description, is objectively and reasonably justifiable in a democratic society...". I guess this could apply, for example, to people who are handicapped, to people who have certain impediments, other than just being handicapped physically. For example, black sicklers in low oxygen environments, all of these things come into question. I heard that the head tax for men no longer exists in this country and 4(a) would make that legal.

I understand that the Fire Department does not wish to employ females. I also see where if the Motion does allow us to discriminate in marriage, at least men will not have to marry men and visa versa, women marrying women. Does this mean that it could not be specified that such a person could be of a certain gender or from a certain place of origin in the event you wanted to place an advertisement or operate any other form of business?

I would like to move on to 48P(5). I would like to point out that I strongly recommend that this be included if we are going to have any form of a Bill of Rights because it is a worthwhile stop gap. "(5) A law made under this Constitution may confer upon the Grand Court such powers in addition to those conferred by this section as may appear to be necessary or desirable for the purpose of enabling the Court more effectively to exercise the jurisdiction conferred upon it by this section.".

Part (5)(a), which deals with the Grand Court the composition of the Grand Court and the tenure of office of judges of the Grand Court, acting judges of the Grand Court, I think this is an improvement on the Constitution and I support this. The same applies to the subordinate courts.

Regarding the Complaints Commissioner, I certainly support an Ombudsman in the Cayman Islands and I concur with all of those who felt that he should not be a Member of the Legislative Assembly. In fact I do not see how it would be possible for him to do his duties if he is a Member of the Legislative Assembly. I had to notice subsection (3) though, where it says: "otherwise nor engage in any occupation for reward other than the duties of his office.". It is true that it is desirable because there would be less of a chance

of his being influenced by any external forces. But, it might make it more difficult to attract someone worthwhile. To get someone worthwhile we are going to have to be prepared to pay a very decent salary, if we do not allow him to work in any other capacity.

I would like to move on to the Register of Interest. I would like to say from the very outset that I support a Register of Interest. I feel that in order to enhance the trustworthy relationship/rapport between constituents and all Members of the MLA, to avoid any doubt that sometimes creeps into people's minds about whether or not their MLAs are corrupt, etcetera, which is a human trait. It is certainly a very good thing to have a Register of Interest in these Islands. However, I had to notice section 53A(2), where it states the individual items that would have to be declared: "such interests, assets, income and liabilities of that person, and of such other person or persons connected with him, as may be prescribed by law.". This is definitely an invasion of individual privacy. I personally think that this is one instance where when we are making the Law we have to be very sensible about what we put in that Law. Thank God there is the word "may" in here, "as may be prescribed by law". Because I feel it is important to declare interests but remember this is going to be open to the scrutiny of all and sundry, not just Caymanians. I believe that we should take a look at exactly what should be available for public scrutiny. It is not always necessary to declare every detail and still we could allay some of the fears and anxieties of the public without declaring every detail. I would like for us to take a more serious look at that. The office of Attorney-General and Auditor General. I go along with the suggestions in the Motion regarding that.

I noticed there were a number of things that could have been dealt with in the amendments that were completely left out. I took note of the following: Section 15 of the 1972 Constitution reads:

"No question shall be submitted to the Executive Council for their advice except by and with the approval of the Governor, acting in his discretion; but if the Governor declines to submit any question to the Council when requested in writing by any member of the Council to do so, that member may require that there be recorded in the minutes his written application, together with the answer given thereto by the Governor.". I strongly recommend that this section be amended, Madam Speaker, and some amendment or provision be made to the effect that the Governor shall not be in a position to refuse a question put forward by a Minister of Executive Council. Especially since he is responsible for his particular subject, I think that this is the time to do it. I hope that that gets come favourable consideration.

Also, in section 24, if you notice there is says that: "Any person who sits or votes in the Assembly knowing or having reasonable grounds for knowing that he is not entitled to do so shall be liable to a penalty not exceeding twenty pounds for each day upon which he so sits or votes.". This is the time for us to amend that. There is no such thing as pounds in the Cayman Islands, anyway. I think that should be altered to approximately a half a million dollars.

Section 38, which deals with the Governor's reserve powers. I recommend that a provision be included in this section also which requires the Governor to put the questions to the Executive Council before any such serious declaration be made by him. I know that the Secretary of State is the safeguard, but it is my feeling that it is important, at least, for the Executive Council in this country to be involved and to know the state of affairs even in such as a dire state of emergency. Perhaps we could take a look at the Turks and Caicos' Constitution which states: "that the question whether the declaration shall be made shall first be submitted in writing by the Governor to the Executive Council, and if upon the question being so submitted to it the Executive Council advises him that the declaration should be made, the Governor may make the declaration.". At least it involves Executive Council and I strongly recommend that we think about that.

Also, I have always felt that all Parliamentarians should have a Code of Ethics and whether that can go into, perhaps the Standing Orders, or whatever, and not into the Constitution is open for debate. Perhaps we should have a Standing Order to that effect.

Madam Speaker, much time and energy, many, many man hours have gone into studying our Constitution. In my opinion we still have not come up with a perfectly reasonable conclusion. I would like very much for the Mover of the Motion to give all of these points that I have brought to the attention of the House his due consideration and that whatever is considered by the majority to be appropriate would be enacted. I am certainly, very, very concerned about the Bill of Rights and I do not believe that all of that Bill of Rights is going to serve us well in the future.

With that, Madam Speaker, I believe I have said all I wanted to say. Thank you.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:41 P.M.

PROCEEDINGS RESUMED AT 4:13 P.M.

ANNOUNCEMENT BY SPEAKER

THE SPEAKER: Please be seated.

Before the debate continues on Private Member's Motion 4/93, I would like to recognise Mr. David Harris, Member of Parliament of St. Ives, and Mrs. Harris, who are in the Public Gallery. I look forward to meeting them after the meeting.

Debate continues on Government Motion 4/93. The Second Elected Member for Bodden Town.

GOVERNMENT'S MOTION NO. 4/93
RECOMMENDATIONS FOR CONSTITUTIONAL CHANGES
(Continuation of debate)

MR. ANTHONY S. EDEN: Thank you, Madam Speaker.

I rise to speak on Government Motion No. 4/93 - Recommendations for Constitutional Changes. As most people know, I was part of the National Team which subscribed, along with 11 other Members, to the majority of these changes.

In the first part of my discourse I would like to go back and bring a little bit of the history that led up to the reasoning and the background that brought about this change. With your permission Madam Speaker, I will refer to the Cayman Islands Report of the Constitutional Commissioners, Sir Frederick Smith and Mr. Walter Wallace. On page 7, 'Political Developments' he goes as far back as 1988 to say;

> "At the last General Election in 1988 the Unity Team had disbanded and the Progress and Dignity Team won a majority of seats. Subsequently, two members of the winning team withdrew their support of the Government side; and a bye-Election further reduced support to that of a single Backbencher. This still left the Government with a majority of one in the Assembly, but without a majority in the important Finance Committee, set up under the Assembly's own Standing Orders and comprising all elected members with the Financial Secretary in the Chair.".

As we all know this was one of the things that brought about Motion 3/90 back at that stage.

> "As a result, the Government was unable to obtain approval of certain expenditure items in its 1990-91 Budget. The Government moved to remedy this situation by using its slender majority in the Assembly to amend Standing Orders to add to the Finance Committee the two other official Members (The Attorney-General and the Administrative Secretary) with the Governor in the Chair. Though no doubt preferred to the alternative of dissolution and a general election, this solution was objected to by many.".

I can vividly remember seeing as he says here, "a public demonstration took place in George Town.". Most of the present Backbenchers, I think, was part of that demonstration.

> "This passed off peacefully but it was clear that something further had to be done and in July 1990, the Assembly, by a majority of one, passed a resolution calling for a review of the Constitution."

or better known as Motion 9/90. Madam Speaker, when we go back and look at other comments that led up to the Constitutional review as put forward by Sir Frederick Smith and Mr. Walter Wallace, the main theme within these recommendations, what they found here was that the vast majority of Caymanians did not want that much change to the Constitution. And to quote from page 6:

> "Like nearly all Caymanians, we have no doubt that the 1972 Constitution has worked well; that it has done so over a period of almost unprecedented economic development is testimony to the integrity, intelligence and common-sense of those whose good fortune it was to play a part in the Government of the Islands over the last 20 years." Further down again he says; "As we say, the 1972 Constitution has served the Islands well. A group of Islands, prosperous beyond their wildest dreams.".

Madam Speaker, after the two Constitutional Commissioners went back and time lapsed this Draft Constitution was made up and returned to the Cayman Islands. A number of Members have paid quite a number of quotes and feel that we should be debating this Constitution. But, my interpretation of the covering letter sent by Mr. Mark Lennox-Boyd I cannot, in all truth, feel that this Honourable House should be debating the Draft Constitution as recommended by these gentlemen.

I would like to quote from this letter that he sent to the Governor. I quote: "Having given careful consideration to the report and recommendations of the Select Committee, I have decided that it would be right to away the out come 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", a possible "new Constitution which should form the basis for a discussion", a basis for a discussion "in the run-up to the election in mid-November. I would like to have the recommendations of the new Assembly before coming to any final decision.". Once again, he emphasizes; "This draft is, therefore a discussion document which will need to be revised in due course.".

Madam Speaker, as we all know the members of the National Team campaigned basically on minor constitutional changes. As has been said before, and I will be brief on these because most Members have already touched in detail on them. There should be one additional Elected Member in Executive Council and we all know the history of that. It goes back to where the three seats were added to three different districts. That Members be called Ministers, and has this was brought up by other people. We know that the terminology "minister" has literally become a universal term. I think it is time that we also adopt this terminology.

One other thing that I support wholeheartedly is the reference to the Referendum and I am glad to see that it is now being added as part of the Constitution.

Madam Speaker, I feel convinced that if this mechanism had been in place back in 1990 a number of the controversial subjects that came to Islands would not have been passed in the first place: Motions like 3/90, the purchasing of the 737-400s for Cayman Airways, and the hospital in the swamp. I am almost certain that if we had this mechanism to have had utilized the vast majority of Caymanians would have had their say and we would not be punishing the way we are today, economically.

With regards to the Standing Orders of Assembly, which was the first thing we did when we were elected in November was bringing back and reversing Motion 3/90 putting Finance Committee back with only the Elected Members and chaired by the Financial Secretary. The basic fundamental rights and duties of the individuals was something that a number of us talked about and I think the whole country looks forward to some of these additions to the Constitution. I know the First Elected for Bodden Town on a number of occasions tried to get this Bill through the House but was unsuccessful. I see now that it is part of the recommendations of the new Constitutional amendments. There is and was certain concerns about the enforcement of these fundamental rights. But, there is the provision enforcement of fundamental right where there is redress possible. I quote from page 11, Section 48P:

> "If any person alleges that any of the foregoing provisions of this Part has been, is being or is likely to be contravened in relation to him, then, without prejudice to any other action with respect to the same matter which is lawfully available, that person may apply to the Grand Court.".

So if these rights are abused there is a recourse of action that the basic Caymanian can turn to.

Another item that my fellow colleague, the First Elected Member for Bodden, campaigned on was the Complaints Commissioner or it appears here the Ombudsman. I note with interest on page 19 of the Commissioners' Report where they suggested, and I quote: "Perhaps consideration should be given to the appointment of a regional Ombudsman to serve those Dependent Territories whose Constitutions or local legislation contain provision for such a post.". This is something that we may look at, being such a small Island and small in population. I do not see where it could be a full time job for one person in a small place like the Cayman Islands.

The next subject that I would like to touch on is the office of the Attorney-General. As we well know, this position is a must for the good running of Government and for the prudence in spending funds. It is better known as the "watch-dog" of the country and to see that we get value for money. It must be there independently where no one can interfere as was mentioned in the Chamber of Commerce's Survey. "Appointments are susceptible to political manipulation", and saying that "What happened to Nicholas Treen was a disgrace. This sort of victimization should not be possible.". So Madam Speaker, I firmly support this entrenchment of the office of the Auditor-General in our Constitution and I would go a step further in saying, that it is important that this department should be adequately staffed. To just have the name there without the proper and sufficient staff the efficiency will be down.

MOMENT OF INTERRUPTION

THE SPEAKER: Honourable Member, it is now 4:30. Will you be able to finish your debate this afternoon?

MR. ANTHONY S. EDEN: I will wait until tomorrow morning Madam Speaker.

THE SPEAKER: Thank you. I will now ask for the motion for the adjournment. The Honourable Member, 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 adjourned until 10:00 o'clock tomorrow morning. If there is no debate I will 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., THURSDAY, 23RD SEPTEMBER, 1993.

THURSDAY
23RD SEPTEMBER 1993
10:26 A.M.

THE SPEAKER: I will ask the Honourable Temporary Third Official Member to say Prayers.

PRAYERS

HON. JOEL WALTON: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth, 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 STANDING BUSINESS COMMITTEE

THE SPEAKER: The Honourable Elected Member responsible for Tourism, Environment and Planning, Leader of Government Business.

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee, of the Meeting held on Friday, 11th June, 1993.

THE SPEAKER: So ordered.

HON. THOMAS C. JEFFERSON: Madam Speaker, this meeting dealt with Business Papers and set down the order of Business of the House which began on the 16th of June and ended on Thursday, I think, the 8th of July 1993. There were a total of seven Business Papers that were dealt with. Thank you, Madam Speaker.

REPORT OF THE STANDING FINANCE COMMITTEE (MEETING HELD ON MONDAY, 19TH JULY, 1993)

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I beg to lay on the Table of this House a Report of the Standing Finance Committee for a Meeting held on Monday, 19th July, 1993.

THE SPEAKER: So ordered.

HON. JOEL WALTON: Thank you, Madam Speaker.

Request for Supplementary Appropriation approved by the Committee were as follows:

Head 5 - Internal and External Affairs
Administration -
Classification 41-126, Office Equipment $ 500

Head 9 - Personnel - 41-126
Office Equipment 7,367

Head 11 - Legislative

01-123 - Entertainment	1,500	07-014 - Professional Fees	30,000
02-008 - Motor Car Upkeep	1,500	08-016 - Maintenance of Refugees	76,868
02-015 - Subsistence	1,900		
		Head 31 - Administration Agriculture Communications and Works	
Head 13 - Finance and Development			
41-101 - Computer Equipment	16,940	08-033 - Support Grants	280,000
Head 22 - Fire - 01-009		**Head 35 - Administration Education Culture and Aviation**	
Contracted Officers Supplement	4,311		
41-102 - Boats	18,520	08-024 - Private School	58,250
		Head 36 - Administration	
Head 23 - Lands and Survey		07-038 Maintenance Buildings	95,150
51-120 - Purchase of Lands	100,000	01-001 - Basic Salary	10,515
		08-033 - Support Grants	5,500
Head 29 - Social Services		41-132 - School Equipment	4,500

Total Supplementary Appropriations at that point were $725,321.

Madam Speaker, in addition the Committee considered a number of other items. There was an additional Supplementary Appropriation under Head 9 - Personnel - 08-055, Specialist Training for $6,104.

OTHER MATTERS

Other Matters included:

Recurrent Expenditure Virements between different subheads.
The Committee resolved that the virement for the period January to May 1993 in the sum of $5,100 approved by the Financial Secretary in accordance with Financial and Stores Regulations 2.70 be ratified by the Committee.

Variations of Funds Within the Same Classification Under Capital Expenditure
The Committee resolved that the variation of funds within the same Classification under Capital Expenditure approved by the Financial Secretary for the period January to May 1993 in the sum of $294,033 be ratified by the Committee.

Capital Expenditure Virements Between Different Classifications
Capital Expenditure Virements in the sum of $10,380 was approved by the Committee.

Requests for Authorisation to Renew the CI$4.5 Million Overdraft Limit in the Government's Operating Account at Barclays Bank PLC
The Committee gave its authorisation for the renewal of the CI$4.5 million overdraft limit in the Government's operating account at Barclays Bank PLC.

Requests for Authorisation to Transfer CI$7,025,065 from the General Reserve Fund to General Revenue
The Committee agreed that the sum of CI$7,025,065 from the General Reserves Fund be transferred to General Revenue.

Requests for Authorisation Under General and Stores Regulations 6 41-1 for the Write Off of Computer Stores.
The request for the write off of $3,344, being the cost of four Hewlett Packard Laser Jet Printers was defeated by a majority.

Request for Authorization to Issue a Government Guarantee/Grant of CI$450,000 Loan on Behalf of the St. Ignatius High School
It was agreed by majority that the Government be authorised to issue a Guarantee for a loan in the sum of CI$450,000 plus interest on behalf of the St. Ignatius High School and that the loan be written off by a Government subsidy of $150,000 per annum, commencing in 1994, subject to the following conditions:

(i) that the St. Ignatius High School maintains an open entrance policy; and,
(ii) that school fees be kept at a reasonable level.

Request for Authorization to Issue a Government Guarantee for a US$360,000 Loan on Behalf of Contributors Who Plan to Donate Land to the Crown
The Committee agreed that the Government be authorised to issue a guarantee, on behalf of the contributors, for a loan in the sum of US$360,000.

Request for Authorisation to Convert a 1991 Loan/Advance of $2,000,000 to Cayman Airways Limited to a Subsidy
That authorisation be given that the 1991 Loan/Advance of $2,000,000 to Cayman Airways Limited be converted to a subsidy.

Request for Authorisation to Issue a Government Guarantee
The question was put that the following Motion be approved :-

> WHEREAS two banks licensed to conduct domestic business (First Home Banking and the Bank of Butterfield), and a private company (Cayman Affordable Housing) have agreed to provide respectively one million dollars each, over each of the next three years, and seventeen million dollars over the next five years, with First Cayman Bank providing $250,000 per year for the next three years, for the purpose of providing mortgage financing to lower income Caymanians;
>
> BE IT RESOLVED, that the Government of The Cayman Islands undertakes in turn to provide a blanket guarantee of between ten and thirty-five per cent of the upper layer of the loan (such guarantee to cease after the first payment which aggregate the sums guaranteed) of the sum loaned, in lieu of prospective clients providing their own down payment, such guarantee to be activated in each case as the mortgage is approved.

On this particular resolution a division was sought and, by majority, it was resolved that the Motion be adopted.

Thank you, Madam Speaker.

THE SPEAKER: Thank you.

CAYMAN TURTLE FARM (1993) LIMITED FINANCIAL STATEMENTS FOR THE PERIOD ENDED 31ST MARCH, 1993

THE SPEAKER: The Honourable Elected Member responsible for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to lay on the Table of this Honourable House the Cayman Turtle Farm (1993) Limited Financial Statements for the period which ended 31st March 1993.

THE SPEAKER: So ordered.

HON. THOMAS C. JEFFERSON: Madam Speaker, perhaps it is appropriate to indicate that the total income for the 12 months which ended on the 31st of March 1993, was $1.8 million and the total expenditure was $1.3 million, leaving an operating income of approximately $.5 million. The write down of inventories, which mainly is the herd, amounted to $358,000.

The Government also received a dividend from the Turtle Farm in 1993 of $150,000. So that the net income at the end of March was $195,763. We can subtract the dividend of $150,000 and be left with $45,000 to carry over to Retain Earnings leaving Retain Earnings then at $985,604.

Before I take my seat, Madam Speaker, I would like to say how much I appreciate the work that is done by members of the Turtle Farm Board.

Thank you, very much.

QUESTIONS TO HONOURABLE MEMBERS

THE SPEAKER: Question No. 135, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 135

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 135: When will the first phase of the Faith Hospital project be completed and the facility opened?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. The Faith Hospital extension was completed and fully equipped at 31st August, 1993. An official opening is planned for October 1993.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: The completed phase was to be but Phase I and immediately upon that completion the renovations to the now existing old structure was to begin. Is this actually in the works? Has money been provided for this to be done?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, the answer is no.

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

MR. GILBERT A. McLEAN: Could the Member say when will this be done because the one complements the other and to not have it done, in my understanding, creates a difficulty with the whole operational process of the hospital.

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, as I understand it, work to complement the new facility was already done on the old facility.

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

MR. GILBERT A. McLEAN: Could the Member explain if he is saying that the old section of the hospital has been renovated and if so, where, what parts of it?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, as I said there has not been any full renovation to the old facility. There has been work done on certain sections, for instance, the Theatre in the old facility.

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

MR. GILBERT A. McLEAN: Could the Member say for the planned opening if there is any intention of Government to invite the former Member of Health, Mr. Ezzard Miller as a guest, seeing that he put so much effort into the procurement of that facility?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, I know nothing about it. If the Second Elected Member for Cayman Brac and Little Cayman wants him there, he will have to invite him. But he will not get an invitation from this Member. He has done too much damage to this country.

THE SPEAKER: The next question is No. 136, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 136

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 136: What is the total amount spent on health services since January 1992 to 31st August, 1993, providing a breakdown of the expenditure?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: The total spent by the Cayman Islands Health Services Authority from inception to 31st August 1993, is $25,599,600.

The breakdown is as follows:

Description:	Jan - Dec 1992	Jan - 31 Aug 1993
Personal Emoluments	$10,407,000	$6,160,800
Payments - Brac Extension	-	751,000
Loan Payments - CI Govt	-	258,870
Supplies	1,500,000	1,261,600
Other Expenses	2,500,000	2,205,230
Capital	403,000	152,100
Total:	$14,810,000	$10,789,600

What must be understood is that a total of $1.4 million was carried forward to this year from the 1992 commitments. In other words, $1.4 million more in commitments for 1992 did not get paid until this year. So the total expenditure for January to December 1992 can be said to be $16.2 million.

Included in this Madam Speaker, as I said, is a figure of $751,000 which is yet to be paid from the Loan Account for the Brac Hospital. Included in this figure is the $1.4 million which I mentioned in the other part of the answer. Therefore, actual expenditure for this year would be, under this Administration, $8,638,600, to date (January to August 31 1993). Thank you, Madam Speaker.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say if the funds that have been expended are under the control of the Health Services Authority beginning in January 1992 to August 1993, or are they being managed by a Health Department or Medical Department at this time, or is there duplication between two entities?

HON. W. McKEEVA BUSH: There is no duplication, Madam Speaker. Everyone in this country quite well understands that we do have a Health Services Authority, and that is what manages these accounts.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Would the Member tell the House in what areas have savings been effected this year by the Health Services Authority?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: (PAUSE) Sorry about the delay, Madam Speaker, I was getting information from the staff.

Savings have been made in Personal Emoluments and Capital Works and, of course, professionel savings. There were no contracts that we had to make payment for, so we had a savings in that area.

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

MR. GILBERT A. McLEAN: Would the Honourable Member tell the House how savings could be effected in Personal Emoluments and in the Capital Works? Is it that no Capital Works have been done as were supposed to be done?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Personal Emoluments, as I reported in July, had a reduction because of the down-sizing in staff. On Capital Works, we have a maintenance group within the Authority itself and therefore we have been able to make some savings there.

THE SPEAKER: The next question is No. 137, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 137

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

No. 137: What provisions have been made for the management of the Faith Hospital and whether it includes public participation as well as participation of the Ownership Committee of the Faith Hospital?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: There is a Senior Medical Officer In Charge (MOIC) of the day-to-day activities of Faith Hospital. The MOIC, Nursing Supervisor and the Executive Officer meet on a regular basis. The corresponding Manager/Supervisor of specific service areas at the George Town Hospital provides managerial support for the same service areas at the Faith Hospital.

The Health Services Authority recognises the Ownership Committee of the Faith Hospital and consults them from time to time. In addition, regular meetings are held between the Deputy District Commissioner and Senior Officers of the Health Services Authority. The overall policy direction, budget approval and so on for the Faith Hospital will be placed with the Health Portfolio and Department as of 1st January, 1994. Until such time these matters will remain the purview of the Health Services Authority Board and the Health Portfolio.

Clearly, the role of the Ownership Committee in relation to the new facility will have to be clarified in light of the fact that the latter was fully funded by Government. It is intended, however, that the role of the Ownership Committee will be recognised and secured within the structure of the proposed Health Advisory Council from January 1994. In terms of public participation, it may be said that just as with all health services the views of the public are, and will be, taken into account as far as possible when management decisions are made. This will also be taken into consideration when guidelines are drawn up for the operation, after January 1994, of a Council to advise on the operations of the health services and the provision of health care.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Seeing that there is only about three months left to the end of this year, have any attempts been made to work out the arrangements between the Ownership Committee of the Faith Hospital and the Government pending this change back to a Department?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, this Ownership Committee, as I understand it, consists of about two people. We have been in contact with those people. As I said earlier, we deal with the Committee as often as we need to on matter which arise, with those two persons.

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

MR. GILBERT A. McLEAN: Is the Portfolio or the Health Authority here still making use of the Deputy District Commissioner for administering on their behalf the day to day matters as there was such an arrangement some time ago, earlier this year or last year?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: That supplementary was answered in the substantive question.

THE SPEAKER: The next question is No. 138, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 138

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

No. 138: What provisions exist for the regulation and control of private security companies?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: There is no legislation currently in effect to regulate and control private security companies in the Cayman Islands. A recent paper submitted by a local security company on

matters relating to the vetting, training and licensing of security personnel in the Cayman Islands is currently being studied.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: May I ask the Honourable Member who will do this proposed vetting and training of security personal?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. This has not been decided yet. As I said the matter is under consideration, it is being studied. Once these matters are determined, no doubt, the matter will be made public.

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

MR. GILBERT A. McLEAN: Could the Member tell the House who presently sets guidelines or regulations for private security companies operating here in the Islands?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: The only guidelines that would be set at the moment would be under Immigration as far as licencing with a Trade and Business Licence. But, the matter, as I said earlier, is under consideration.

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

MR. GILBERT A. McLEAN: Could the Member say if the Commissioner of Police gives directions to these private security companies down to the point that he decides as to whether the security office should have a staff or any such paraphernalia that normally goes with security work; or who does, if anything is prescribed at all?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. As far as I am aware there is really no regulation, no individual regulating the staff of private security companies and this is why the matter is under consideration. It was brought to the Chief Secretary's attention and I know that he has had discussions but it was only brought to his attention late last month and as you know he has been in the United Kingdom for three weeks. No doubt, upon his return we shall see some action taken.

THE SPEAKER: The next question is No. 139, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 139

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

No. 139: To provide a list of foreign nationals (names of persons are not necessary) employed at the Public Works Department, giving details of positions held, qualifications and years of employment at the Department.

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The attached schedule (see Appendix I) states the foreign nationals employed at the Public Works Department and gives details of positions held, qualifications and years of employment at the Department.

APPENDIX I TO QUESTION NO. 139
Foreign Nationals at the Public Works Department

POSITION	YEARS OF EMPLOYMENT	QUALIFICATIONS
ASSISTANT OPERATOR	TWENTY-FOUR (24)	RELIABLE; GOOD WORKER
CARPENTER I	THREE (3)	DITTO; GOOD CARPENTRY SKILLS
CARPENTER I	FOUR (4)	DITTO;
CARPENTER I	FOUR (4)	DITTO;
CARPENTER I	THIRTEEN (13)	DITTO;
CARPENTER I	THIRTEEN (13)	DITTO;
ELECTRICIAN II	FOUR (4)	DITTO; BASIC ELECTRICAL SKILLS
ELECTRICIAN II	THREE (3)	DITTO;
ELECTRICIAN II	FIVE (5)	DITTO;
ENGINEER ASSISTANT	TWO (2)	DITTO; JOB MEASUREMENT AND ACCOUNTING SKILLS
FOREMAN	ELEVEN (11)	DITTO; GOOD LEADERSHIP AND RELIABILITY
FOREMAN	TWELVE (12)	DITTO;
FOREMAN	THIRTEEN (13)	DITTO;
FOREMAN	ELEVEN (11)	DITTO;
FOREMAN	FOUR (4)	DITTO;
FOREMAN	FIVE (5)	DITTO;
HEAVY EQUIPMENT OPERATOR	FOUR (4)	DITTO; HEAVY EQUIPMENT SKILLS
LABOURER	FOUR (4)	RELIABLE, GOOD WORKER;
LABOURER	FIVE (5)	DITTO;
LABOURER	FOUR (4)	DITTO;
LABOURER	FIVE (5)	DITTO;
LABOURER	FIVE (5)	DITTO;
LABOURER	FOUR (4)	DITTO;
LABOURER	FIVE (5)	DITTO;
LABOURER	FIVE (5)	DITTO;
LABOURER	FIVE (5)	DITTO;
LABOURER	FIVE (5)	DITTO;
MASON I	FOURTEEN (14)	DITTO; VERY GOOD MASONRY SKILLS
MECHANIC II	SEVEN (7)	DITTO; GOOD GROUNDSMAN SKILLS
PAINTER I	FOUR (4)	DITTO; GOOD PAINTING SKILLS
PLUMBER I	TWENTY (20)	DITTO; VERY GOOD PLUMBING SKILLS
STEEL FIXER	ELEVEN (11)	DITTO; VERY GOOD STEELWORK SKILLS

SUB-TOTAL, GROUP EMPLOYEES = THIRTY-TWO (32)

EXECUTIVE ARCHITECT	SEVEN (7)	BACHELORS DEGREE IN ARCHITECTURE, RIBA;
EXECUTIVE ENGINEER (BUILDING)	TEN (10)	BACHELORS DEGREE IN CIVIL ENGINEERING; MICE
EXECUTIVE ENGINEER (ROADS)	FOUR (4)	BACHELORS DEGREE IN CIVIL ENGINEERING; PENG
ENGINEER (ROADS DESIGN)	NINE (9)	BACHELORS DEGREE IN CIVIL ENGINEERING;
ENGINEER (M/PROJECT)	SEVEN (7)	BACHELORS DEGREE IN CIVIL ENGINEERING;
QUANTITY SURVEYOR	FIVE (5)	DIPLOMA, QUANTITY SURVEYOR; M. ARCH. & SURV. INST.
SENIOR SUPERINTENDENT (BUILDINGS)	EIGHT (8)	HIGHER NATIONAL DIPLOMA (BUILDING CONSTRUCTION)
SENIOR SUPERINTENDENT (MECHANICAL)	ONE (1)	DIPLOMA (MECHANICAL ENGINEER)
SENIOR SUPERINTENDENT (ROADS)	FOUR (4)	EXTENSIVE IN-SERVICE TRAINING WITH HIGHWAY AGENCY; 20 YEARS EXPERIENCE;
CLERICAL OFFICER	TWO (2)	EXCELLENT OFFICE SKILLS; RELIABLE AND SELF-MOTIVATED;

SUB-TOTAL, MONTHLY-PAID EMPLOYEES = TEN (10)

TOTAL, ALL FOREIGN NATIONAL EMPLOYEES = FORTY-TWO (42)

THE SPEAKER: It is now 11 o'clock. Honourable Leader of Government Business.

SUSPENSION OF STANDING ORDER 23(7) AND (8) 11:00 A.M.

HON. THOMAS C. JEFFERSON: In accordance with Standing Order 83, I move the suspension of Standing Order 23(7) to allow the remaining questions to be taken. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. **STANDING ORDER 23(7) AND (8) SUSPENDED TO ENABLE THE REMAINING QUESTIONS UPON THE ORDER PAPER TO BE TAKEN.**

SUPPLEMENTARIES:

THE SPEAKER: We continue with Questions to Honourable Members. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if any of these positions were affected by the recent retrenchment exercise carried out by the Government? That is, if there has been any redundancy in this department?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. There have been some redundancies in the Group Employees but those are not included in this list.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I notice from this list that there are a number of positions which could be filled by Caymanians; labourers, mechanics, painters, plumbers, electricians, carpenters, and then some foremen, heavy equipment operators, etcetera. Can the Honourable Member say why these positions are being filled by foreigners and what attempts, if any, have been made to recruit local persons for these positions?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Perhaps I will answer the question this way. Group Employees are employed by Department Heads and are not dealt with through Personnel and the Public Service Commission in the same way that established posts are. But, I am informed by the Head of this Department that whenever a non-Caymanian is leaving for whatever reason, every effort is being made to recruit a Caymanian to replace him or her.

THE SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. May I ask the Honourable Member, how are notices of these vacancies in these cases circulated?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I am not aware of how notices are circulated for these vacancies. As I mentioned earlier, it is handled at Departmental level and not through Personnel and the Public Service Commission.

THE SPEAKER: The next question is No. 140, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 140

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 140: To provide a status report on the requested channel dredging project in Bodden Town.

THE SPEAKER: The Honourable Member for Tourism Environment and Planning.

HON. THOMAS C. JEFFERSON: The Department of Environment is currently evaluating several options for undertaking the project against the following 5 criteria:

(1) prevention of beach erosion;
(2) boating safety;
(3) greatest public utilisation potential;
(4) preservation of marine habitat; and
(5) cost.

However, given the natural features of the Bodden Town flats, many hours of field work will be necessary to establish the best option and the prevailing southeast wind experienced in the summer has made much of this field work impossible to undertake.

SUPPLEMENTARIES:

THE SPEAKER: Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I wonder if the Honourable Member would please give a commitment and undertaking to expedite this matter because from February of this year a member of the Port Authority came and looked at the location, if he could please give a commitment to expedite this. Thank you.

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I have no difficulty with undertaking to expedite the matter. I think at the moment there have been four site visits since May on this project. What is important, I think, is that we arrive at a the best option which prevents any possible beach erosion and create safety for boating. And at the same time, I think, we need to understand that the work cannot be undertaken when the wind is out to the southeast because these flats (three different flats) which are used, I do not think they qualify as channels, need to be properly examined otherwise we might come up with a solution that would not be in our best interest. But I undertake to expedite it.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, can the Member say what is the experience or qualification of the people doing the examination since this has been going on for several years before he took over the Portfolio?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: To answer the Member, I know that this has been an on-going exercise on an annual basis where the request has been made and I think some years ago when they undertook to actually dredge the channel they got into some difficulty with the barge.

Firstly, there was no barge earlier in this year on the Island that could undertake this work. We attempted to get one from Jamaica. It is not an ordinary barge to do this work because you have to put down footings to stabilise the barge in order to utilise it and put a drag line on top of it. First the barge must be stabilised so that the drag line work is feasible and safe. As I was referring to earlier, they tried to do it some years ago, the weather came down on them and they then tried to remove the stabilisers on the barge. One of the stabilisers, or both, hooked on the way in because this is a pretty sharp drop-off, as I understand it, behind the reef and it is generally rough at this time of the year.

So I am not sure if I have answered completely the question raised by the Honourable Member but he can peruse it if he so wishes.

THE SPEAKER: Honourable Member, I think he asked what were the qualifications. I would assume that you would not attempt to give the qualifications of the barge.

HON. THOMAS C. JEFFERSON: No, Madam Speaker. I do not think any of us have the qualifications of the barge here. I did not walk with the qualifications of the individuals either. Had I known that the Third Elected Member for Bodden Town was going to ask that question maybe I would have walked with it. But it is the Members of the Natural Resources Unit that normally undertake this work and they have to employ divers as well to look at the ocean floor; to look at the sand deposits; to look at a number of things, and to do underwater photography to examine the current flows in the area. I think they have, in the past, done this type of work, some of them. I do not have a problem, myself with whether they are qualified to do it. I believe that if we find that they suggest to us that they do not have the qualification, we will have a way of providing it.

THE SPEAKER: Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Honourable Member ask the environmentalists to examine the eastern channel, that is the one known as Island Channel, because that channel does not have any of these ghosts which prevent them from clearing it?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Yes, Madam Speaker, I will ask them to examine any channel that the Members for Bodden Town wish to have examined.

THE SPEAKER: That concludes Question Time. We proceed to Government Business.

GOVERNMENT BUSINESS

GOVERNMENT MOTION NO. 4/93

RECOMMENDATIONS FOR CONSTITUTIONAL CHANGE

(Continuation of debate thereon)

THE SPEAKER: The Second Elected Member for Bodden Town, continuing the debate.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker.

When we took the break yesterday afternoon, I was talking on the importance of the Auditor General and why it should be enshrined in our Constitution. There was quite a good reason yesterday when we listened to the reports presented to this Honourable House why this position should be enshrined in our Constitution.

This position should not be interfered with by politicians who do not agree with reports that come to this Honourable House. This position must be independent of all people and for him to work efficiently this independence must be guaranteed. As I said, for this position to be effective, it must have the proper staffing.

To continue on the other points, there was much talk about the Chamber of Commerce's questionnaire. Many people have made certain objections to why the Chamber of Commerce got into this, but what I would like to ask is, who is the Chamber of Commerce? Briefly glancing over a book that was left here by them, I see that this organisation comprises approximately 500 companies and many individuals. By my estimation, the representation of the Chamber of Commerce probably covers 90 per cent or more of the workers in these Islands.

Madam Speaker, who could be more qualified to ask some of these questions that they did, with results that came out? These members of the Chamber of Commerce are business people and workers like most of us sitting in this Honourable House. These are the same people that form the ground work of our success story as mentioned in the Constitutional Commissioners Report of 1991. With your permission I will briefly, once again, mention what was said.

> "Although, as we say, the 1972 Constitution has served the Islands well... a group of Islands prosperous beyond their wildest dreams....
>
> In the next 20 years (serving under the 1972 Constitution), nothing less than an economic miracle took place. Population increased to 26,500; mosquitoes were eradicated; the number of tourists rose

from 23,000 to 250,000 per annum with a further 450,000 cruise ship passengers. In a tax free environment, banks and off-shore companies proliferated; by 1989 there were 538 banks and over 20,000 companies. Bank assets totalled CI$230 billion, making the Cayman Islands the fifth largest banking centre in the world. Government revenues soared to over $100 million; Gross National Product is now higher per capita than the United Kingdom and Canada.

The foundations for this spectacular developments were laid by Caymanians themselves with little or no help from the outside.".

Madam Speaker, a lot of this work was done by the same association or members forming the Chamber of Commerce. Madam Speaker, how can we, in all honesty, think about changing a system that has brought these Islands unparalleled success? Do we think a Chief Minister can improve on this? Not so, Madam Speaker. History has shown me that other islands and countries that have adopted this system of Government have not had the success that we have had. In those countries that have utilised the Ministerial type of Government, there have been many problems.

Many of our next-door neighbours, I have seen, and I have been to some of these countries, they have this type of ministerial government, with a Chief Minister. I look at these countries and the natural resources that these places have and we look at the basic people on the street, how many of them are starving or going hungry while a handful of elite Ministers and their cronies are living in pomp and grandeur. I do not think that we should change our success story that has been evident and has shown to us over the past 20 years what can be done by a group of people working together for the good of these Islands.

I was honoured to go on a Commonwealth Parliamentary Association Conference in Cyprus a few weeks back. Listening to many representatives of these countries, we do not know how lucky we are. There were none there, to me, that seemed to be better off economically than the Cayman Islands. I say that we do not need any major advancement of our Constitution.

What I fail to comprehend and understand was back in June when we first proposed to bring these Constitutional amendments to this Honourable House, there was a major outcry by a handful of people and some ex-politicians. They literally created a tempest in a tea pot.

During that interim period of time, I heard very little comments or objections that came forth from these people. One of the things touched on, which was changed was that of administrative responsibility. This administrative responsibility as has been evidenced and brought forth here, was already granted to Executive Council. This is what Caymanians have to face up to. We knew that in the reduction of the Civil Service most of the country knew that we needed to do this, but no one wanted to take the responsibility.

Those objecting were the very same people who, if they had been returned to power in November's elections, would have implemented the Draft Constitution as suggested by the Constitutional Commissioners without any change, similar to the tactics that were used when a study was done on Education and a review was done. This was adopted wholeheartedly without any changes.

This Draft of the Constitution seemed to have been a repeat of history that led up to the 1972 Constitution. The Cayman Islands Order 1972 was made on the 26th of July 1972, it was laid before Parliament on the 1st of August 1972 and the date of its coming into operation was the 26th of August 1972. I vividly remember many of the subjects brought up in that campaign leading to the 1972 elections where it was purported that some candidates were asking for a Constitutional advancement, whereas we already had that Constitution in an Order and it was implemented in November 1972, after the elections were completed.

But, the Lord works in mysterious ways, as was seen by the results of the last election. Never before in election history was such a plurality given to those candidates who campaigned for no further advancement of our Constitution. As a matter of face, the entire Elected Executive Council who contested the last election lost their seat, and one prominent Member lost by over a thousand votes. I think that no stronger message could have been sent by the people of this country as was evident by the landslide given to those who campaigned on no Constitution advancement.

In closing, Madam Speaker, I would like to remind the public of the monumental task that we faced after the last election. The problems that we faced, the deficit, as was shown yesterday in the reports, June 1992 was $16.8 million; cash balance which stood at $13 million in 1990 was gone at the end of 1992; Government net assets in 1990 was approximately $30 million, at the end of 1992 it was $3.9 million.

Madam Speaker, in the 10 months since the election we have attempted to make some changes to slow down the spiraling expenditure that was previously going on. There was the attempt to streamline Cayman Airways and the Department of Tourism. As a result of this we saw the success that was achieved with a resolution of the GPA and Cayman Airways situation which, if it had continued, would have cost this country if it had gone to the end of the contract close to $100 million.

It is a short time since we have taken over this, but I feel that if we all work together for the benefit of this country, get this Constitutional thing sorted out and put behind us, there are so many major problems out there. Each day we pick up the paper and there are more reports of burglaries, dealing of drugs in the schools. These are the things that we must now attack, and do so with the support of all 18 of us here in this Honourable House.

Finally, in reference to the Chamber of Commerce, in one of their final paragraphs they said:

"We conducted a survey on the Constitution in 1991 and followed it up in 1993. The results of both surveys were similar with one exception, that the comments received tend to indicate that the public has greater faith in the present Government to carry out their wishes.".

Madam Speaker, this makes me feel Good. But it puts a burden on us as representatives here to work toward the betterment of this country. With these few words, I will support the amendments to the Constitution. Thank you.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I will try, in my contribution to the debate on Government Motion 4/93, not to be repetitious as the previous speakers have touched on several areas. I will try , in my contribution, just to talk about other areas that have not been addressed.

As we examine the proposed amendment, I would like to take a minute to set the pace with my thought process by reading, first of all, from the Report of the Constitutional Commissioner, Lord Oxford and Asquith in his report of 1971. On page 10 of his report he says:

"There are at present no political parties. Attempts at a party system were made in 1962 but the parties later disintegrated and have not subsequently revived. It is possible that constitutional advance might stimulate their re-emergence, either as personal groupings or as committed to a more rapid or a more leisurely pace for further advance. But it seems unlikely at present that their ideologies would be sufficiently diverse to give them much coherence. The absence of parties would make it difficult (though not impossible) to evolve towards a Ministerial system.

The Colony's recent spectacular progress in the economic field has been due to external factors: foreign businessmen attracted by the tax haven and foreign tourists. Its continuance depends on external confidence in the political stability of the Islands and in the good faith of their Government in honouring commercial undertakings. Among the Caymanians I talked to I found a widespread appreciation and acceptance of this position.".

"The absence of political parties, the apparent distrust of Ministerial or quasi-Ministerial authority, the Assembly's jealousy of the powers of the Executive Council, the desire of Members of the Assembly for more participation and more information, all these factors and feelings were such as might be catered for if Executive as well as Legislative responsibilities could be spread more widely among the elected representatives of the people.".

"What in fact is wanted resembles what used to be called the 'Membership' system, normally regarded as a short-lived and somewhat uneasy stage on the way to a full Ministerial system.".

In the circumstances of the Cayman Islands it might have to be envisaged as lasting longer than usual since the concept of a Ministerial system does not, at present, find favour with most Caymanians. There are some difficulties in the membership idea but I have become convinced that if public opinion is to be satisfied a significant step in this direction must now be taken.".

That was 1971 and whether there are those among us who support the school of thought that we should be looking towards a Ministerial system or not, I am convinced that, at present, the people of this country did not want that. I consider it a very huge part of my responsibility to listen to the wishes of the people.

In the Report of the Constitutional Commissioners, 1991, Sir Frederick Smith and Mr. Walter Wallace, on page 10 under the subheading of "General Considerations and Specific Recommendations", the Commissioners state:

"Conservative and cautious by nature, many Caymanians approach the issue of constitutional change if not with suspicion, at least with some degree of apprehension.

Thus we found that there are those who consider that there are those who consider that there should be no change at all, on the grounds that the 1972 Constitution has served them well, as indeed it has, at least until recently. There are others who consider that the only changes should be those which may be necessary to prevent a recurrence of the difficulties which arose last year in the Finance Committee.".

They say they are referring to Motion 3/90.

"Lastly, there are those who consider that the tie has come to progress towards a more advanced constitution but still falling short of full internal self-government. Within this spectrum, we found many common threads, e.g., the retention of the Governor's reserve power and the increase in the number of elected members in the Executive Council and the Legislative Assembly, the appointment of Parliamentary Secretaries, a Bill of Rights, and so on. The most contentious issues proved to be the creation of a post of Chief Minister and the question of whether there should be provision made in the Constitution for holding of referenda.".

Madam Speaker, I have quoted from those two documents, one from the year 1971, one from the year 1991, 20 years apart. But basically, both documents give a good feel for the way the people of this country still think. I am personally satisfied that the majority of the people of this country, out of the same fear and apprehension that has been mentioned before, are not in favour of our looking towards a Ministerial system. The merits of such a system do not come into play at this point in time, in my mind, if the people are not ready and willing to accept such a situation, then we may as well not think about it.

As we go into the recommendation for Constitutional change in this Motion, the first section is the amendment to section 5 where section 5 (a) will be replaced: (a) by replacing paragraph (a) by the following: "(a) the Chief Secretary, the Attorney-General and the Financial Secretary, ex officio, who are hereinafter referred to as the official members of the Council"." Madam Speaker, while this may simply be said that is fine and they should be there, and I do agree with it, I think we need to make mention that it is important that this section be put into a Constitution because I remember, not too long ago, when to satisfy situations, we had shifting in the Civil Service, we no longer had a Chief Secretary, we went to an Administrative Secretary. Now we are back to the Chief Secretary and I am sure that there is good reason why we are like that. So this will ensure that this stays that way. In paragraph (b): "(b) in paragraph (b) by substituting the word "five" for the word "four" and adding at the end of the paragraph the words "who shall be entitled "Ministers"."

I support a fifth Member for Executive Council. The Mover of this Motion, in his opening remarks regarding the Motion, has given reason regarding work-load and other matters. I understand and accept that position. There is also another aspect to it. If we consider, at present, our annual budget can exceed $150 million, and it means that money is being spent by Government are no longer in the hundreds of thousand dollars, but are into the millions of dollars. I suspect that is we have crested with the number of Members and the overload becomes unbearable, that the funds for the country can well be misspent more readily and I feel that as a result, what it is going to physically cost for another Portfolio, or Ministry, if that is what it is going to be called, I do not think that that amount will, in any way, not justify itself when it is compared to efficient running of Government and handling of Government's monies.

THE SPEAKER: Honourable Member, would this be a convenient time to take a suspension?

MR. D. KURT TIBBETTS: Yes, Madam Speaker.

THE SPEAKER: The House will be suspended until 12:15 P.M.

PROCEEDINGS SUSPENDED AT 11:44 A.M.

PROCEEDINGS RESUMED AT 12:37 P.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 discussing the fifth seat being added in Executive Council. In the proposed amendment to section 5(b) we see the word "Minister" being proposed. We remember the fears that many of the people aired when it was originally proposed for the minister having administrative responsibility. We have heard a fair amount of debate in the House about this administrative responsibility but if we look in section 9 where it says; "Subject to any instructions given to him by Her Majesty through a Secretary of State, the Governor acting in his discretion shall to the extent that he deems appropriate charge members of the Executive Council with responsibility for any business of the Government (other than a matter mentioned in section 7(1)(c) of this Constitution) or any Department of the Government.". Other than a matter mention in section 7(1)(c). Section 7(1) says; "The Governor shall, subject to the following provisions this section, consult with the Executive Council in the formulation of policy and in the exercise of all powers conferred upon him by this Constitution or by any other law for the time being in force in the Islands, except in the exercise of - " And in section (c) it says, Madam Speaker –

> "any power that in his opinion relates to –
>
> (i) defence;
> (ii) external affairs;
> (iii) internal security;
> (iv) the police; or
> (v) the appointment (including the appointment on promotion or transfer, appointment on contract and appointment to act in an office) of any person to any public office, the suspension, termination of employment, dismissal, or retirement of any public officer or taking of disciplinary action in respect of such an officer, the application to any public officer of the terms of conditions of employment of the public service (including salary scales, allowances, leave, passages or pensions) for which financial provision has been made, or the organisation of the public service to the extent that it does not involve new financial provision:".

So, Madam Speaker, having read that, I take the view that at this stage in the way our system works, the

Constitution in effect does not give the Members administrative responsibility. If we accept that we do not want a ministerial system then, we cannot expect for ministers, as it seems they will be call now, to have the responsibility and the authority with the accountability. So basically, I simply say that I am pleased that that has been deleted in this proposal.

Madam Speaker, the other section that I come to and would like to speak briefly on is section 16A of the new Constitution regarding the powers of the Attorney-General. Now, I say that I accept and agree with the powers of the Attorney-General being enshrined, as we used that word, into the Constitution, but 16A(3) reads: "The powers conferred upon the Attorney-General by subsections 1(b) and (c) of this section shall be vested in him to the exclusion of any other person or authority.". Madam Speaker, I must express some reservation as to the way this is worded. I am sure that the office is one which will equate itself to the respect that is due and necessary. But, Madam Speaker as far as I understand the principles of Government under which we operate, we have high regard to checks and balances. I simply go on to another section by saying, where are the checks and balances for section 3?

The amendment of section 17 of the Constitution, in subsection (d) where it says; "if he is not an elected member of the Assembly, the Speaker.". I just want to tie in here that little section with the new section 31 being added and it is about the Speaker. The proposed section 31A regarding Speaker and Deputy Speaker, reads;

> "At the first sitting of the Legislative Assembly after a general election and as soon as practical after a vacancy occurs in the relevant office otherwise than on a dissolution of the Assembly, the Elected Members of the Assembly shall elect -
>
> (a)a Speaker from among the Elected Members of the Assembly, or persons qualified to be Elected Member of the Assembly, other than members of the Executive Council.".

I hold that the way this Honourable House is constituted that while this reads that we have the option to elect a Speaker outside of this House, I think that this section that says; "a Speaker from among the Elected Members of the Assembly", should be deleted. I cannot see a Member of this House representing a constituency holding a full time job as Speaker and in the same vein lessening the representation. It might seem like a minor point but, that is how I feel and I must express my opinion. In subsection (b) it says; "A deputy Speaker from among the Elected Members of the Assembly other than Ministers.". Here we go again, Madam Speaker. With my humble opinion, and maybe the Member, who might very well be more informed than I am, in his winding up can make this point so that it may be clear to me. But, at this point in time it is not clear to me. I cannot really see the need for a Deputy Speaker being elected on a full time basis. I understand that if something is wrong and the Speaker is either away or ill or something like that, that there is a mechanism which trips in and a Deputy Speaker is elected but I cannot see it whereby we need a Deputy Speaker full time. It may be that I do not have knowledge of the post and two people may be needed to do the job but, maybe the Member can explain that in his winding up to justify that point. I am not suggesting anything more. As far as I can see, this is the way it should be.

Going back to the amendment of section 29 of the Constitution it says: "Section 29 of the Constitution shall be amended by renumbering the same as subsection (1) and adding the following new subsection: (2) Without prejudice to the generality of subsection (1), a law may make provision for the holding of a referendum amongst persons qualified as electors in elections to the Assembly on a question declared by resolution, adopted..." and this is the key section here, Madam Speaker, "...by a majority of the Elected Members of the Assembly, to be a matter of national importance and specified in such a law.". I think that it is clear that what it means is, that for a referendum to take place the majority of the Members of the Legislative Assembly have to agree that the matter at hand is of sufficient importance to trigger a law being passed.

Madam Speaker, there are many individuals who have passed on opinions to me. While I understand that having this section in the Constitution allows for it, I think we come back to what 'John Public' looks at as a check and balance again. I think the real reason why a lot of the public would like to see the ability to call a referendum enshrined in the Constitution in such a way that even if it is made very difficult there is still the avenue there for the public to call it in the Constitution is - and I say this with no disrespect to myself or the Members here - but everyone is continually looking at checks and balances and what 'John Public' is saying is that if the Members of the Legislative Assembly concoct that they want to follow the course they are steering and 'John Public' does not like it, 'John Public' does not have a route until the next election to deal with the matter, irregardless of representation.

Now while that maybe a far fetched situation to think of within the realm of the political arena I still think there is merit to their thought whether this proposal would be acceptable to Mother Country - since they do not use a Constitution and they might not see any reason why it should be in the Constitution - I really do not know Madam Speaker, but I think that there is merit to that school of thought and I would ask the Member who is moving the Motion if he could make note of that so that maybe we could find a way at least to hear a view with regards to the referendum section.

Madam Speaker, we come again to what is becoming obviously the most sore section of the proposed amendments regarding the Bill of Rights. I think that it is a fair comment to say that many of the Members who sit here in this Honourable House today, in principle, agree with a Bill of Rights being enshrined into our Constitution. But I think what has happened is that the Bill of Rights that has been presented to us, after having read it and hearing comments from others in the public sector who have read it, there are a lot of fears as regards to whether it is going to be good or bad.

I would just like to take a minute to read a letter which I think all Members received a copy of today and I will do so simply to show the kinds of fears that people have with regards

to the Bill of Rights the way it is presented to us in this proposal. It is addressed to Members of the Executive Council and Member of the Legislative Assembly regarding Bill of Rights. I read:

> "I believe that our laws protect us sufficiently at present without the need of a Bill of Rights to be enshrined in our Constitution. There is no potential danger in this move. We have to look no further than the United States of America to see what far reaching effects such a Bill has had on the morals of the country and its people.
>
> A Bill such as this covers the right of religion, the practice of obeah or the occult in any form is covered in this Bill and once enshrined we will be powerless to stop the people in or of the Cayman Islands from partaking of this evil. Satanic worship will have its full sway, animal sacrifices will be possible. There will be nothing to stop a person or a group of persons worshiping a quadruped, for example, if they so desire. We have already in our midst some cults, cultist will claim their rights and we have no recourse.
>
> In addition to the above same sex marriages and wide scale abortions will have to be allowed. Will there be a right to bear arms. Already our headlines are filled with violence in the schools, where will this end.
>
> The foundations of these Islands was build on Christian principles and our very emblem bares a quote from scripture as our motto. As our leaders I implore you not to forget the God who has prospered us. Let us consider what effects the enshrining of the Bills of Rights will have on generations to come; our children and our grandchildren.
>
> Please think deeply and carefully before you saying yes to a Bill of Rights.".

Madam Speaker, as I have said that was simply read to show the kinds of fears the public have with regards to this Bill of Rights. I am not in a position here today with an answer as to how to deal with this and not put too many spokes in the wheel but I think it is fair comment that we need to think and think long and hard regarding this Bill of Rights because once it is done, it is done. Again, I would ask the Member in his winding up, if he would make comments with regards to how we could solve this situation and in summing up about that section, I would simply say that I think we all want a Bill of Rights but I do not think we want a Bill of Rights in the form it is presented.

I will not go into any individual details regarding the various sections of the Bill of Rights but I do believe that there are many open ended areas and there are many legal ramifications whereby, very petty stuff can be taken from within this, if it is in our Constitution and court cases could double in this area.

THE SPEAKER: Honourable Member, it is now 1 o'clock. Could we take the luncheon suspension?

The House will be suspended until 2:15 p.m.

PROCEEDINGS SUSPENDED AT 12:58 P.M.

PROCEEDINGS RESUMED AT 2:18 P.M.

THE SPEAKER: Please be seated.

Debate continues on Government Motion No. 4/93. The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

Madam Speaker, in continuing the debate on Government Motion No. 4/93, at this time I would just like to air a personal note here with regard to what I consider an omission. It is my opinion that having the Attorney-General, the Auditor-General and other offices enshrined in our Constitution is all well and good along with the Courts, but I believe also, that in order to prove that we still believe in the separation of powers we should have the Public Service Commission entrenched in our Constitution.

Madam Speaker, the Public Service Commission simply strengthens the position of the Civil Service and its administration. If we do not entrench the Public Service Commission or the PSC as we all know it to be, into the Constitution it certainly leaves it not only in a less recognised position but, in my opinion it could create doubts in the minds of some people as to any direction that we might want to go in the future. It certainly, in my mind, would assure all of us and the Civil Service that what we preach, so too we will practise. I know that there is no mention of it and I do not know what can be done about it but nevertheless, I pass my opinion and I truthfully believe that it is an important section that has not been addressed.

There are just a few other points that I would like to make. Madam Speaker, we have heard several arguments put forward with regards to the appointment of a Complaints Commissioner or an Ombudsman and there is a school of thoughts which said, that the Elected Member of this Legislative Assembly actually would not have much work to do if we have a Complaints Commissioner. While in immediate thought that may seem to be a salient point, if we look at it more in-depth we can see that because of

the way that our Government is structured and operates the Members of the Legislative Assembly are not really vested with the type of authority that a Complaints Commissioner could utilise.

Therefore, I believe there are many instances which could be dealt with properly by a Complaints Commissioner that we, the ordinary Elected Members, would not be able to deal with in any depth without encroaching on a level of authority that we do not possess. Beside that Madam Speaker, there may be time when complaints are directed against some areas of the elected arm of Government and certainly it would be difficult for ordinary Members to deal with it. So, I support the section to have in the Constitution the right to appoint a Complaints Commissioner.

The section is the new section 53A which is a proposed addition and that reads; "The Constitution shall be amended by the addition, immediately after section 53, of the following new section;" which is The Register of Interest. As this is proposed Madam Speaker, it reads: "53A. (1) There shall be a Register of Interests for the Islands which shall be open to the public. The register shall be maintained by a Registrar who shall be appointed, and may be removed from office, by the Governor acting in his discretion.". I think that is fine. Section (2) reads: "It shall be the duty of any person to whom this section applies to declare to the Registrar for entry in the Register of Interests such interest, assets, income and liabilities of that person, and of such other person or persons connected with him, as may be prescribed by law.".

I just like to make note here, and I guess I have been passing a lot on to the Member to ask him to discuss in his winding up, but, again, I feel compelled as a matter of clarification, the section where it says, "income and liabilities of that person, and of such other person or person connected with him, as may be prescribed by law." I have no problem with a Register of Interests and I have no problem with the fact that it should be allowed for public scrutiny. Madam Speaker, I am not so sure if we do not go too far when we speak about liabilities. I think that main public interest would be any business connections that an individual may have if there are any queries. But I am not so sure if they are not encroaching on one's, may I say, privacy in asking one to disclose publicly at all times because one seeks public office. The fact that one might owe a bank $0.5 million. It can be disadvantageous to my mind. The principle, as I have said, I support. I just have a small problem with that area.

Madam Speaker, with regards to the section on Pension being entrenched in our Constitution I too agree with this section. I think it is only fair and just and I do not think that I have to deliver any long monologue regarding that section. I think it has been fairly widely discussed by other Members.

As I wind up, I would like to say that basically I find myself lending support to the proposed amendments. I think that the majority of them will simply allow for smoother running at various levels of both public and private sectors. I have made mention that I have some problems in certain areas and I will say again, that where I have had majority of discussions with members of the public regarding any problems they have with these proposals, is in the section dealing with the Bill of Rights. I trust that we will be able to come to a sensible consensus and arrive at a sensible direction in which to travel with this. Others have aired their concerns and apprehensions and I know and I am confident that the Member on the Government bench who has moved this Motion will have dialogue and seek to do what is right. Having aired those concerns and lending my support in general to the Motion that has been but forward by the Government with regards to the amendments to the Constitution I would simply ask the Mover, while I know it is taxing, to do his best to satisfy as many concerns as he possible can in his winding up so that we may feel content when it comes time to vote on this Motion that we are doing our country a service and not a disservice. With that I thank this Honourable House.

THE SPEAKER: The Fourth Elected Member for West Bay.

MR. D. DALMAIN EBANKS: Madam Speaker, I can tell you I will not be here long because I think that this debate has covered everything on the issue but, I just have a few words to say.

The 1972 Constitution has served us for 20 years and served us well. I really cannot see why anybody should be talking about advancing the Constitution. Amendments as are here before the House, yes, I have to agree with and I am supporting them. There are a few of them that I want to highlight a bit, and number one is where the fifth Member will be appointed to ExCo. I came to this House in 1976 and I was here until 1984. In that time I have seen work increased step by step and I said from then that it is coming to where we are going to need another seat in ExCo. I am very happy to see that here today and I am sure that it will help Government's machinery to move faster and in a smoother category.

Another point that I want to highlight is the financial position. I feel that the Finance Committee being entrenched in our Constitution is the right thing and I hope that we will have it. Just so that regardless of what Government comes in after this they will not be able to dingle into it or and it around as has been done.

Madam Speaker, asking for an advanced Constitution is something that we in this Honourable House and, I would say, the general public are afraid of because we have proof that advancing the Constitution into Ministerial Government, full internal self-Government or independence is not good. We have proof right here in our backyard. I am sure there is not one of our neighbouring countries that really has enjoyed their time since getting their Constitution advanced into a Ministerial Government or independence, or whatever. I have met and talked with a lot of them and they have said, they wished that they were like us, enjoying the colonial status still.

Madam Speaker, the colonial or decolonizing countries have ruined not only the Caribbean but, I would say, most of the world because after World War II when Britain was forced into decolonizing her colonies, or started from then, we had problems that we have never had before. Decolonizing Her Colonies broke Great Britain's power and therefore the Lion could not growl like it use to do and

every little nation from then on, that felt like they were a power because they had armament, got up in arms and came out and challenged whom they felt like. When Britain was Britain, that her colonies were with her, they could not do that regardless of where they were from, she quietened them down and that is why today we are having so much problems. Her powers are not there anymore and so, every Tom, Dick and Harry that feels like getting up and saying, "Well, we are going to fight for this or fight for that", can do it.

Madam Speaker, I feel that we the people of the Cayman Islands and Members of this Honourable House have to be very carefully when it comes to choosing a Constitution. I will say this, that when the United Nation's party came here, they were told that we in the Cayman Islands did not want any changes in the Constitution then and to just please leave us alone. I was in the House at the time and I remembered the meeting we held in West Bay when I told the chairman of that party, "Go back to your country. When we feel like we are ready for a Constitutional change we will let you know." That stands with me today and I am sure it stands with this Honourable House and the majority of our people on the outside.

Madam Speaker, I pray to the Lord that we will be able to carry on in our country the way we have been and that our lives will be a happy one here. In parting I want to say a few words: "Breathes there the man, with soul so dead, Who never to himself hath said, This is my own, my native land!" This is what we have to say and this is what we have to work for - the betterment of our beautiful Islands. Thank you.

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Thank you, Madam Speaker.

Constitutions, I believe, Madam Speaker, and the amendments that we are proposing here today shape the future and will shape the future of the Cayman Islands. I believe these amendments send a very positive message to the local population as well as the international world of business or finance because it removes that uncertainly as to which way the Cayman Islands are going to go. They have been dealing with this matter now for approximately three years and we started out at a movement that signaled serious constitutional advancement. That movement I believe, Madam Speaker, differed immensely from the National Team's Manifesto proposal on Constitutional changes. And, I believe the results of November 1992 is a clear signal that the people of the Cayman Islands know where they want to go.

I believe the amendments which we are putting forward today signal the continued stable political direction for which the Cayman Islands has been known for many generations, blemished only by that Draft Constitution which came to us a few years ago. I believe the amendments demonstrate that this Government understands what investors require and what our local people wish and that is minor constitutional changes. Certainly, I believe now that the people of this country has been given what they perceived as adequate and sufficient time to consider the constitutional changes being brought to this Honourable House, it is time to get on with it, put this matter behind us and remove the uncertainty in the minds of all concerned about this constitutional matter.

Some might care to say that there is not any uncertainty, who is he talking about. Tourist traffic is up 18 per cent over the first eight months of this year, business in the financial community seems to be growing, but I ask the question, is it growing at the rate that it should? Are we able to go out and promote the Cayman Islands as an offshore financial jurisdiction at the present time without being able to answer the question, where are you going with your constitutional changes? What is it that you are proposing to do? I think, Madam Speaker, it is the one reason why we hear so much about the British Virgin Islands and what is going on in that particular offshore financial industry as well.

But I think there is even more evidence, Madam Speaker. If we look at local statistics dealing with the construction industry and the value of approvals granted by the Central Planning Authority we see a trend where in 1988, $131.3 million of planning approvals were granted; in 1989 it moved to $146 million and in 1990, it increased to $163.4 million and then in 1991, it suddenly drops to $100 million. And, the question is why? My answer is, the summer of 1990 the constitutional matter which was forcefully brought to this House and upon the people of these Islands created a significant degree of uncertainty as to the direction the Cayman Islands were going to go. If any one of us was thinking of doing a $5 million or $6 million or even a bigger project what would we have done? We would have done exactly what these statistics demonstrate. It demonstrates that somebody is holding off until this matter is settled and we see it continuing to be the case. It is not just the United States' recession. If that was the case you would not have so many tourists coming to our shores.

Of course, uncertainty caused by political or constitutional uncertainty may not cause a person who visits the Cayman Islands and stays for four or seven days any real anxiety. But someone who is going to spend $10 million or $20 million on a project is going to be affected by it and I believe what we are doing today is timely, given that the people appear to have had sufficient time.

The changes which are proposed Madam Speaker, to a great extent are the same ones the National Team talked about during their campaign, they are the same ones that I talked about in my Maiden Address for political office which was reported in the *Caymanian Compass* on the 5th of June, 1992. I say, let us stop talking about it, let us vote this constitutional change through and get on with the business of running this country for the betterment of the people of the Cayman Islands.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker.

I rise to offer my contribution to Government Motion No. 4/93. I will be brief and try not to be repetitious because previous Members have touched on a lot of the things and I agree with most of what the things that they have said.

I was pleased to have had the opportunity of going before the Constitutional Commissioners at two separate representations as a concerned citizen - and as a matter of fact, Madam Speaker, we were locked in the Town Hall at that one time and were able to have a little extra time with the Commissioners in our discussions - and another time as a representative for the Chamber of Commerce.

These recommendations before us today have been public for over a year now as this was in the Manifesto of the National Team. Like the former speaker mentioned just now, there is a lot of work for us to do. I am happy that we are able to put this constitutional change behind us and move on with the things that we have to do.

I believe that we the Members of this of this Government were elected on this main issue of the Constitution with no Chief Minister and no constitutional advancement. I feel that the wishes of the people will be represented in these recommendations as there has been a lot of debate and input on the subject. We, the four George Town MLAs, held three public meetings in addition to our Manifesto being circulated and had representations from several people who asked for an additional three months. This we did back in the end of May and here we are today giving them extra time. I cannot quite agree that we need to appeal to the United Kingdom and the United Nations to investigate this. I fail to comprehend why this is necessary.

I would like to assure the public that as long as the National Team Members are running this Government they can be assured that we will not have a Chief Minister. There is presently a Leader of Government Business and this is working well as we, the Members, work together in this Honourable House. We meet weekly for hours in order to keep the lines of communication open. We all have the direct telephone lines of Executive Council Members and we speak to them almost daily. The office of the George Town Members of the Legislative Assembly continues to work well and we are grateful for this office.

On page 5 of the Manifesto, and I would just like to refer to this, Madam Speaker, we mentioned the Constitution and our objectives. What I would like to do is to compare our objectives listed on page 5 (going over to page 6) to what is being proposed here for the changes in our Constitution and to reiterate that they are basically the same as what we campaigned on. It is important that we have checks and balances in our Constitution and I think these will be carried out with the proposals that are being made but if we have a Chief Minister we will have problems. I think we felt so strongly against a Chief Minister that we have that in block capital on that same page highlighting the importance of not having a Chief Minister.

We are against Parliamentary Secretaries as this gives ExCo the majority of votes and, again, checks and balances would be eroded. I had one person from an organization suggest that we should not have the fifth seat but that ExCo should be the Backbenchers in the form of "Shadow Ministers" due to the added expenses of setting up this Portfolio. Madam Speaker, that sounds well and good and I think to some extent ExCo Members have been doing this in that the Honourable Member for Health, when he needs advice and help appeals to the Second Elected Member for George Town who is a professional in Health, and I know he has taken the Second Elected Member for Bodden Town and the lady Member for North Side to visit facilities overseas for our youth. I have also tried to help the Member for Education and Culture as well. So to a certain extent this is being done but it is not good enough therefore, I support the fifth seat being added to help with the stress and the heavy work load that those Members are faced with at this time.

I believe that Members will be called Ministers, and this was also highlighted on page 6, but we stated in our Manifesto for administrative responsibilities for departments under their Portfolio. In the present form before us administrative responsibilities has been removed and this we voted on together as a National Team and, of course, democracy was at work and majority ruled. However, I feel strongly that Executive Council Members, or Ministers as they will be called eventually, should have control of the people under them. We campaigned on accountability and responsibility and I feel that some loyalty must be toward the Member in charge. We cannot have Executive Council Members working and then people in the Portfolio pulling against them.

Presently, we have the Civil Service without administrative responsibility being placed in there running the Government with politicians taking the blame for things that are not right. I do not agree with this and I feel that hiring and firing of Civil Servants is not for politicians. However, I feel that some loyalty, accountability and responsibility should be demanded from them and without administrative responsibility in there I am not sure otherwise how that could be demanded or expected of them. Therefore, I feel that that should have been included but, again, majority ruled and I will have to accept it.

In No. 6 of our Manifesto the objective stated that we would remove Elected Ministers by a vote of nine instead of 10. This is plainly stated in the proposed Motion before us now in section (c). I believe that Members being called Ministers was brought home to us in the *Caymanian Compass* article and I think some of the other Honourable Members of this House touched on this in their debate - the importance of changing the name to Ministers - so that overseas people will understand Executive Council Members, who they are, and what their jobs entail.

Section 5 allows the majority to call a meeting of ExCo and this is very good with democracy at work. The amendment will protect this Honourable House by disqualifying a Member if convicted of a criminal offence in these Islands and if it is considered a crime outside of these Islands as well. I think not only a crime in another country but if we consider it a crime here then they will be held responsible and that is protecting this House and the people that are being represented.

I would like to thank the Chamber of Commerce at this time for the survey that was conducted on the proposed changes to our Constitution, because the four of us from George Town had intended to do the same thing to get feed-back but when we learned that the Chamber was going to do

so, we felt it would be better if they did and knowing that they have a membership of over 6,000 members, including individuals and Civil Servants, we felt it would be better to follow the results from their questionnaire and to learn from what was taken from their questionnaire.

I however, do not agree with some of the questions that were placed on the questionnaire, like limiting terms of office. When this happens, when you have good people in office and you would like them to continue, it is impossible. I know of a case of this taking place in Costa Rica, where they have a one-term office arrangement. At the time of President Oscar Arrayas, who received the Noble Peace Prize and worked closely with the Contras, the people of Nicaragua and El Salvador as a good President, was unable to run for a further term. If we have bad representatives, elections will take care of their term of office and I think the public should decide this rather than trying to limit their term of office. I believe this was the case last November.

Private pensions and dealing with contributions to those pensions. We felt it very important that it should be enshrined in the Constitution, so much so that on page 7 of our Manifesto we had a separate clause dealing with this and also with Civil Servants. It is hard for people to work most of their lives, make contributions toward pensions expecting to receive this on their retirement and then find that a company fails or there is misappropriation of funds. Therefore, ensuring that the public service pension will not be able to be touched is very, very important and is good.

Ensuring that the post of Attorney-General and Auditor-General gives added independence by making sure that they are free from political interference and putting this into our Constitution again is the right thing and should be considered. Having served on the Public Accounts Committee I learned of the need of independence especially of the Auditor-General in going through his report and the importance of being impartial.

An Ombudsman, or a Complaints Commissioner, we campaigned on and it is also being proposed here today. I do not feel that an Ombudsman post should be enacted as yet, due to the lack of funds, and I really do not see the need so far with the present representatives. But it is good that if the time arises the motion is in place and it can be enacted.

I am again happy to see that the Speaker and Deputy Speaker are also there as they were No. 9 of our objectives in our Manifesto and, again, we are following through with what we mentioned. I, however, do not feel that the Speaker can be elected from a group of representatives as I feel that if we are here to represent our people that it would be hard for the Speaker to really represent his constituents and, again, a Speaker should be impartial - not taking sides - and it would be difficult to do if he were here as an Elected Member and have the office of Speaker.

The Register of Interests I feel is long overdue and back in 1990 I remember being in the Chamber and we asked for the last Legislature to enact this but it never seemed to happen. I feel, though, the way that it is listed here (and my other colleague from George Town touched on this) is that it is an evasion of privacy. You have to list your income, your assets and your liabilities. But if we go back and read it thoroughly, on page 15, and I would just like to read that, Madam Speaker, subsection (2) says: "it shall be the duty of any person to whom this section applies to declare to the Registrar for entry in the Register of Interests such interests, assets, income and liabilities of that person, and of such other person or persons connected with him, as may be prescribed by law.". It is then up to the Assembly to prescribe by law whether this will be placed in the Register of Interests. I think the invasion of privacy can be taken care of here and Members will not have to list their assets, their income and liabilities. I feel that if this is placed in the Law, people that would like, perhaps, to serve in the Assembly might be discouraged by having to disclose this. Having to disclose interest in companies, I see no problem with this, but I feel it is an invasion of privacy having to disclose income and liabilities. So then, it is up to the law to prescribe whether this will be in there. I feel that it should not be placed in there.

The Bill of Rights is a very touchy subject and I think a lot of people have concerns about the Bill of Rights. But, again, people must realise the responsibilities in enacting these rights. Not just to have rights but they have responsibilities with these rights. Again, the majority of the Team ruled that a Bill of Rights should be enshrined in the Constitution and to be proposed. But I have a few problems with some of these, like the Fourth Elected Member for George Town read some of those concerns today.

I do not feel that the Bill of Rights will solve the problems but will, perhaps, create more problems. This is the problem today with the United States of America. Their morals are down and I feel that it is because all you hear is, "Well, I have my rights, I have a right to do this or that". We have moral issues like abortions, gays, religious cults, just to name a few and look at all the demonstrations and problems that America is faced with in having these rights. I do not feel that we would want to have these here and I believe that we should look at this differently. I feel that the freedom of expression and conscience is very detrimental and I do not agree with this.

We are presently governed by the European Convention. This works well and how it is regarded and interpreted by the judges in dealing with rights that will have the final say. I believe that this Bill will create expectations that cannot be satisfied in practice. This will probably create wasteful duplication in relation to existing statutory safeguards for the human rights and would generate unnecessary litigation. Therefore, Madam Speaker, I feel that having had the Bill of Rights under this European Convention it has worked well and I feel that we need to look closely at the proposed Bill of Rights as presented here.

On page 4 where it deals with referenda under amendment of section 29 of the Constitution, I feel that a referendum must be binding and unless it is binding it is useless. The people must call for a referendum and I hope a law will enact this, that just like the Swiss operate very democratically that perhaps 10 per cent of the voting public will petition and call for a referendum, but it should not be left to Members of the Legislative Assembly to call for a referendum. If that is the case Madam Speaker, in most instances we will never have a referendum and I do not think that this is wise. I am pleased that even though the British do not favour referendum law that the Governor has assured us that they will accept whatever we would want in our Constitution. Then, I feel that we should make sure that the law is passed to give us the referendum and to be called by the people and to be binding.

Again, I am please to see that Finance Committee is enshrined in our Constitution and I would just like to assure the listening public that we are not dealing with new recommendations but we ran on a lot of these recommendations, or objectives, in our Manifesto and we have told the public that there shall be no Chief Minister, no advancement in our Constitution and no Independence from Britain.

Please rest assured that we will always listen to the wishes of the people. As a matter of fact, on page 14 of our Manifesto we highlighted it there and we campaigned on this and I feel that the majority of the voting public have had input in these recommendations. I feel that these are recommendations that they would like for us to vote on and enact. Therefore, Madam Speaker, I support the recommendations of Motion 4/93. There are a few problems in certain areas that I do not agree with. But most of these I do agree with and feel it is what my constituents would like to have in our Constitution. Therefore, I will support Motion 4/93.

Thank you, Madam Speaker.

THE SPEAKER: The Elected Member for North Side.

MRS. EDNA M. MOYLE: Madam Speaker, the amendments to the Constitution of this country will probably go down in the history books of the Cayman Islands as having the longest discussion period of any document. Rightly so, as this is the most important legal document of any country.

Madam Speaker, I am certain that you are quite familiar with Private Member's Motion No. 25/90, a Select Committee to examine the Constitution of the Cayman Islands. But I would ask you to bear with me as I read this. It says:

> "WHEREAS by a majority vote, Government Motion No. 9/90, "Request for Constitutional Study", was passed:
>
> AND WHEREAS a Constitutional review was not a campaign issue in the last General Elections, nor was it publicly debated during the last General Election by any candidate or any present Elected Member;
>
> AND WHEREAS it is considered reasonable and desirable that the bipartisan views and opinions of Legislators and the views of the public be solicited;
>
> BE IT THEREFORE RESOLVED THAT a Select Committee, comprising all Elected Members of this Honourable House, be established:
>
> (1)to examine the present Constitution in the light of Members' experience of working with it and to formulate a submission to the Constitutional Commissioners;
>
> (2)to consider the report of the Constitutional Commissioners, once it is tabled in the Legislative Assembly, and to invite representations and hear witnesses thereon;
>
> (3)to consider whether any recommendations necessary for the conduct of a General Election should be implemented prior to a General Election; and
>
> (4)to report to this Honourable House upon their consideration of the Commissioners' report.
>
> AND BE IT FURTHER RESOLVED THAT this Honourable House recommends that the implementation of any recommendations for Constitutional changes with the exception of the paragraph numbered 3 above shall not take place without the changes being the subject of a General Election.".

Madam Speaker, in my humble opinion, the most important section of that Private Member's Motion is the second resolved section, "that no changes should take place without the changes being the discussion at the General Election". I will turn to the Minutes of the meeting of the Select Committee, held on Thursday, 11th July. I quote:

> "Mr. Truman Bodden recommended that the last Resolve (of the Motion) be pointed out to the Secretary of State, noting that the Resolve was put in so that there could be no major changes unless they were made an issue in the General Election - with the implementation of changes being made after a General Election.".

At that same meeting the Honourable Second Elected Member for the Sister Islands said; "The "test" he intimated would be at the next General Election when those opposing, or those recommending any constitutional change, would be elected.". In my opinion the National Team withstood that test and we are sitting in this Chamber today. The amendments that are being proposed in this Draft Amendment to the 1972 Constitution of the Cayman Islands, we can go through the National Team's Manifesto on

the Constitution, and I will read them. "We believe that there should be one additional Elected Member in Executive Council and that the three Official Members should remain.".

In this amendment we have recommended an additional seat to Council. My only problem with that is that when the composition of this Honourable House was increased by three extra seats, the fifth seat on Council should have come about at the same time. This fifth seat on Executive Council will help to alleviate the work load of the other Members of Executive Council for a smoother running of the problems and the business of the country. Yet, I can see why the United Kingdom, in its wisdom, did not bring about the introduction of that fifth seat.

Should the people who campaigned on the major changes to the Constitution of this country been returned to this Parliament we would have had a pre-selected Chief Minister and the other Members of this Honourable House would have had no say in this. So I can agree with the United Kingdom leaving that to come about after the General Election.

"We feel that it is sufficient that Member be called Ministers with administrative responsibility for departments under their portfolios." It is a change of name only, Madam Speaker, and I am certain you are getting a bit tired of hearing the same thing being repeated but it is highly impossible for one to continue the debate without having some repetition. We, as a National Team, stated from our platform that we would listen to the people of this country. We had representations of problems with the Members having administrative responsibility for their departments and this was removed.

"We recommended that removal of Elected Ministers should be by a vote of nine Elected Members of the Legislative Assembly (that is one more than a simple majority and one less than a two-thirds majority)." Madam Speaker, the amendment that is before us today reads the same.

"We believe the independence of the Civil Service and 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 now is on this matter."

"We recommend that the Constitution make provisions that the payment of Public Service pensions shall be as of right." This is included in our amendments although the words "as of right" are not in this amendment and I am certain the Honourable Member presenting this Motion will clear this up in his winding up.

"We believe the provisions can be made in the Constitution for the posts of Attorney-General, the Judiciary, Ombudsman, and Auditor General and for a Bill of Rights, a Speaker and Deputy Speaker." Madam Speaker we have included all these in the amendments before us.

One speaker, I think it was the Honourable Second Elected Member for George Town who said that on the removal of the Speaker of the Assembly it is by vote of two-thirds of the Elected Members, but to remove a Minister it is nine. Madam Speaker, I feel that the two-thirds vote to remove the Speaker of this Honourable Assembly should remain as is.

"We recommend that complete provision for a referendum be put in the Constitution, but (if this is not done) that a Referendum Law be enacted and (in any event) that referenda be used only when necessary on major national issues." I think the most controversial and complex amendment in this Constitution is the Bill of Rights. I agree with the Honourable Second Elected Member for George Town on section 48I and I think that the Honourable Member moving this Motion has listened very carefully to the objections of any Member that has spoken on this and he has been given the responsibility to deal with this in his winding up and to get us clear on this matter.

Madam Speaker, there are those who will say that the National Team (the majority of the Members in this Chamber) does not have a mandate of the people of the Cayman Islands to bring about the changes that we are presenting here today to this Constitution. I cannot agree with this because every Member of the National Team took it to their platform and campaigned on what amendments they wanted to see to the Constitution and those are the amendments that are being presented here today, and which were brought to the Legislative Assembly with a very large mandate of the people of this country.

So, Madam Speaker I will not take up the time of this Honourable House to go through this section by section as I think it has been well explained by all Honourable Members that have spoken previously and I have no hesitation in recommending and supporting this Motion now before this Honourable House. Thank you.

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

PROCEEDINGS SUSPENDED AT 3:27 P.M.

PROCEEDINGS RESUMED AT 3:54 P.M.

THE SPEAKER: Please be seated.
Debate continues on Government Motion No. 4/93. The Honourable Mover of the Motion.

STANDING ORDER 25(2)

HON. TRUMAN M. BODDEN: Madam Speaker, before winding up the Motion I would ask that an amendment to Government Motion No. 4/93 on the Constitution, that you would please consider exercising your discretion under Standing Order 25(2) to permit the Motion to be brought. To assist you with it I may say, Madam Speaker, that the Members of the House have agreed in relation to this Motion and if you do exercise your discretion I would like to state the amendments and wind up after that.

THE SPEAKER: I have received a copy of the proposed amendment to Government Motion No. 4/93 - Recommendations for a Constitutional Change. In the matter of this proposed amendment, section 8 of the Interpretation Law, chapter 70 'Computation of time' provides that in any matter which indicates any action to be done within a specified time, that period of time would be deemed to be exclusive of the day in which the event happens or that act or thing is done.

Secondly, it also provides that if the last day of the period is Sunday or a Public Holiday - and this is referred to in the Law as an excluded day - the period shall include the next following day not being an excluded day. Therefore, if the amendment is given two days notice, which it normally would under Standing Orders, it could not be presented until Monday, 27th of September. Standing Order 25(2) provides for the two days notice to be given of amendments but in exceptional circumstances the Presiding Officer could authorise otherwise.

I have been advised by the Honourable Mover of Government Motion No. 4/93, in fact he has just also repeated it, that he has had discussions with all Members of the House on this proposed amendment. Therefore, I authorise the moving of the proposed amendment to Government Motion No. 4/93 and accordingly waive the requirement for the two days notice.

Honourable Member, will you please proceed with the amendment?

PROPOSED AMENDMENT TO GOVERNMENT MOTION NO. 4/93

HON. TRUMAN M. BODDEN: Thank you very much Madam Speaker.
Madam Speaker, the amendment reads as follows:

"WHEREAS there is grave concern among all Honourable Members of the Legislative Assembly and members of the public to avoid the national disasters created by cults such as the recent massacre of persons at Waco, Texas;

AND WHEREAS there is concern that paragraph 48I (Protection of freedom of conscience) may aid the establishment of cults and should be removed from Part IVA of the Amendments to the 1972 Constitution;

AND WHEREAS article 9 of the European Convention on Human Rights which now applies to the Cayman Islands and the United Kingdom provides for protection for freedom of conscience;

NOW BE IT THEREFORE RESOLVED that Section 48I of Part IVA be hereby deleted.".

and I so move.

THE SPEAKER: The question before the Honourable House is amendment to Government's Motion No. 4/93 and the question is that the amendment be made and the matter is now open for debate.

The Honourable Mover of the Motion.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.
Madam Speaker, it is, I think, important that matters which relate to the Constitution should pass through this House with a good majority. I think also, Madam Speaker, that it is the duty of all Members of this House to meet and discuss whenever problems arise especially on matters such as this and wherever possible to reach agreement as to how best to proceed on a matter as important as this constitutional matter.

We have had, and I have had, personally, representation and worry in relation to the section that is now being removed and which in fact, Madam Speaker, has very similar provision but not as wide as the one that is in this Constitutional amendment already in the European Convention on Human Rights. I would like to just read what article 9 of the European Convention on Human Rights says, and this has applied to the Cayman Islands and is, in fact, the section which applies to the United Kingdom. This is very important. By removing this section from the Constitution here there still continues a section equivalent to that section but which is not as wide and this is really what has worried Members of this Honourable House and it has worried me very much. I will show some of the differences that exist between the two.

First, I would like to read the section from the European Convention on Human Rights which now applies to us and which will continue to apply to us. So it is not as if by removing this section from the amendment to the Constitution we do not have an equivalent section there. This section, Madam Speaker, says in article 9 and I quote:

"Everyone has a right to freedom of thoughts, conscience and religion. This right includes freedom to change his religion or belief and freedom either alone, or in community with others, and in public or private to manifest his religion or belief in worship, teaching, practice and observance.

(2)Freedom to manifest one's religion or beliefs shall be subjected to only such limitations as are prescribed by Law and are necessary in a democratic society in the interest of public safety, for

the protection of public order, health or morals or for the protection of the rights and freedom of others.".

And that section from the European Convention applies to us to the same extent that it applies to the United Kingdom.

I would like to read the section that is in the Draft Amendments to the Constitution and I will read it reasonably fast to avoid any waste of time here. I quote:

"Except with his consent, no person shall be hindered in the enjoyment of his freedom of conscience, and for purposes of this section the said freedom includes freedom of thought and of religion, freedom to change his religion or belief and freedom, either alone or in community with others, in both in public and private to manifest and propagate his religion or belief in worship, teaching, practice and observance.

2) Except with his consent (or, if he is a person who has not attained the age of 18 years the consent of his guardian) no person attending any place of education should be required to receive religious instruction or to take part in or attend any religious ceremony or observance if that instruction ceremony or observance relates to religion other than his own.

Provided that any person duly enroll in a private school established by or of a particular religious denomination and if relevant his guardian shall be deem to have so consented.

3) No religious community or denomination should be prevented from or hindered in providing religious instruction for persons of that community or denomination in the course any education provided by that community or denomination whether or nor that community or denomination is in receipt of any kind of Government subsidy, grant or any form of financial assistance designed to meet, in whole or in part, the cost of such course of education.

4) No person should be compelled to take any oath which is contrary to his religion or belief or to take any oath in a manner which is contrary to his religion or belief.

5) Nothing contained in or done under the authority of any Law shall be held to be inconsistent with or in contravention of this section to the extent that the Law in question makes provisions which is reasonable required;-

(a) in the interest of public safety, public order, public morality or public health: or

(b) for the purpose of protecting the rights and freedoms of other persons, including a right to observe and practise any religion or belief without the unsolicited interference of persons professing any other religion or belief,

except so far that provision or as the case may be, the thing done under the authority thereof is shown not to be a reasonably justifiable in a democratic society.".

These last sections that I have quoted from the Amendment that we are removing are considerably wider than those that now exist in the European Convention on Human Rights, and I stress that what will then apply to us is exactly the same as what applies to the United Kingdom under the European Convention. They themselves have not widened it to the extent that it has been widened here.

Madam Speaker, we know of the disasters that have been seen more recently at Waco, Texas, and prior to that in Guyana with the Jim Jones problem and there are other cults more recently we have seen in the papers of problems in Brazil and I believe that in a community as small, as religious and close-knit as the Cayman Islands it is very important that we do not do anything whatsoever which will give cults, such as we have seen in other countries, to catch hold here and to destroy innocent members of our community. As one widens the freedoms and extends the freedoms, sometimes, as we have seen, where, obviously, these cults had been able to operate in other countries, you then get to a stage where you get national disasters such as we have seen in Waco, Texas.

Madam Speaker, along with the removal of that, I am sure that in any event no one need have any worry because the European Convention on Human Rights, which is the United Kingdom's Convention that it abides by on human rights, that the Governor's assent to Bills, as well as Her Majesty's Government's power to disallow a Bill, would always make sure that Bills that come before this Honourable House do comply with what is reasonable and usual within the United Kingdom and that they would keep these clearly within the protection of the accepted human rights in these countries.

So, really, with the removal of this one section from our amendment to the Constitution, there is already in place a well tested section that exists in the European Convention on Human Rights which applies to the United Kingdom and which applies to the European countries. Unfortunately, Madam Speaker, as time has gone on there have been these testing and you could see the many areas of the widening, the exemptions that have now crept into Bills of Rights; many of these have been good but some of them have not been good and where they have really hurt has been where you have the society so prone and so lax to allow dangerous cults to rise within a country and to cause national disasters, I would say, within

them.

It was good, Madam Speaker, in a meeting with all 15 of the Elected Members on an issue as important as this, to be able to sit and discuss it and to come to a unanimous conclusion as to what is best for the country and what is best to be done on this important matter. I would ask, Madam Speaker, that all Members continue to support this. I believe that what we are doing is right and no one need have any fear that by removing this section there is not a very similar section, but not quite as wide in the European Convention, on Human Rights. Thank you.

THE SPEAKER: If there is no debate I will put the question that the amendment be made. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. AMENDMENT TO GOVERNMENT MOTION NO. 4/93 PASSED.

THE SPEAKER: Honourable Member, would you wind up debate on Government Motion No. 4/93?

REPLY TO GOVERNMENT MOTION NO. 4/93 AS AMENDED

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.

I would first like to mention, once again, that I believe all Members of this House appreciate the cooperation and the concern that Members have had on this serious matter and that was evidenced by the fact that all Members of this House can still get together on important issues and thrash out what is the better course for the Cayman Islands. I believe that that should continue, especially in relation to important matters where there is a diversions of opinions within this Honourable House.

Madam Speaker, several areas have been raised that I have been asked to reply to and I will do my best to deal with these. There was some worry in relation to the question that there was not a section specifically in the amendment relating to the Civil Service. Without actually reading the sections that I am referring to, because they are a bit long, they are in the old Constitution, I think this may have arisen from the fact that in the Draft Constitution originally set out, one in which there is a Chief Minister's Government, there were sections on the Public Service Commission but they had to be entrenched in the Constitution the way they were then because a Chief Minister at that time would have had the power firstly, to appoint two members, I think it was, and the opposition leader would have had the right to appoint two members to the Public Service Commission (PSC), plus the Governor would have had to consult the Chief Minister on appointments to all posts including posts such as; three Honourable Official Members in this House, a Chief Secretary, Attorney General and the Financial Secretary, police, senior like the Commissioner of Police, all of the departments, all of the Principal Secretaries, and when the Constitution advances to a stage where there can be political input, I will avoid for the sake of causing any interference here, I will say political input because obviously some would be good. Then the United Kingdom likes or always entrenches in the Constitution all of the provisions relating to Public Service Commission.

At present, Madam Speaker, they are very general but sections that do provide for the security of tenure and the avoidance of input or interference by politicians in relation to the Civil Service, these have been referred to, they are the excluded sections under section 7(1)(c) which excludes from any Elected Member anything relating to the Civil Service. In sections 54, 55 and 56, the Governor, acting in his discretion, is given in section 54 the right to constitute offices, and in section 55 the right to discipline, and in 56 it deals with the fact that existing offices go on. So there is no way that any politician under this Constitution has any say there and because it is in his discretion he then produces the General Orders and, really, the Public Service Commission is actually advisory to him and he may accept or reject it.

As Constitutions advance that acceptance/rejection changes to where it ultimately becomes more and more binding. But, I can assure the Members of this Honourable House that nobody in this amendment is touching the sections that leave the Civil Service fully under the Governor. Indeed, Madam Speaker, it would be not until a much later stage when there could be political input that it would become necessary to entrench it because if advice is given to him, same as from Executive Council, he accepts or rejects it so it is not necessary to go into the details here that would be needed when the Chief Minister would be involved.

In relation to the Register of Interests, this section merely gives the Legislature the right to make laws stating what should go into the Register and usually that is, at least in most other countries because it varies a bit, it would be like whether you are a director of a company, shareholder in a company and it does not normally, at least not anything I have ever seen, relate to things like income and liabilities and this sort of stuff. The importance of that Register is merely to tell the public when you may have an interest in a matter that is coming before the House, that is all. It is a Register of Interests which may conflict.

Madam Speaker, there is a specific section in the Constitution which now provides that if a Member has a conflict of interests that it is something that he should declare and, naturally, he should not vote in relation to it. But, it goes even further than that. In section 19 of the present Constitution it is one in which if it is not properly declared before the election, and further, if, afterwards it is not declared, can cause the Member problems with his seat. The Executive Council Members, we all, in any event, declare our interests to the Governor so that matters in Executive Council are run in the same way. So, the fact that it puts in a wide variety of things which may be declared. This is more in the drafting but it does not bind the House to actually do a Register which has in all of the things that one would find in the present section, which is 53A, and it does go wide, it says; "interest, assets, income and liabilities". But basically we are looking at companies, directorships, that sort of thing.

In any event if this was not even in here and one did not declare, like Government contracts and this sort of thing, but also if you have an interest in a matter then you should declare it here and Madam Speaker has certain discretions as to whether you speak or vote or whatever. So this merely strengths it. But naturally it would be impossible, I think, to find people who are going to go and make lists of liabilities, lists of income and all of this because they would vary from time to time anyhow, and it is not done, definitely not done in other places, nor even in the United Kingdom that has had this for a long time.

The sections that were mentioned that some things were left out of the Constitution and one reference was made to a Code of Ethics. I think that Code of Ethics usually is properly brought in under the Standing Orders and operates more under that, as it would be a lot of detail to put in here.

There was also some worry in relation to the question of pension and the fact that we had originally asked that pensions of the Civil Services should be as a right, I believe that is a view that probably everyone in this Honourable House, I know all Civil Servants would agree with, well the amendment provides that - and it does refer to an award but it does mean an award of pension, in 55(c) - it preserves basically that pensions can be discretionary or that pensions can be made as of right by a law. But, the important thing about this section is that it states that once you have a pension, a law should not be passed that makes it less favourable, and that is in the first five lines of 55(c)(1), then is was prior to the passing of the law. So you cannot pass a law and take away pension rights.

The section, naturally, does not deal with private pension because at present really that aspect has not gone through. But it does provide that if this House, for example, does not appropriate sufficient funds for pensions that have accrued then it is a charge on the Revenues of the Cayman Islands.

Madam Speaker, the question of quorum in relation to the removal of Elected Members of the Executive Council from Executive Council being nine instead of ten, I guess in practise if the Government is to a stage where one is going to make a material vote they should really be man enough to - if it is a vote put in this House saying on major issues and defeating the Government - I believe they should bow out gracefully. But, I do take the point that the question of - and it would be eight in that instance of a bare majority because it is more than a bare majority, but it is less than a two-thirds - where you have a Chief Minister and you have a motion of no confidence on the Government because the Chief Minister appoints the Government, if he falls the Government falls with him.

Under our Constitution, because we do not have that system, then the motion can be put to remove one and whether you could remove more than one in a Motion I do not know, but you could definitely put a motion to remove all four of us if it came to that and I think if nine Members put a Motion to remove the Member, obviously he must go. I cannot really say anymore. It is sort of a difference of opinion. Naturally, if we increase it to two-thirds it would be in our favour because it would be a bit more difficult to move us.

A lot of mention that was made on the Bill of Rights, I think a lot of this, hopefully, in our private meeting of all the Legislative Members which is not in the open Chamber (when I say private meeting), has sorted out as much of that as we can. The Bill of Rights is a very difficult, a very technical, and a very complex document. But it is one which we feel should be in the Constitution and this has now been left in.

I know the Second Elected Member for Cayman Brac and Little Cayman mentioned that in my Manifesto I had referred to no advancement of the Constitution. I would like to just point out here, Madam Speaker, that this amendment to the Constitution does not advance it, that is the whole idea of this, it is no advancement of the Constitution whatsoever. The sections that have been touched do not move us into a Chief Minister position or a further step on. We remain here, even though the amendment calls for Elected Members to be Ministers nothing has changed in our rights, our duties and our powers, nothing at all. We are the same people with exactly the same duties, rights and obligations in Executive Council as Members as when the name is changed to Ministers. It does not affect our position at all and it is not an advancement of the Constitution. So, I stand by that, Madam Speaker, and I do not want to repeat about it being a change of name because that has been done (or read) several times.

THE SPEAKER: Honourable Member, it is now 4:30, the moment of interruption. The Honourable Leader of Government Business.

MOMENT OF INTERRUPTION – 4:30 P.M.

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 Honourable Member to complete his debate and the vote that naturally comes after.

THE SPEAKER: The question before the House is that Standing Order 10(2) be suspended in order that the Honourable Mover of Government's Motion No. 4/93 would conclude his winding up.

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. STANDING ORDER 10(2) SUSPENDED TO ALLOW FOR THE CONCLUSION DEBATE ON GOVERNMENT MOTION NO. 4/93.

THE SPEAKER: The Honourable Mover may continue.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. Just one thing that has not yet been read in the House to the best of my knowledge is where the Constitutional Commissioners in their report said this: "There is, in fact, no constitutional distinction between the responsibility of a Member as set out in section 9 of the 1972 Constitution and that of a Minister.". So there is really no difference at this stage, no advancement whatsoever.

In relation to the referendum I note Members' views as to participation by the public in calling a referendum. Once again, Madam Speaker, I guess it is not always possible to get everything that we want in life, but, at least, I believe we have the first amendment to a United Kingdom's colony Constitution that will actually recognise that there can be a referendum under that Constitution. While it would only be done fairly rarely, I believe that as Members have done today, with 15 Elected Members, also with the agreement of the Official Members (but as we know on purely sort of, political things they keep their distance up to a point), the 15 Members can get together if there needs to be a referendum and work out what that question would be in the referendum and work out what should go in the law and what would happen as a result of it. Like I have said, the Constitution does not normally carry with it all of the details that we need on some of these issues.

Madam Speaker, another section that a Member asked that I comment on was in relation to the amendment to section 21. This section deals with delaying the vacation of a seat to allow an appeal and, yes, there is a difference between the number of days that there is a delay in that section. The difference between 150 days and 390 days. But what has actually happened in substance with this, Madam Speaker, and it relates only to Members in the House is that upon imprisonment, bankruptcy or insanity you have a delay in the seat being vacated under the new section until the appeal is allowed to run its course. Under the old section the seat became vacant at a much earlier stage. Why the difference in the number of days? I can surmise that since the appeal is being allowed as part of the number of days, it may be it is assumed that the difference of 240 days is about what it would take as an outer limit for the appeal to be heard and should come back at the end of the time probable to the same period. But, there is a difference in that there is a delay because of the appeal under the new section where as the exercising of the rights of the old one, the 390 days ran from the beginning. At least, that is the way it appears to me.

In any event, Madam Speaker, we have been lucky that this section has never ever had to be applied. But it is not saying that it is not important. The question was also raised about administrative responsibility but that has been withdrawn. I think I dealt with it as best I could and other Members here have as well. I do not intend to go back into that only to say that it never did, or never could have had any cause to allow us to interfere in the Civil Service for the reason I have said earlier; that the Governor, in his discretion, not the Governor on the advice of ExCo, deals fully with the Civil Service.

Madam Speaker, the Motion before this Honourable House, I believe, is one which hopefully will not be put to rest for some time to come, the question of any constitutional amendment. I really think, as just about all Members of this Honourable House said, that it is time we spend our time getting on with the business of the country; trying to deal with the many problems we have and trying to go positively forward to advance and better Caymanians and the Cayman Islands and the people who live here (residents and otherwise), and that with this amendment which does not in anyway advance the Constitution at all, it will continue to carry the stability and the hope that the Islands will go forward and will continue to be a better place for ourselves and our children in years to come.

Thank you.

THE SPEAKER: The question is that Government Motion No. 4/93, as amended, be passed. I will put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. GOVERNMENT'S MOTION NO. 4/93, AS AMENDED, PASSED.

THE SPEAKER: I now 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 tomorrow morning.

THE SPEAKER: The question is that the House do now adjourn until tomorrow 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 4:40 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 24TH SEPTEMBER, 1993

FRIDAY
24TH SEPTEMBER, 1993
10:12 A.M.

THE SPEAKER: I will ask the Third Elected Member for Bodden Town to say prayers.

PRAYERS

MR. G. HAIG BODDEN: Let us Pray.

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

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

Question No. 141, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 141

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE TEMPORARY FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 141: To provide a breakdown, by Department, of the recent 5 per cent reduction of Civil Servants.

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: The breakdown, by Department, of the recent 5 per cent reduction of Civil Servants is as follows:

Department	Post Deleted
Customs	3
Education	19
Environment	3
Finance and Development	2
Fire Service	1
Marine Survey	4
Personnel	3
Portfolio for Agriculture Communication and Works	1
Portfolio for Education and Culture and Aviation	2
Public Service Commission	1
Social Services Department	2
Statistics	2
Total:	**43**

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say why, of all Departments in Government, there would be such considerable reduction in Education and what kind of staff does it really reflect?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The reduction in Education was offered by that Department. It concerned, as far as I understand, mostly contracted officers who were leaving the Service and in instances where reorganisation was taking place, posts would be combined. Hence, the reduction.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. The staff, do I understand correctly, were actually teachers whose contracts were being terminated and, if so, to what extent does that alter the student to teacher ratio in the schools that will be affected?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I think, in most cases, the posts cut were teaching staff posts. But teachers were not actually terminated, it was a matter where contracted officers were not renewing their contracts, they were leaving. I believe that the larger of those posts were from the George Hicks and John Gray High Schools where posts or duties were being combined as there was some reorganisation taking place and I do not think that pupil/teacher ratios were affected although one would wonder about this when one sees the figure of 19 being cut. It is my understanding that the pupil/teacher ratio was not severely affected.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say why it is that the number of posts shown here as deleted is almost 50 per cent more than the actual number of 20 people who were reduced in the Service, according to a question answered here earlier this week? What is the difference there?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. In answer, there were 19 expatriate staff members who left or will leave the Service at the end of their contract and they have been counted because they have been effectively cut, or it will take place. There was one Caymanian who resigned to go overseas to pursue additional studies and the other 23 were redeployed in other areas of the service or are waiting redeployment.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. One last supplementary, please. Was it the case that there was actually an over provision of teachers, as such, within the education system?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I do not know whether it was actually a case of an over provision of teachers, but I think it came about simultaneously with the reorganization of schools, particularly George Hicks and John Gray, which resulted in a combination of duties.

THE SPEAKER: The next question is No. 142, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 142

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE TEMPORARY FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 142: What are the functions, responsibilities and duties of the new officer termed "Staff Officer"?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The functions, responsibilities and duties of the newly appointed Staff Officer are to assist the Governor (or the Acting Governor in the Governor's absence) in dealing with matters of direct concern to the Foreign and Commonwealth Office in London.

As was pointed out in a recent article in the *Caymanian Compass*, the holder of the post does not deal with internal matters affecting the running of the Government in the Cayman Islands. The post is fully funded by the Foreign and Commonwealth Office and no charge in relation to this appointment falls on the Cayman Islands' Government.

The appointment of the Staff Officer to the Governor is one of five similar appointments to the Governors of all the Caribbean Dependent Territories.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Several months ago, perhaps the early part of this year or the latter part of last year, when there was an announcement that this type of arrangement was being made by the Foreign and Commonwealth Office in the Caribbean territories, it was said that the Cayman Islands would not be affected. Such a person would not really be appointed here. Was there some change of position since that time which was an official release, as I recall it, from the Chief Secretary?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. It is my recollection that what was said was that the appointment made to the staff offices of the Cayman Islands would not be one of the first, others would be done before the Cayman Islands. I do not recall, but I stand to be corrected on this, that it was said there would be no appointment to the Cayman Islands.

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

MR. GILBERT A. McLEAN: Does the grade of the officer appointed to the position of Staff Officer equate with that of the Governor in the ratings of the Foreign and Commonwealth Office, or is this person subordinate to the Governor in carrying out the functions and duties of his office? Could the Member say?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The salary of and the grading of the Staff Officer is very, very much lower than that of the Governor. The Staff Officer's grade would be equivalent to a Private Secretary to an Ambassador. So it is very, very much lower than that of Governor.

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

MR. GILBERT A. McLEAN: If, for example, a Member of the Legislative Assembly wished to have an appointment to see this gentleman on a matter relating to the Foreign and Commonwealth Office, would that appointment have to be made through the Governor with his permission, or could this person deal directly with that matter?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I would expect that the appointment would probably be made through the Governor's office and the Staff Officer reports to the Governor. So unless it is a rather minor point, I would suspect that the Governor would want to deal with it and, perhaps, on matters of correspondence he may decide to pass it on to his Staff Officer.

THE SPEAKER: The next question is No. 143, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 143

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE TEMPORARY FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 143: What is the current status of the amalgamation of Government's Departments, and where two Departments are merged how is it decided who becomes Head?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. There were 14 amalgamations of

Departments, Units and Sections announced by the Governor in March, 1993. Of these 14, nine have been implemented; two have been postponed; two are under discussion; and one is awaiting the necessary legislation to be put in place. On the issue of who becomes Head when two Departments are merged, this decision is based on seniority, experience and merit.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say that in the event of one being chosen to be Head of a super department, if the other person was a Head of a Department and remains, would he continue to draw his salary, or would his salary fall away and he fall into a different category?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. If I can use the term "subordinate officer", the one who was not successful in getting the headship of the super department, that person's salary could not fall away, it would probably be made personal to holder even if he became the Deputy Head of that super department.

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

MR. GILBERT A. McLEAN: Following on the answer that the Honourable Member has just given, the amalgamation, in fact, may not really have any true significance in terms of money savings due to that situation. Is there any clear indication that the amalgamation will help with any efficiency savings, or will efficiency be procured by the amalgamation which has gone on?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The Honourable Member is quite right in the sense that the Deputy Head retains his salary, there will be no savings there until such time as the holder of the post is replaced and, of course, the replacement would be at the lower salary. But, the savings will come about in combined office accommodation, in combined secretarial staff, combining equipment, all the things that can be combined when two or three departments or units are brought together. It was recognised that it would take these items to bring about savings.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker. Would the Honourable Member tell us if the merging made some positions redundant and therefore helps to effect some savings?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. Yes, I think there were one or two redundancies. There were one or two cases where a contracted officer was Head of a unit or section and was leaving and, naturally, there was no need for that salary to be kept on a personal to holder. If the post could be down graded there would be savings and I think there was one or two instances of this, yes.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. In situations where two Caymanians of senior standing in the permanent and pensionable establishment were being merged in a single department, was any consideration being given to appointing them jointly as associate Heads, rather than a Head and a Deputy Head among two senior people?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I do not know if there was either case among the amalgamations of where two Departments being amalgamated had Heads that were exactly on the same grade and seniority. So, the senior person would naturally get the Headship and the subordinate person the Deputy Headship.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say whether it is a fact that the Management Services Division has been done away with and if so, who actually

monitors then this particular aspect of personnel which would have all fitted in with the amalgamation and reduction of staff and so on?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. The Management Services Unit was down-sized and was then merged with the Budget Management Unit. So it has not been done away with it has just been merged. The O and M function, which the Honourable Member speaks about, is still evident although in a down-sized situation.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I wonder if the Member would tell us if the target was supposed to be 7.5 per cent in reduction, and your goal is only 5 per cent, what about the difference of 2.5 per cent? What will become of the target for the 2.5 per cent difference?

THE SPEAKER: The Honourable Temporary First Official Member.

HON. JAMES M. RYAN: Thank you, Madam Speaker. I believe this question strays a bit from the substantive question inasmuch as the amalgamation of Departments and the down-sizing are two separate exercises. I believe that there will be a question early next week on the down-sizing that will give the Member ample opportunity to ask questions.

THE SPEAKER: The next question is No. 144, standing in the name of the First Elected Member for Bodden Town. I must say before the question is asked that an amount was given by the Honourable Member for Health and Social Services in his Statement on the 22nd of September that the estimated cost is $394,239.

WITHDRAWAL OF QUESTIONS NOS. 144 AND 145

MR. ROY BODDEN: Madam Speaker, I was going to seek the Chair's permission to waive questions No. 144 and No. 145, as I believe the Member answered both these substantive questions in his Statement. If I have the Chair's permission to waive these, I would then have only one supplementary question regarding these two.

THE SPEAKER: Thank you. I think that in view of the statement then these questions can be withdrawn, with the permission of the House. I shall put the question. Those is favour please say Aye...Those against, No. The Ayes have it.

AGREED. QUESTIONS 144 AND 145 WITHDRAWN.

THE SPEAKER: The next question is No. 146, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 146

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 146: What is the estimated cost of treatment per individual at the Government's proposed treatment facility at Breakers?

THE SPEAKER: I should also say that that sum was also included in the Member's statement and the estimated cost is about CI$3,500. That is on the last page of the Member's statement. I would say, however, that if there are supplementary questions I would allow supplementaries if the Honourable Member is prepared to answer them.

MR. ROY BODDEN: Madam Speaker, I had a supplementary in relation to the cost of the facility and I wanted to ask the Member, through the Chair, if it was the Member's intention to give the bid for construction out to tender, or is it that the Public Works Department is going to be constructing the facility?

THE SPEAKER: The Honourable Member responsible for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, I do not think I am required to answer this question because there is no question on the Order Paper. But, for information purposes, I will say to the House that the figure given is within the amount required by the Financial and Audit Regulation and would have to go to tender. But, I would like to point out to the House that there is no construction, as such, there is renovation and refurbishing.

THE SPEAKER: The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I would like to ask the Member how does the estimated cost of treatment per individual compare with sending the person overseas for a similar length of time? I understand this treatment is to be about 30 days?

THE SPEAKER: Honourable Member, that was also included in the Member's statement. I think the amount was about $8,000, something to that effect. That was included on page four of the Member's statement, US$8,500.

HON. W. McKEEVA BUSH: That is correct.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, would the Member clarify if there is any truth in the rumour that there will be a certain section of the facility where inmates, or patients, would be detained and where their privileges will be fully restricted?

THE SPEAKER: Honourable Member, under Standing Order 22(8) I cannot allow that question to be asked, "whether there is any truth in the rumour." That concludes Question Time for today.

GOVERNMENT BUSINESS

BILLS

SECOND READINGS

THE FENCES BILL, 1993

CLERK: The Fences Bill, 1993

THE SPEAKER: The Honourable Member for Agriculture, Communications and Works.

HON. JOHN B. McLEAN: Thank you, Madam Speaker. I beg to move the Second Reading of a Bill entitled a Bill for a Law Providing for the Constitution, Repair and Maintenance of Division Fences. Madam Speaker, this is a very short Bill and it will provide for the construction, repair and maintenance of division fences between different properties and it will attempt to set out the matters to be taken into account when assessing the responsibility of each property owner.

For some time there has been a great concern, especially by farmers in this country, concerning the division of fences and by whom should the cost be borne. This short Bill will no doubt deal with this problem and it also has a section whereby the Governor in Council will be able to make the necessary regulations to deal with such matters. I believe that, although this has taken some time to come before this Honourable House, it no doubt will deal with the necessary things to put this worry to rest. I would ask that all Members of this Honourable House offer their support to this short Bill.

THE SPEAKER: The question is that a Bill entitled the Fences Bill, 1993, be given a Second Reading. The Motion is open for debate.

The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I am pleased to lend my support to this Bill and would like to congratulate the Honourable Member moving the Bill on the efficiency and speed with which he has moved to address this problem since taking office.

The *Hansards* of this House will reflect that from January of 1992, I have been in correspondence with the then Member for Communications, Works and Agriculture regarding the concerns voiced to me by some of my constituents who raise cattle concerning the anomalies of this, The Division of Fences Law, 1980. The records will show that in addition to correspondence I raised a question in which I asked the Honourable Member if his Portfolio was prepared to review that Law. I got an answer which I termed a pious aspiration and time elapsed and nothing concrete was done. I am sure that I speak for my constituents in the cattle business when I say that there will be a sense of relief that the Honourable Member now occupying that Portfolio has so sensibly moved to redress this anomaly. I willingly and gladly lend my support for the cause.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I also rise to support this Bill. It is a great relief, I know, for the people in the district where I live. For many years they have been seeking this relief and now it has come. Probably in the Lower Valley/Bodden Town area this is more pertinent than in other districts of the Island. I had the opportunity to serve on some of the Committees that looked into this and met with the gentlemen from the Drafting Office who worked along with us on this.

I can remember about eight or 10 years ago, a certain individual, because of the failure of his adjoining neighbor's fence, one of his cows got out on to the road. A car hit it. The gentleman lost the cow. It went to court and he ended up paying around $9,000 or $10,000 because there was no way to say that it was not his fault. I ask the Member, through you Madam Speaker, that as soon as possible the proper regulations be drawn up to see that this Bill is brought into effect as soon as possible.

Thank you, Madam Speaker.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. I rise to give my full support to a Bill for a Law Providing the Construction Repair and Maintenance of Division Fences. I would like to congratulate the Mover on bringing this to the House. For many years we have discussed the need for a law of this nature and I think the provisions which have concerned my constituents over the years have been fully addressed in this. In particular, I am very grateful to the Mover for being very familiar with the situation, being a farmer himself. He understands that the benefit each owner receives by virtue of the fence is very important as to his ability to contribute to the repairs and maintenance.

In my district there are people who inherited land, own land, but really do not need a fence around their property as it is unused. Others who were raising cattle or cultivating it were incurring a substantial expense maintaining fences. So I am very grateful to see this Bill and I hope all Members will support it.

Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, I, too, would like to give my support to the Bill. I believe that this will prevent many of the disputes which have arisen in the past regarding these issues. I noticed that in assessing and deciding how much each owner should pay, in section 23, it says that: "This shall be done by having regard to the benefit each owner receives by virtue of the fence and the type of fence it is appropriate for each owner to pay towards having the use for his property.". I would like very much if the Member would explain how this would be determined, exactly. Thank you.

THE SPEAKER: If there is no further debate, I would ask the Honourable Mover if he would like to reply. Honourable Member for Communication, Works and Agriculture.

HON. JOHN B. McLEAN: Thank you, Madam Speaker. First of all I would like to thank the Honourable Members who spoke in support of this Bill, and for their contribution on the matter. I must say that I totally agree with the remarks of the First Elected Member for Bodden Town on his efforts to the last Member. Indeed, I was President of the Agricultural Society at the time, and I too spent a considerable amount of time with farmers trying to get some action on this. So I am also pleased to know that I was able to do something to aid the farmers as quickly as I did.

I also assure the Second Member for Bodden Town that I will endeavour, as quickly as possible, to have regulations in place to deal with the matter. There was a question raised by the Member for George Town regarding how this would be done. It is my understanding that if, for example, there are two farmers who are rearing cattle, no doubt they would be dealing with a fence such as a barbed-wire fence. There we would have, I would consider, an equal cost. I presume that if it was that there was a fence adjoining a subdivision, the farmer, under this, could not be called upon to put on his side chain-link fence. I would think that he would have the right to also construct what was necessary to contain his cattle. He would have his rights under this Law to do so.

As far as what the Member for Cayman Brac mentioned, I, too, know of occasions when individuals who were rearing cattle were called upon to bear the burden of the full amount of fence, simply because they were rearing cattle. This will change that and the responsibility will be shared between the two landowners. I hope and trust that, especially, the farmers will find benefit in this because my experience over the years has been that, as was pointed out, several farmers have suffered financial loss because of the problems with fences and adjoining landowners not being ready to bear their share of the cost. Once again, I would like to thank all those who have spoken to this Bill and I give the assurance to the House that I will do my part to bring this into force as soon as possible. Thank you, Madam Speaker.

THE SPEAKER: The question is that a Bill entitled The Fences Bill, 1993, be given a Second Reading. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. THE FENCES BILL, 1993 GIVEN A SECOND READING.

THE PORT AUTHORITY (AMENDMENT) BILL, 1993

CLERK: The Port Authority (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to move that a Bill shortly entitled a Bill for a Law to Amend the Port Authority Law be given a Second Reading. The main reason for the Bill is one of clarification within the Law. The Law as it presently stands says that the Member responsible for the Port Authority is the Member responsible for Communication and Works. This amendment to the Law basically amends that particular section of the Law and replaces it with: "The Member means the Member of Executive Council charged with the administration of the Law in accordance with section 9 of the Constitution.". So it is just a change of definition. I think the amendment which is embodied in this short Bill puts the Governor in a position where he can decide which Member of Executive Council he wants responsible for the Port at any given time rather than to say that the Member for the Port shall be the Member responsible for Tourism, or the Member responsible for Education, or the Member responsible for Communication. I think it gives His Excellency the Governor the flexibility to appoint whichever Member he wishes.

THE SPEAKER: The question is that a Bill entitled The Port Authority (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 PORT AUTUORITY (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.

THE NUCLEAR SAFEGUARDS BILL, 1993

CLERK: The Nuclear Safeguards Bill, 1993.

THE SPEAKER: The Honourable Second Official Member.

HON. RICHARD H. COLES: Madam Speaker, I beg to move the Second Reading of a Bill shortly entitled a Bill for a Law to give Effect in the Cayman Islands to an International Agreement Relating to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

The Memorandum of Objects and Reasons sets out that the Bill is to give effect to an agreement between the United Kingdom of Great Britain and Northern Ireland, the European Atomic Energy Community and the International Atomic Energy Agency in connection with the Treaty for the Prohibition of Nuclear Weapons in Latin America.

Madam Speaker, that safeguards agreement was signed on behalf of the United Kingdom Government in January of this year and it is in connection with the treaty which many European countries are a party to. The purpose of this Legislation which is also being promoted in all the United Kingdom Dependent Territories, not just in the Caribbean, but throughout the world, is to grant effectively diplomatic immunities and privileges or immunities and privileges, equivalent to diplomatic status to authorised officers of the International Atomic Energy Association so that they can make inspections as and when they are considered necessary within the Cayman Islands to ensure that the terms of the agreement and the terms of the treaty are being adhered to. There are sanctions within the Bill for non compliance and for obstructing the authorised inspector in the furtherance of his duties. The Bill specifically states that the Law will bind the Cayman Islands Government.

It is a rather technical piece of legislation, I appreciate, but I would commend it to the House. It is a Bill that will show the commitment of the Cayman Islands to doing its part in the non-proliferation of Nuclear Weapons in the world. Thank you.

THE SPEAKER: The question is that a Bill entitled The Nuclear Safeguards Bill, 1993, be given a Second Reading. The Motion is open for debate. The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, I am sure that the majority of us here in this Honourable House realise the threat of nuclear arms and the trepidation that the world is faced with as a result of the arms race, especially before the Cold War was over. I am sure that this Bill will have the support of all Members especially realising that we are still a Colony and the United Kingdom has already signed this treaty.

However, I would like the Mover of the Bill to clarify whether this will, in fact, prohibit just nuclear weapons, or whether it will prohibit the use of nuclear energy for all purposes. I would like to get clarification of that. We all know that nuclear energy can be useful for human advancement also. I would like, in his summing up, if he would clarify that for me. Thank you.

THE SPEAKER: If there is no further debate, I will ask the Honourable Mover of the Bill to reply.

HON. RICHARD H. COLES: Thank you, Madam Speaker. I am grateful for Members support for this Bill. I will do my best to answer the question. The purpose of the Legislation is to allow inspectors from the International Atomic Energy Agency to come to the Cayman Islands to verify either that there are no nuclear substances on the Island (and what is or is not prohibited is in fact contained in the schedule to the agreement itself) but, also, to establish the purposes of any lawful nuclear material that may or may not be on the Island. So it does not seek to prevent the Cayman Islands ever using nuclear material if, in fact, a lawful and helpful use is found on the Islands for it. But it is to prevent the possibility of the illegal use of this material for the manufacture of weapons not, of course, necessarily in the Cayman Islands, but elsewhere, particularly in Latin America.

I ask, therefore, that Members of the House give their support

and vote for this Bill. Thank you.

THE SPEAKER: The question is that a Bill entitled The Nuclear Safeguards Bill, 1993, be given a Second Reading. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. THE NUCLEAR SAFEGUARDS BILL, 1993, GIVEN A SECOND READING.

THE MUTUAL FUNDS (AMENDMENT) BILL, 1993

CLERK: The Mutual Funds (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Mutual Funds Law, 1993. This Bill and the four Bills which follow on today's Order Paper are all related in that they serve to establish the necessary institutional framework to continue to effectively regulate the local Financial Services sector.

The first Bill, the one at hand, is the direct result of the merger of the Supervision of Financial Services into a single department now known as the Financial Services Supervision Department. This has resulted in an officer who was appointed as the inspector who has been appointed as Inspector of Financial Services. The previous title of this officer was that of Inspector of Banks and Trust Companies. This officer was appointed under the Mutual Funds Law in carrying out its administrative functions. The changed title of the officer therefore necessitates that where the title of Inspector of Banks and Trust Companies appears in the Law, that this be amended to read "The Inspector of Financial Services".

I commend the Bill to this Honourable House.

THE SPEAKER: The question is that a Bill entitled The Mutual Funds Amendment, 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 MUTUAL FUNDS AMENDMENT, 1993, GIVEN A SECOND READING.

THE INSURANCE (AMENDMENT) BILL, 1993

CLERK: The Insurance (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Insurance Management Law, 1979. In keeping with the consolidation of the supervision of Financial Services under the Inspector of Financial Services, this amendment seeks to appoint that officer as the Superintendent of Insurance as defined under section 12(1) of the Banks and Trust Companies Law, 1989. I commend this Bill to this Honourable House.

THE SPEAKER: The question is that a Bill entitled the Insurance (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 INSURANCE (AMENDMENT) BILL 1993, GIVEN A SECOND READING.

THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993

CLERK: The Banks and Trust Companies (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Banks and Trust Companies Law, 1989. The consolidation of Financial Services under the Inspector of Financial Services makes it a necessity to amend the definition of Inspector as it appears under section 2 of the Banks and Trust Companies Law, 1989, from that of being Inspector of Banks and Trust Companies to being that of Inspector of Financial Services. I commend this Bill to this Honourable House.

THE SPEAKER: The question is that a Bill entitled The Banks and Trust 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 BANKS AND TRUST COMPANIES (AMENDMENT) BILL 1993, GIVEN A SECOND READING.

THE COMPANIES MANAGEMENT (AMENDMENT) BILL, 1993

CLERK: The Companies Management (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Companies Management Law, 1984. This Bill seeks to substitute by amending the definition of Inspector in section 2 of this Law from that of being Inspector of Companies Management to that of Inspector of Financial Services. In addition, it is intended to omit section 5(1) of this Law which makes reference to the Inspector of Company Managers for the administration of this Law. I would be grateful for the support of the Members.

THE SPEAKER: The question is that a Bill entitled The Companies Management (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 MANAGEMENT (AMENDMENT) BILL, 1993, GIVEN A SECOND READING.

THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) (AMENDMENT) BILL, 1993

CLERK: The Confidential Relationships (Preservation) (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Confidential Relationships (Preservation) Law, 1984. The consolidation of Financial Services under the Inspector of Financial Services necessitates that the definition of Inspector under this Law be changed from that of Inspector of Banks and Trust Companies to that of Inspector of Financial Services as appointed under section 12(1) of the Banks and Trust Companies Law, 1989. I would be grateful if Members of the Honourable House would support this Bill. Thank you.

THE SPEAKER: The question is that a Bill entitled The Confidential Relationships (Preservation) (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 CONFIDENTIAL RELATIONSHIPS (PRESERVATION) (AMENDMENT) BILL 1993, GIVEN A SECOND READING.

THE SPEAKER: The House will now go into Committee to consider the Bills.

HOUSE IN COMMITTEE

THE CHAIRMAN: Please be seated.
The House is in Committee to consider various Bills. As has been customary, it is assumed that the House will give the Honourable Second Official Member the authority to make any minor amendments to the Bills. The First Bill is the Fences Bill, 1993.

THE FENCES BILL, 1993.

CLERK: Clause 1-Short title.
Clause 2-Cost of constructing, etcetera, fences to be borne by adjoining landowners.
Clause 3-Regulations.
Clause 4-Repeal.

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 Providing for the Construction, Repair and Maintenance of Division Fences.

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 CHAIRMAN: That concludes proceedings on the Fences Bill, 1993.

THE PORT AUTHORITY (AMENDMENT) BILL, 1993

THE CHAIRMAN: The Port Authority (Amendment) Bill, 1993.

CLERK: Clause 1-Short title.
Clause 2-Section 3 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 Port Authority Law.

THE CHAIRMAN: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. THE TITLE PASSED.

THE NUCLEAR SAFEGUARDS BILL, 1993

THE CHAIRMAN: The Nuclear Safeguards Bill, 1993.

CLERK: Clause 1-Short title.
Clause 2-Interpretation.
Clause 3-The powers of the agency.
Clause 4-Immunities and privileges of the agency, its officers and their families and of the agency's experts.
Clause 5-Offences.
Clause 6-Regulations for giving effect to certain provisions of the agreement.
Clause 7-Offences by bodies corporate.
Clause 8-Application.

THE CHAIRMAN: The question is that Clauses 1 through 8 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 8 PASSED.

CLERK: Schedule.

THE CHAIRMAN: The question is that the Schedule 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. SCHEDULE PASSED.

CLERK: A Bill for a Law to give Effect in the Cayman Islands to an International Agreement relating to the Treaty for the Prohibition of Nuclear Weapons in Latin America.

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 MUTUAL FUNDS (AMENDMENT) BILL, 1993

THE CHAIRMAN: The Mutual Funds (Amendment) Bill, 1993.

CLERK: Clause 1-Short title.
Clause 2-Commencement.
Clause 3-Mutual Fund Law amended.

THE CHAIRMAN: The question is that Clauses 1 through 3 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill for a Law to Amend the Mutual Funds Law.

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 INSURANCE (AMENDMENT) BILL, 1993

THE CHAIRMAN: The Insurance (Amendment) Bill, 1993.

CLERK: Clause 1-Short title.
Clause 2-Commencement.
Clause 3-Insurance Law 1979, amended.

THE CHAIRMAN: The question is that Clauses 1 through 3 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill for a Law to Amend the Insurance Law, 1979.

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 BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993

THE CHAIRMAN: The Banks and Trust Companies (Amendment) Bill, 1993.

CLERK: Clause 1-Short title.
Clause 2-Banks and Trust Companies Law, 1989 amended.
Clause 3-Saving.

THE CHAIRMAN: The question is that Clauses 1 through 3 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill for a Law to Amend the Banks and Trust Companies Law, 1989.

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 COMPANIES MANAGEMENT (AMENDMENT) BILL, 1993

THE CHAIRMAN: The Companies Management (Amendment) Bill, 1993.

CLERK: Clause 1-Short title.
Clause 2-Commencement.
Clause 3-Companies Management Law, 1984, amended.

THE CHAIRMAN: The question is that Clauses 1 through 3 do stand part of the Bill. If there is no debate I shall put the question. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill for a Law to Amend the Companies Management Law, 1984.

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 CONFIDENTIAL RELATIONSHIPS (PRESERVATION) (AMENDMENT) BILL, 1993

THE CHAIRMAN: The Confidential Relationships (Preservation)(Amendment) Bill, 1993.

CLERK: Clause 1-Short title.
Clause 2-Commencement.
Clause 3-Confidential Relationships (Preservation) Law amended.

THE CHAIRMAN: The question is that Clauses 1 through 3 do stand part of the Bill. If there is no debate, I shall put the question. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill for a Law to Amend the Confidential Relationships (Preservation) Law, 1984.

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 CHAIRMAN: That concludes proceedings in Committee on Bills. The question is that the House do now report. I shall put the question. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. THAT REPORTS BE MADE TO THE HOUSE.

HOUSE RESUMED AT 11:21 A.M.

THE SPEAKER: Please be seated. Proceedings are resumed. Reports on Bills, the Honourable Member for Agriculture, Communications and Works.

REPORT ON BILLS

THE FENCES BILL, 1993

HON. JOHN B. McLEAN: Thank you, Madam Speaker. I have to report that a Bill entitled A Bill for a Law Providing for the Construction, Repair and Maintenance of Division Fences was considered clause by clause and passed without amendments.

THE SPEAKER: The Bill is accordingly set down for Third Reading.
The Port Authority (Amendment) Bill, 1993, The Honourable Member for Tourism, Environment and Planning.

THE PORT AUTHORITY (AMENDMENT) BILL, 1993,

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to report that a Bill shortly entitled The Port Authority (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 Nuclear Safeguards Bill, 1993. The Honourable Second Official Member.

THE NUCLEAR SAFEGUARDS BILL, 1993

HON. RICHARD H. COLES: Madam Speaker, I have to report that a Bill entitled A Bill for a

Law to give Effect in the Cayman Islands to an International Agreement Relating to the Treaty for the Prohibition of Nuclear Weapons in Latin America 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 Mutual Funds (Amendment) Bill, 1993. The Honourable Temporary Third Official Member.

THE MUTUAL FUNDS (AMENDMENT) BILL, 1993

HON. JOEL WALTON: Madam Speaker, I am to report that a Bill for a Law to Amend the Mutual Funds Law, 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 Insurance (Amendment) Bill, 1993. The Honourable Temporary Third Official Member.

THE INSURANCE (AMENDMENT) BILL, 1993

HON. JOEL WALTON: Madam Speaker, I am pleased to report that a Bill for a Law to Amend the Insurance Law, 1979, 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 Banks and Trust Companies (Amendment) Bill, 1993. The Honourable Temporary Third Official Member.

THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993

HON. JOEL WALTON: Madam Speaker, I am pleased to report that a Bill for a Law to Amend the Banks and Trust Companies Law, 1989, 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 Companies Management (Amendment) Bill, 1993. The Honourable Temporary Third Official Member.

THE COMPANIES MANAGEMENT (AMENDMENT) BILL, 1993

HON. JOEL WALTON: Madam Speaker, I am pleased to report that a Bill for a Law to Amend the Companies Management Law, 1984, was considered by a Committee of the whole House and subsequently passed without amendment.

THE SPEAKER: The Bill is accordingly set down for Third Reading.
The Confidential Relationships (Preservation) (Amendment) Bill, 1993. The Honourable Temporary Third Official Member.

THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) (AMENDMENT) BILL, 1993

HON. JOEL WALTON: Madam Speaker, I am to report that a Bill for a Law to Amend the Confidential Relationships (Preservation) Law, 1984, was considered by a Committee of the whole House and passed without amendment.

THE SPEAKER: The Bill is accordingly set down for Third Reading.

THIRD READINGS

THE FENCES BILL, 1993.

CLERK: The Fences Bill, 1993.

THE SPEAKER: The Honourable Member for Agriculture, Communications and Works.

HON. JOHN B. McLEAN: Thank you, Madam Speaker. I beg that the Fences Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Fences Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED THE FENCES BILL, 1993, GIVEN A THIRD READING AND PASSED.

THE PORT AUTHORITY (AMENDMENT) BILL, 1993

CLERK: The Port Authority (Amendment) Bill, 1993

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: I move that a Bill shortly entitled The Port Authority (Amendment) Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled the Port Authority (Amendment) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED THE PORT AUTHORITY (AMENDMENT) BILL, 1993, GIVEN A THIRD READING AND PASSED.

THE NUCLEAR SAFEGUARDS BILL, 1993

CLERK: The Nuclear Safeguards Bill, 1993.

THE SPEAKER: The Honourable Second Official Member.

HON. RICHARD H. COLES: I move that a Bill shortly entitled The Nuclear Safeguards Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Nuclear Safeguards 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 NUCLEAR SAFEGUARDS BILL, 1993, GIVEN A THIRD READING AND PASSED.

THE MUTUAL FUNDS (AMENDMENT) BILL, 1993

THE SPEAKER: The Honourable Member for Agriculture, Communications and Works.

CLERK: The Mutual Funds (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I move that a Bill entitled The A Bill for a Law to Amend the Mutual Funds Bill, 1993, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Mutual Funds (Amendment) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED THE MUTUAL FUNDS (AMENDMENT) BILL, 1993 GIVEN A THIRD READING AND PASSED.

THE INSURANCE (AMENDMENT) BILL, 1993

CLERK: The Insurance (Amendment) Bill, 1993

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I move that a Bill entitled A Bill for a Law to Amend the Insurance Law, 1979, be deemed to have had its Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Insurance (Amendment) 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 INSURANCE (AMENDMENT) BILL, 1993, GIVEN A THIRD READING AND PASSED.

THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993

CLERK: The Banks and Trust Companies (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I move that a Bill entitled A Bill for a Law to Amend the Banks and Trust Companies Law, 1989, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Banks and Trust 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. The Ayes have it.

AGREED. THE BANKS AND TRUST COMPANIES (AMENDMENT) BILL, 1993, GIVEN A THIRD READING AND PASSED.

THE COMPANIES MANAGEMENT (AMENDMENT) BILL, 1993

CLERK: The Companies Management (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I move that a Bill entitled A Bill for a Law to Amend the Companies Management Law, 1984, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Companies Management (Amendment) Bill, 1993, be given a Third Reading and passed. Those in favour please say Aye....Those against No. The Ayes have it.

AGREED. THE COMPANIES MANAGEMENT (AMENDMENT) BILL GIVEN A THIRD READING AND PASSED.

THE CONFIDENTIAL RELATIONSHIPS (PRESERVATION) (AMENDMENT) BILL, 1993

CLERK: The Confidential Relationships (Preservation) (Amendment) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I move that a Bill for a Law to Amend the Confidential Relationships (Preservation) Law, 1984, be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled The Confidential Relationships (Preservation) (Amendment) 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 CONFIDENTIAL RELATIONSHIPS (PRESERVATION) (AMENDMENT) BILL GIVEN A THIRD READING AND PASSED.

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

PROCEEDINGS SUSPENDED AT 11:31 A.M.

PROCEEDINGS RESUMED AT 12:03 P.M.

THE SPEAKER: Please be seated. Continuing with the Order of Business. Other Business, Private Members' Motions. The Fourth Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 4/93

SELECT COMMITTEE OF THE WHOLE HOUSE TO REVIEW THE GOVERNMENT BLANKET GUARANTEE FOR LOWER INCOME HOUSING

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I beg to move Private Member's Motion No. 4/93 entitled, Select Committee of the Whole House to review the Government Blanket Guarantee for Lower Income Housing, which reads as follows:

"WHEREAS on Monday, 19th July, 1993, the Standing Finance Committee approved a blanket guarantee of between 10 per cent and 35 per cent to First Home Banking, the Bank of Butterfield, First Cayman Bank and a private company, Cayman Affordable Housing, for the purpose of these organisations providing mortgage financing to lower income Caymanians;

AND WHEREAS this type of guarantee is the first of its kind ever undertaken by Government;

AND WHEREAS the sum representative of the 35 per cent guarantee is large and the results considerably speculative over which Government has no control;

AND WHEREAS the details of this venture are minuscule in comparison to the statements regarding the size of the envisaged project;

AND WHEREAS this Honourable Legislative Assembly in session has not been afforded the opportunity of debating the merits or demerits of the proposed housing scheme;

AND WHEREAS it is normal that the authorisation of a Government guarantee creating liability on public funds is the subject of debate in the Legislative Assembly;

AND WHEREAS the Government guarantee for the purpose stated will allow expenditure to be incurred which will financially affect the lives of citizens of the Cayman Islands;

AND WHEREAS the guarantee in its present form includes only three banking institutions and one private company on the island with no indication that any other such similar organisations would be included or were approached to participate in the proposed venture;

AND WHEREAS no requirements or standards for the project, nor legal protection for the individuals who might become borrowers, have been stated by Government;

BE IT NOW THEREFORE RESOLVED THAT the matter of the blanket guarantee by Government, aforementioned, be referred to a Select Committee of the whole House for consideration and examination, and for it to formulate certain standards, requirements and guidelines for lower income housing for which Government will provide a blanket guarantee pursuant to inviting all financial institutions and housing construction entities, which meet specified qualifications, to participate in and bid for such business on a competitive basis;

AND BE IT FURTHER RESOLVED THAT in considering the matter the Select Committee seek input from relevant financial and legal entities as well as from members of the public.".

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

MR. GILBERT A. McLEAN: Madam Speaker, I beg to second the Motion.

THE SPEAKER: Private Member's Motion No. 4/93, having been duly moved and seconded, is open for debate.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. In presenting this Motion I would like to just read in chronological order from a sequence of events which have taken place relative to this Motion. I read, first of all, from the Minutes of the Meeting in the Legislative Assembly of the 25th of June, where the Honourable Member for Health and Human Services made a Statement on developments of the Low Income Housing Programme. I will read an excerpt of that:

"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.".

Madam Speaker, the Standing Finance Committee met on the 19th of July, 1993, and on page 34 of the Minutes, Item 3:10 reads:

"Request for Authorisation to Issue Government Guarantee

Separate undertakings have been given by Cayman Affordable Housing ("the Company"), First Home Banking, First Cayman Bank and the Bank of Butterfield ("the Banks"), to provide sums of money for the purposes of mortgage financing to lower Income Caymanians. The Company would provide $17 million over a five year period, and two of the three banks named above would each provide $1 million each year for a three year period, with First Cayman Bank providing $250,000 per year for three years.

Clients would be provided with 100 per cent financing for their home building or purchasing costs, the maximum level of which would be set at about $80,000. Assistance with stamp duty and transfer fees would be considered in exceptional circumstances. In order to make the 100 per cent financing possible, thus avoiding the need for the client to find the usual down payment, Government would provide a guarantee of between 10 and 35 per cent, depending on the circumstances.

Finance Committee is hereby requested to pass the following resolution:

'WHEREAS three banks licensed to conduct domestic business (First Home Banking and the bank of Butterfield), and a private company (Cayman Affordable Housing) have agreed to provide respectively $1 million each, over the next three years with First Cayman Bank providing $250,000 per year for the next three years for the purposes of providing mortgage financing to lower income Caymanians.

BE IT THEREFORE RESOLVED, that the Government of the Cayman Islands undertakes in turn to provide a blanket guarantee of between 10 and 35 per cent of the upper layer of the loan such guarantee to cease after the first payment which aggregate the sum guaranteed of the sum loaned in lieu of perspective clients providing their own down payment, such guarantee to be activated in each case as the mortgage is approved.' ".

Debate ensued in Finance Committee Meeting after this resolution was brought. There were some questions asked. Basically, in my opinion no sensible answers were given and it appeared to me that, at the time, the Mover of the resolution was not in a position to answer several of the questions that were raised by Members. Madam Speaker, I did not have a real problem with that. I will just quote from these same Minutes where I said:

"Thank you, Mr. Chairman. Let me make it quite clear that any questions that I may raise, or I might have raised regarding this particular proposal, was simply for me to fully understand what is before me. At this point in time I still do not fully understand. If it is, at this point in time, Government's position that they do not fully understand and they are in the process of dealing with the matter and will be able to forward further information at a later date, I only have to hear that.".

I hope everybody is listening.

"But I just want to make it clear that I cast no aspersions at anyone or any institution when I ask a question. I simply ask a question fulfilling what I understand is my responsibility as a representative in this Honourable House. And I would not like to believe that anyone is wondering about my intentions. So what I will do, in order not to aggravate the situation, is to talk with the Member on an individual basis and maybe I will be able to understand the situation a little bit clearer.".

Madam Speaker, at that point in time, I was satisfied to do just that. Had I known what I know today, I may have thought of a different course. So, at the end of the Finance Committee's Meeting I proceeded to ask the Member when he could meet with me to discuss the matter of the proposed Lower Income Housing. Much to my shock, the Member said I had insulted him in the Finance Committee's Meeting and he had no discussion regarding this matter to take place with me, and if I wanted to hear about his proposal I could attend the Press Conference he was going to hold whenever he held it. Madam Speaker, thus, this Motion.

I really do not care whether that Member or any Member does not feel like discussing anything privately or personally with me, but I can assure everyone that my concerns were genuine. If the level that we are at cannot be maintained and I cannot get answered in the normal fashion, then I have no recourse but to chose whatever other channels are available to me. Madam Speaker, I say this without fear. It really matters not to me who thinks anything different of me for it. But my first loyalty is to this country and the people of this country. Loyalty to any one of my colleagues in this House comes second. I certainly bear no malice towards anyone but I can assure each and every one that I blow hot at all times for this country. Where the cold wind falls it will have to fall.

As we go through this Motion, I just want to explain to everyone here today that I have no problem at all with the concept of Government seeking to assist a certain income level bracket of the people of this country with housing, to help them on to better days. In fact, I would be the first to say, let us try to do it. But if it is to be done, there are many, many areas that have to be looked at. There are many questions to be answered and if we are going to do it, it must be done properly.

I was told during Finance Committee's Meeting, that a guarantee that was being asked for had to be had then because the whole scheme hinged on this guarantee. This is the month of September, I have heard nothing more about the scheme. So I wonder how important it was that a guarantee had to be given before all the details were worked out. My opinion is, at this point in time, that what should have been done was to work out all of the details, all of those details accompanying a proposal for a guarantee, so that myself and all the other Members of this House would have been able to say yea or nay, when the question was asked, with knowledge. At this point in time, I think I can safely say that we were asked in Finance Committee Meeting to vote on a resolution where there were no details. If the details had to be worked out I say, again, that was all fine and well. But how can we be expected to deal with it before we had those details? I simply say, that that resolution should have come when the details were ironed out, not the resolution then the details.

Madam Speaker, eternal vigilance is the price of integrity. I go back to speaking about this guarantee that was passed by a resolution in Finance Committee's Meeting. I say that if anyone here wants to refute what I am saying, I hope that they do not say that I, Kurt Tibbetts, do not want to see Caymanians get houses. Nothing could be further from the truth.

What I want to say is that I do not want to see Caymanians get houses then six months later lose them by default. I know of nowhere in this world where 100 per cent financing for lower income housing has ever worked. There is no sense in our building up in the minds of a level of our population that this is going to be a Godsend and after everything is worked out and they get into these houses they suddenly realise that life is not what it used to be because they have a burden of debt. As far as I am concerned, Madam Speaker, if we are to try to deal with this matter and get some positive results, I daresay, in this House today, there is no one of us who has the exact programme which will work the best way. I contend that we can make this thing work, but we have to sit down and iron out all of the details.

If the Member thinks that it is his executive privilege to come to Finance Committee Meeting which comprises all of the Members of this House and ask us to simply sign the cheques for him to go through the door and when he is through writing the cheques he can tell us, then I do not know a system working like that. I know he spent eight years where I am, and I know he knows it better than I do because he has had his field day on many occasions. But at this point in time, as far as I am concerned, the Backbench is the check and balance of the Government Bench and that is the way I have known it to work. The Backbench cannot be expected to give input when the Government brings their proposals if they do not provide details. That is the basis of my contention.

If, because of alliances or anything of such nature, the Members of this House have to feel today that this should not go to a Select Committee, but it should be left alone, then I want them to remember a few things. If this thing called the Affordable Housing Scheme is allowed to go the route it is going right now, as presented, with this 100 per cent financing, I want every Member here today to realise that the moment any Government has a hand in any mortgage with any people and the moment something goes wrong, the people are going to be coming to the politicians to sort the problem out. The people are going to be saying, "How can you make Government take away my house?" That may sound farfetched, Madam Speaker, but if we think about it, it is not.

I contend that a programme can be put together whereby people who are not in a position to acquire mortgages in the normal fashion, because of the required downpayment, can be put in a programme, they can be taught the art of self-discipline. They can be put at various stages, depending upon their income, to save "X" amount of money and as soon as they have proved that they have that discipline, that is their equity in their house and then we can move on. I do not have to go into all of the bigger details of that small example I used, Madam Speaker. But, that is just to say that there are many ways that we can skin this cat, and do it properly.

So, I interject here again, that the reason for this Motion is not for Government not to get involved with affordable housing but simply for Government, if they are going to get involved with affordable housing, to ensure that it is done the proper way. If the people who are going to be entering into these mortgages are going to be protected, if Government is going to be protected, then we have to ensure that the vehicle that is used is running properly.

Madam Speaker, I also hear that the economy needs a jump-start. I do not refute that. But I can assure this Honourable House today, that if this Low Income Housing is done in the wrong fashion what may seem like a jump-start might be a brick wall that you cannot cross. There is another consideration, and here is where I have the greatest fear. I fear foreclosures because, notwithstanding the receipt of any mortgages, the institutions that are involved are not going to be changing the way they operate to please anyone. If mortgages are not paid, it is only natural that it would only be a matter of time before foreclosures take place.

These people who at the beginning will be so grateful for getting a house will be caught in the middle of a situation where they will be unable to fulfill their obligations and they will find themselves facing foreclosure. I hope we also realise that those people will never, ever get a house in this Island again. No bank will ever lend them money again. That may sound like a joke, but I am sure that each and every one of us knows of instances like that. I really and sincerely hope that the Members in this House will consider the Motion in the light that it has been brought, which is not to prevent Government from doing a duty (if we want to call it that) to a certain level of our society with regards to assisting with Low Income Housing. But, I would hope that the Members of this House would accept this Motion as a vehicle, simply to ensure that when Government gets involved it is done properly.

Madam Speaker, there are other instances that I may use as examples to show the various pitfalls, but, I will have a chance to speak again on this Motion. For now, I simply try to open the minds of the Members here so that we can get debate on the Motion and I wait to hear what others

have to say. I know that it is not going to be easy for some Members to do anything but try to put this Motion somewhere that no one else can see it, but I still maintain that I have very serious grounds for bringing this Motion and, again, I trust that the Members of this Honourable House will understand my reasons and see fit to support this Motion.

Thank you, Madam Speaker.

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, Members of this Honourable House are aware, as discerning people in the community are aware, of the housing needs which exist in these Islands. The housing needs which exist, especially on Grand Cayman. A large part of the problem is attributable, Madam Speaker and Members, to the lack of affordable mortgage financing and part of the difficulty associated with this, in turn (and this is the greatest difficulty), is the common requirement for a down payment, for fees, or closing costs, and so on, often amounting to 35 per cent of the value. It is against this background that Government welcomes the chance of financing becoming available from the institutions mentioned.

It is against the background, Madam Speaker, of my knowledge of this country and of my tenure in this House. The *Hansards* will show that this Member, since 1984, moved resolution after resolution trying to get a scheme in this country where the average person can be housed. That did not materialise and there are many reasons why it did not materialise. I am not going to get into that. It is against the background of the need also, Madam Speaker, that the majority of Members in this House signed a Manifesto on housing which stated our policy and objectives. Madam Speaker, I quote:

> "We believe that all Caymanians should have a fair opportunity for adequate and affordable housing to enhance our standard of living (e.g., piped potable water and flushing toilets). We will support all reasonable efforts by the Housing Development Corporation on its own and in conjunction with the private sector, to arrange necessary financing (for middle and low income persons) for home improvement as well as proper acquisition.".

Madam Speaker, there are many reasons why the Government welcomes the offers of financing becoming available from those institutions, and Government undertook to provide guarantees on each eligible client so as to ease their ability to finalise their loan arrangements and to become properly housed.

One of the major reasons for the need for housing was borne out in a recent study completed in June by the Planning Department and members of Environmental Health where it was concluded that the demand for housing stock would require an increase of 1,932 dwelling units by 1997, and a further increase of 1,943 by the year 2002. According to the Housing Development Corporation, 50 per cent of this requirement will be for middle to lower income families. This study points out that there are an estimated 300 homes in these Cayman Islands which have no toilet facilities at all. Three Hundred homes, Madam Speaker, which have no flushing toilets, no pit latrine, and which have no toilet facility at all.

In this progressive Cayman Islands, where individuals have built up apartments for those much higher than the middle and lower income, where they have reaped the cream of the crop, but they did not do anything for the middle or the lower income. They reap the profits in their pocket and pontificate in this country today about Government not making this situation available to them. Rubbish! The problem in this country, Madam Speaker, is that some people believe that if one shilling is made in George Town they should get two shillings out of it. That is the problem.

Madam Speaker, I want to say to this Honourable House that what the Fourth Elected Member for George Town said about our discussion after the Finance Committee meeting was true. What he left out was that I said to him then that he and all Members would have a chance to hear the final details of this scheme when I had it finalised. The Elected Member asked how important it was for the guarantee to be given at Finance Committee's meeting in July and why no more details had been given. Well, I do not recall when in July the Finance Committee's meeting was held, I believe it was around the 19th of July, so we had August, and we are now at the 24th of September. I am sorry, Madam Speaker, that I have not been able to have that press conference because all the details have not been worked out and I am not going to go further public without having all the details completed.

I said to him also, whether he heard or not, that not only would Members of this Honourable House be invited, but the entire public would be invited and that still stands, Madam Speaker, and I hope that that Member will come to that meeting. I gave all the details I had at the meeting of Finance Committee.

The companies gave their undertaking to this country to provide the money, monies which were not made available before. So, Madam Speaker, Government, at that point, had to show that we were willing to give the guarantee. That is why the guarantee came at that point. We had gotten far enough into discussions to be able to say that it is a viable scheme. He might not be able to accept that because he talks about executive powers and coming into this House and giving me a cheque. Let it be clearly understood, Madam Speaker, for those listening to the radio, that McKeeva Bush will have nothing to do with this scheme no more than to see it come to fruition. After that, it is the three banks that are involved, the company, and the Housing Development Corporation that will have anything to do with this scheme. Reports, of course, will be made to Government, since Government will do the guarantee.

I have never yet come into this Honourable House, Madam Speaker, and asked anybody to do anything out of place. If the Fourth Elected Member for George Town somehow

has an inflated ego, then that is his problem. But, I believe today, that this is what it is all about, an ego trip, because that Member has no more responsibility to the country than we have. He has a Legislative and we have an Executive responsibility. Madam Speaker, I have not gotten as yet to what the Member was talking about when he said he wants to see Caymanians get a house, but he does not want to see them a couple of months later in default. I do not know what he is saying. Is he saying that I must leave that middle or lower income group of persons where they are? Must we leave them in slums? Who is he, saying, anyway, that they should have housing. Certainly, Madam Speaker, anybody applying for a loan must understand that that is what it is. It is a loan and Government will be guaranteeing it, but they certainly will have to pay it, and they have to qualify. All we are doing as a Government is making it easier for that group of persons in this country who are not able to get a mortgage, or who are not able to find that deposit that is required by the lending institutions in this country.

I have been one of those, Madam Speaker, that has gone through this rut. I well recall 1976, not quite a year after I was married. I tried to get a mortgage and I had the property. The house that I have today, after much renovations and extending the house, it is the same house that I had planned back in 1975 - but I could not get it from the bank. I could not get enough to build the same house that I have today, although I had the plan then, I had to build it in stages. It cost me then for a two bedroom house something around $23,000 or $25,000. For the three bedroom house that I had wanted, with the study and all the other things not made available at that time, was going to cost $35,000. With the extension done back in 1986 it cost then well over $160-odd thousand. Procrastination by lending institutions who refused to help what they considered was somebody that should not have gotten such a house at that time. They said it was too grand. That was what was told to me.

If we are going to build up this country we are going to have to lift our people out of the slums that some of them are in. We are going to have to help those who cannot come up with their down payment.

Madam Speaker, each prospective borrower will be carefully screened by each lending institution as independent agents. The lenders will nominate the clients to Government whose appointed agency, the Housing Development Corporation, will examine each application and confirm to Government whether the case merits the application of a Government guarantee. If so, Madam Speaker, a guarantee will be executed. In other words, the lender will determine whether a person will be granted the loan and Government will determine whether the guarantee can be applied. The Housing Development Corporation will make no determination as to the capacity of a person to borrow.

In tendering its advice, the Housing Development Corporation will clearly have regard to the usual criteria having been appropriately examined by the lender. But they will also be guided by the criteria to be fulfilled to qualify for Government's guarantee to be applied. These criteria are:

1. The applicant must be Caymanian (including holders of Caymanian status);
2. The applicant must be a prospective owner/occupier of the property;
3. The applicant must have no more than $50,000 nor less than $18,000 per year combined household income.".

Madam Speaker, breaking that down per month, on the high end, it would be $25,000 each for a man and wife or, on the low end, $750 each for a man and his wife for a month's salary. Any lower than the $1,500 combined salary, that is, $750 per month for an individual is, as I said, in the very indigent bracket. As I indicated to the House earlier in June, the Social Services Department and the Housing Development Corporation are examining a scheme where we can look at salaries much lower than the $750 per month individual. Government has always, of course, tried to do housing for indigents without them paying a cent at all. Several houses have being built like that. In fact, we are continuing, and have built some, I believe, three or four since we began this administration.

Madam Speaker, aside from not recognising the value of these provisions, the charge in the resolution of speculations suggests an imputation of ulterior motives on the part of the principal players committing themselves to involvement and the lending of these funds. It also suggests that the movers of the Motion place little confidence in the commitment and trustworthiness of the prospective clients. That is why I said earlier, who is it that these two Members want us to lend money to when they say they want Caymanians to get houses but they are afraid that they may go and default on the house? Madam Speaker, I do not know what to say about that. I can apply many situations to that, but I will leave that for everybody's imagination.

As for the opportunity to debate this matter, Madam Speaker, as I have said, I was of the impression that when Finance Committee's approval was sought that this created an opportunity at that time for all Members to raise questions, make comments, and for them to get what information was available and this is what happened. The proposal was approved and now Government has to show that what they are setting out to do can work. When that is done a final press conference will be held.

Madam Speaker, I am not sure what the Member means by this statement in the resolution: "The Government guarantee for the purpose stated will allow expenditure to be incurred which will financially affect the lives of citizens of the Cayman Islands.". The two Members certainly cannot mean peoples' household finances will be directly affected in a negative way. Judging from the number of calls that my office has received since these measures were approved in July, the citizens themselves, the people of this country themselves do not share the Member's fear. If they mean that Government itself will be called on to spend a lot of money, they are mislead. They are seriously misled. Madam Speaker, I believe that I have already indicated that appropriate safeguards are being put in place against that.

Government's maximum possible exposure under this scheme could be, or may be, calculated on the basis that all funds available were loaned out, all loans guaranteed and all loans defaulted. That is, if all of that happens, in this case, Madam Speaker, if the loans were all guaranteed at the low end of 10 per cent, the exposure would be in the order of $1.7 million over the initial three year period. If it was for, let us say, 20 per cent you are probably in the region of $3.0 million over the initial three year period.

It seems, Madam Speaker, highly unlikely that these extreme situations will develop. What is the default ratio on homes in this country? What is the default ratio? Not many people after they go and get a home default on it. They are too glad, some of them, to get a home. I am not saying that we have never had a few that defaulted for whatever reason.

On another point, Madam Speaker, the Member seems to have the impression that this is a scheme which many institutions are anxious to get into. If this was so, I daresay the present situation with all the needs would not now exist if all these institutions wanted to get into this scheme of lending to these people who cannot come up with a down payment. If that was so, we would not have the substantial unmet demands on this end of the mortgage market. It is true that a few developers have made efforts to cater to this end of the market and while they have made some contributions to the situation, they have had other difficulties. The bottom line is that many demands remain unmet.

The other experience, Madam Speaker, I would like to remind the Member of, is that of the Housing Development Corporation, which has for a number of years sought to expand their capacity to lend by means of the sale of debentures. What has happened? This, too, Madam Speaker, has had very limited success and, therefore, limited impact on the problem. Less than $2.0 million for eight years of the previous two Governments was received to lend. Less than $2.0 million, and this Government, in less than six months or in the run of six months, was able to get for the next three years $16.9 million, making it available to this country for housing. On top of that, the company, or a company, will be willing to go another two years and, therefore, we have another $6.8 million available to this country for housing. Now they want us to put it back, Madam Speaker, for what? So that they can say what? Because they have not said anything as yet.

This country needs to get going, that is a problem, and this will help boost the economy as well. I do not know what more they want. They want to put back Government's programme. I am sorry but I will not allow them to do it. I do not think the Members here are going to allow you to do it. I have not heard any alternatives. Where are the alternatives?

THE SPEAKER: Honourable Member, would be you be finished with your debate shortly, or could we take the luncheon suspension?

HON. W. McKEEVA BUSH: I will take the break, Madam Speaker.

THE SPEAKER: Thank you. The House will be suspended until 2:15 p.m..

PROCEEDINGS SUSPENDED AT 1:04 P.M.

PROCEEDINGS RESUMED AT 2:18 P.M.

THE SPEAKER: Please be seated.

Debate continues on Private Member's Motion 4/93. The Honourable Member for Health and Human Services continuing.

HON. W. McKEEVA BUSH: Madam Speaker, when we took the luncheon break I was saying that for the previous two Governments, the past eight years, we have being trying to get money for housing and were unable to get enough money to make an impact on our problem. I believe that the measures currently being proposed by Government will create greater accessibility to mortgage funding in this sector of the market.

In June, I said that at that point I had had two banks which had sought to make a contribution to the scheme. By the time I brought the matter to Finance Committee one other bank made a commitment. In this free enterprise system, Madam Speaker, with this Government's stated intentions from June to make this housing situation a matter of priority, I would have thought that if there was real interest by any other institutions or entities, it would have been made known to my Portfolio. Up until now that is not so.

Madam Speaker, the Member, in his resolution, talks about standards and protection. The Member has certainly not demonstrated what special legal protection the clients or borrowers might require, more than what is normally applied in mortgage situations, or what we have already anticipated. We know that when you go to a bank to borrow money, or guarantee money for somebody, you have to sign legal documents saying what your commitments are, what is your form of repayment, and you have to put security. So, this is the same. I stress again, that this scheme is no different. The only difference is that as a Government we are going to make sure that people will be able to get the mortgage by guaranteeing their down payment. I cannot see what confusion that is causing in the minds of the two Members. In addition to what the lending institutions will require, as far as documents and security, Government will do a second charge on a property and when that person pays in the amount guaranteed by Government, whether that is 10 per cent or 20 per cent of $100,000, the guarantee will cease to exist. So Government's commitment will not run throughout the period of the loan. It is not a revolving guarantee.

I believe that the resolve section of the Motion says that we should, "invite all financial institution and housing construction entities, to participate in and bid for such business". I cannot see what they would bid on, Madam Speaker. I do not understand what the Members want because this is

not Government's money that Government has put up. So what are they going to bid on? Government is simply providing a guarantee and if there are institutions out there, or contractors, or other companies that want to put in money, they have not come forward. As I have said, for these many years why have they not done something about it?

There is talk, Madam Speaker, and since November last year I have never in my entire life heard more rumour and marl-road foolishness in this country, that people are allowing to be gospel truth and are doing damage to the integrity of this country. Nothing of substance, Madam Speaker, but just talk trying to destroy peoples' character. But, as I said yesterday, or Monday (whenever it was that I spoke on the Motion), I am always prepared to put any business or anything concerning myself as a Member of this House on the Table of this Honourable House. You hear, Madam Speaker, that we are providing work for one contractor and that one contractor is going to get all the work. That is not so, Madam Speaker. Each client will get the contractor of their choice. If you wanted to build a home and you want to borrow money through the Housing Scheme, you could go and get any contractor you want. That is your business, you are going to pay back the loan. It will be the duty of the lenders and the guarantors, that is Government, to monitor the situation to see that proper builders are employed to do the job - proper contractors, because we know that in the last eight years every cat and dog with a wheelbarrow, a cement mixer, and a pickup truck became a contractor and messed up the contracting business in this country. So we are going to ensure that proper contractors are employed. But, the people will get the contractor of their choice. We are going to ensure that proper standards are maintained, proper companies are employed not cobblers, that is what will destroy people when they get bad contractors.

So, to emphasise to this Honourable House that this Government is not providing work for Arch and Godfrey, as they are talking. We are providing work for all contractors in this country and more so, Madam Speaker, that those people in the districts, wherever it is - East End, West Bay, Cayman Brac, George Town, Bodden Town or North Side - we are going to make sure, or ask the people to try and get the people within their districts that are capable of doing this work to do it. But we are not going to say you must have John Blow, unless John Blow is not a proper contractor, is not capable of doing the job.

I should point out that Government is not just going to come up and write anybody a guarantee. Government has the option to determine their agreement with any of the lending institutions if performance is not satisfactory. So, Madam Speaker, I say emphatically to the House that Government is not providing any money or anything to these institutions. These institutions, in fact, are investing millions of dollars in development schemes and in turn are putting money in the country.

Madam Speaker, recently, in August, there was an International Conference held on Affordable Housing in Florida and I will quote what Mr. Stephen K. Mayo, who is the Principal Economist with the World Bank, and was one of the contributors at that conference had to say about affordable housing. He says:

> "Simply put, the global shelter strategy noted that the economic importance of the housing sector is far greater than is commonly recognised by most Governments; that the effects of good housing policy far transcends their direct effects on better housing conditions and, correspondingly, that their cost of housing policy failures are felt well beyond the sector and that past Government's policies, which in most countries..."

And this is the important part,

> "...have relied on direct Government production of housing, and which have usually failed, need to be replaced with enabling strategies that leverage the Government's limited resources, the call for a vigorous private housing delivering system.
>
> The global shelter strategy called on all member Governments of the United Nations to initiate policy reforms and programmes aimed at making enabling strategies a reality.".

Madam Speaker, at the Conference in Cyprus I had a chance to talk with several members of Government, some who were in the same Ministry as I have, and they had to say they wish that they could get such a scheme as I was telling them about that we have. Some of them in the region noted that what they had done was that their Government went and built blocks of houses or apartment buildings, which were given out without any standards, but were given out willy-nilly and today they have the results of that sort of programme and they wish that they were in the position that people would make money available to them that they could lend out to their people and they only sign the guarantee.

We, Madam Speaker, are fortunate. I think this Executive Council has done well to be able to get that amount of money available to the people of this country in such a short time. But, it says that people have confidence in this Government, and not only the Government, but they still have confidence in the country. That is what it says. For any company to put up millions of dollars, they have to have confidence. That is what we are trying to continue to build.

Madam Speaker, I believe that adequate provision of housing makes for a good country. A man who is able to put his wife and children under a good roof, I believe, will make a better citizen. He will want to do more for his country. He will feel that he is a part of this rock. But just think of the many that cannot get a decent home, just think of them. Are we saying to them, that we now want to hold up this process that we have started by going into a Select Committee? To do what? Do the two Members have a proposal? What are they going to do? What are they going to do, Madam Speaker? I am not agreeing to go into

any Committee so that they can draw this thing out for months. That is absolute rubbish and a waste of time.

Madam Speaker, in summary and in conclusion, up to now I can do no more than what is already being done. We know that there is the very serious need for making it possible for people to get a house and in this six months we have been able to have available to the country $16.9 million for three years for our people and the Government do not have to put out any money. The Construction Industry and other connected businesses will see a boost by this programme. The individual will be able to get a mortgage at nine per cent interest for up to 20 years, and I am hoping that we can go longer without putting up a down payment if he cannot put up that down payment and Government will monitor the programme.

Madam Speaker, I take very seriously my responsibility here in Executive Council and I am not doing anything to put this country in any jeopardy, as was trying to be demonstrated by the Fourth Elected Member for George Town. I do not think that they know what they are talking about. They should pay close attention to what we are trying to do. It is nothing but politics. My responsibility for housing, while I am the Member for Housing and Sports, for Youth Programmes, and Drug Rehabilitation, I am going to see that those things that bother this country most, over my eight years in this House will be addressed. That is what I am doing, that is all I can promise Honourable Members when I asked them to vote for me on Executive Council.

Madam Speaker, this Executive Council can do no more. To refer the matter to Select Committee, to go through the process that the Member has outlined, will unduly delay and unnecessarily complicate the entire proposal to the disadvantage of prospective borrowers, and with no greater security to Government at the end of the day. To put it simply, Madam Speaker, what the Fourth Elected Member for George Town and the Second Elected Member for Cayman Brac propose will not make this scheme any better. They are not doing nothing, perhaps, in fact, if they get their hands on it - and I am not saying this to the Fourth Elected Member for George Town - but if the Second Elected Member for Cayman Brac does with this what he did with the Constitution, God help this country.

Thank you, all.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you Madam Speaker. I have listened to the Proposer of the Motion and I have also listened to the Honourable Member for Health. It is quite obvious that the both of them are stating, categorically, that they want to see in effect a programme which will provide adequate housing for the low income groups in this country. I believe that the goal and the objectives, therefore, are identical.

The contention of the Proposer of the Motion is that he has not been provided with the details of the proposal and because of this reason he is calling for a Select Committee in order to work out the details. At this point I would like to mention that, because I, perhaps, have more information than he does about the proposal, I find that it is very difficult for me, personally, to recommend a Select Committee. I see very, very little that will be gained from the Select Committee since this has been discussed in so much detail, not just when Finance Committee met on the 19th of July, but in various meetings that we have had and, certainly, personally, between the Member and I. So it is very difficult for me to ask for a Select Committee because I do understand the details of the proposal in its explicit extent.

Now I am sure other Members in this Honourable House, however, might feel that they can contribute if there were a Select Committee. Therefore it will be left to the majority to decide whether there will be a Select Committee or not. But it goes without saying that the necessity for low income housing is great in the Cayman Islands. We heard that there are 300 families who do not even have the use of a flushing toilet, or neither a pit latrine, and that is a serious situation. A Motion like this would help to redress that problem. Therefore, I believe the debate here is nothing to do with whether there should be low income housing, there is a need and we all would like to see it. The way forward seems to be what the debate is about.

I would like to congratulate the Member for all he has done in trying to get the ball rolling and trying to get this off the ground. I know that he has contacted many, many different institutions and I would like to thank those banks who have come forward and have being willing to contribute. We know those banks; Bank of Butterfield has contributed $1.0 million a year for the next three years; First Home Banking and Loan, $1.0 million; First Cayman Bank, $250,000 per annum for the next three years, and then this very generous company, Cayman Affordable Homes. I believe if other such organisations would put their money where their mouth is, this is what we need to see happening more in the Cayman Islands to assist the under privileged people who are in our midst.

So, I would like to, certainly, congratulate the Member, those organisations for making this very, very possible in the near future, and I believe it is a matter of urgency. We need to get about seeing that people are well housed in the Cayman Islands. If other banks were willing to also join in contributing money to this cause they have the chance and they have been contacted. I believe that they would, if they were willing to enter into the programme, and if other construction companies, or whichever organisations, want to participate, I do not believe that the Member would hesitate one moment to accept any amounts of money that they would like to donate towards the cause.

I believe that this has been well publicised and I do not think that these organisations are interested in giving any more money. So, to hold a Select Committee, and to try to contact them once again to see if they want to contribute monies - not donate money, because it will not be donation, it will be loans made available for mortgages - I think is a waste of time. I therefore do not see much point in doing it over and over again.

The Member who proposed the Motion reminded us that in the event there are foreclosures (because of people defaulting), that they are going to come to us (the politicians)

about it, and that he has a very sensitive nature to people's concerns and needs. I am sure that would certainly concern him, to see that people are losing their homes and so on. I have no doubt that he, with his disposition, will determine why the particular constituent has defaulted and be as helpful as he can - so will I, and I am sure other Members in this Assembly will do similarly. He is definitely concerned about people losing their homes and it, no doubt, will happen. This I am sure will happen with any such proposal. There will be some people who will default and lose their homes. But I do not believe that this fear should prevent us from helping the people who fall into this category because there will be so many who will live up to their obligations and will be helped by this programme that we cannot prevent it from going forward just because of a fear of those who are going to not make use of the opportunity and lose their homes. Those who blow the opportunity will have to be referred to the Social Services Department and it will be the duty of all of the politicians who are approached to direct them to the source of help, namely, the Social Services Department.

We have been told by the Proposer of the Motion, too, that there will be an alternate programme in place for people who even have a combined income or for a family who has a combined income of less than $1,500, to get some help for housing. He has even gone a step further, not only is he trying to help those who have an income between $1,500 per month and $2,500 per month or $18,000 a year or $50,000 per annum, it will help those people in those income brackets and he has gone ahead in trying to make arrangements for the programme to be drafted up which will help people in even a lower income bracket. So he is trying to cover all corners in order to improve the living standards of those who need it so much in the Cayman Islands. We all need to join behind him, we need to try to support his efforts in seeing that that is accomplished.

I know that presently the Housing Development Corporation has been operating for years in this country and I also know that in order to get help from them you either have to come up with $10,000, or you have to own the land that the house is going to be built on, whichever is the less and that does not serve the needs of everybody in the country. Some people do not have land and, certainly, some people do not have the $10,000. In this proposal there is going to be the chance of people getting their houses even if they do not have the down payment. I think it is a commendable move, and if any other banks would like to participate, and if any organisations, be they construction companies, would like to join the action I believe that all they have to do is approach the Member and they can have part of the action.

We need committed people, people who will put their money where their mouth is. I am very happy to hear the Member say, too, that it will not be the lending organisations that decide who will build the houses. That will be the decision of the person getting the loan. So, that will prevent some of the injustice that could occur. So, if the person would like a particular construction company to build their house, the option is theirs. Neither the banks, nor Cayman Affordable Homes will coerce them. So, I am very, very happy to hear that.

I have certainly supported this from the first time it was brought in front of this Honourable House in Finance Committee, and I support it now. I would like to get behind the Member to do everything possible to see that it is expedited and that the people will get their houses and that we could indeed remain the gem of the Caribbean. Thank you, very much.

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 Private Member's Motion before the House. For many years one of the concerns that I have had is the availability of mortgage financing for Caymanians, especially young, energetic Caymanians, who are just starting out in life, where both husband and wife have to work to make ends meet. For that type of individual, Madam Speaker, to have the opportunity of one day owning a home in this country. At the present time, it is almost impossible for them to qualify for a mortgage, especially if they are young Caymanians just getting started.

I recall, like the Member for Health, how difficult it was back in 1974/75, when I was looking for mortgage financing. I had to come up with all sorts of creative plans just to qualify for consideration. I believe, at that time, the minimum requirement that I, as a borrower, had to come up with was 33.33 per cent of what I was proposing to borrow, which was almost totally impossible to find. What made it much more difficult, Madam Speaker, was that back in the days that we were talking about building a home, we were talking about $30,000, which would build a three bedroom home and you would be very comfortable.

You cannot now even think about building a two or three bedroom home for less than $100,000. Most banks are going to require at least a minimum of 10 to 20 per cent. Even, let us say at 10 per cent and the home is going to cost $100,000, that is $10,000 that you would have to come up with out of your own pocket in order to qualify for consideration. Almost impossible, Madam Speaker, because in the meantime you have to live. In most cases, if it is a young couple, they are out there paying an extravagant amount for rent, they probably have a loan for a car to get back and forth, then they still have to live, as far as buying food. It is almost impossible for them, over a period of time, to put away $10,000, $15,000 or $20,000. What also happens is that the longer they wait, the more expensive it becomes to build a home. So they are left in a very difficult position, Madam Speaker.

I do not want the general public to get the impression that this is just a blanket approval by Government. The applicant, when he approaches the financial institution, will still have to fill out an application, will still have to comply with the requirements of that financial institution for consideration, and only after the bank or the financial institution is comfortable that that applicant can meet the repayments will they be considered. Once the applicant gets to that stage, where the bank agrees to lend $100,000, the applicant must come up with $10,000 or $15,000. I believe that any responsible Caymanian who is interested in owning a home, if he has $1,000 or $2,000 available to contribute towards that effort, they will be glad to do so rather than saying, "All right, you know that the Government is in the position now where they are going to guarantee the 35

per cent, or 20 per cent or whatever it is, let us make the financial institution request from Government that guarantee. No, I think there will be a combination where regardless of how small it is, the amount that the applicant has themselves to contribute towards the scheme, they will be in a position to do so.

I think the programme is a very easy one. It is one that I have subsequent to for some time. I recall when this Housing Development Corporation was being formed for the purpose of providing the same type of programme, that is, to take care of the housing needs of our lower income Caymanians. I thought at that time that it would have been better for Government to be in a position where they could get to the institutions and say, "Well, once you are satisfied that this particular applicant qualifies", that Government would be in a position where they would put up some sort of guarantee in order to encourage them to make available to that individual. What is so creative about this scheme, is that the banks are in a position where they are willing to say, "Yes, you can have the mortgage financing as long as you can come up with the required down payment, be it in cash, or by way of a Government guarantee".

So it makes housing available to many more persons in the country. To be a home owner is also significant because, all of a sudden that young couple or those people feel that they own something in this life. It brings with it a sense of pride and stability. I believe that this scheme could that they own something in this life. It brings with it a sense of pride and stability. I believe that this scheme could come at no better time than at the present time when we are talking of stimulating our economy, especially in the area of construction. It is amazing the number of contractors or the number of people employed in the construction industry who are now sitting on their hands because they have nothing to do.

Like the Member for Health said, there is no monopoly with regards to construction of these homes. The borrower will still be in a position where he can say, "All right, Alan Bush, I want you to build it", or Jimmy Powell, or whoever they chose as their contractor. They can make those private arrangements with the contractor themselves.

I believe it also provides hope, especially for the young Caymanian in the country, because with the constant increase in the cost of living, and the position that they find themselves in where they have to be out there renting at abnormal rental amounts, it allows one of possible relief in the present time with any great hope of ever owning a home in this country. But this plan gives them that hope and that possibility of one day owning a home of their own.

I believe that this programme is urgent, we need to get on with the job, and I see no reason why this particular issue should be referred to a Select Committee of this House because this only thing that Government has that is involved is a guarantee. I believe that the Member has done a good job as far as explaining how the guarantee will work. It is not an ongoing situation. As soon as that borrower is in a position where he has paid an amount equivalent to the guaranteed amount, be it $10,000 or $15,000, on a mortgage, then Government's guarantee will fall away and Government will be in a position where they can go on and guarantee other persons.

This programme for indigents. There are provisions in place to assist those persons who find themselves in this programme for indigents. There are provisions in place to assist those persons who find themselves in this unfortunate position. Madam Speaker, we have been doing this all along through the Social Services Department. unfortunate position. Madam Speaker, we have been doing this all along through the Social Services Department. I think it will assist Caymanians who are concerned, responsible and hard-working, to own a home of their own.

I would congratulate the Member for Health for bringing forward this very positive, constructive and sincere piece of legislation. I believe that this scheme has been born out of his genuine concern for the little man. He has been a Member of this House for eight years, going on nine years, and he has always championed the cause of the ordinary Caymanian in this country.

So, Madam Speaker, I cannot support the idea of referring this very important matter to a Select Committee. I believe we must get on with the job and at us start addressing some of the housing needs in this country. There are some serious situations that exist and there is a genuine need for assistance.

Thank you, Madam Speaker.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. As the seconder of this Motion I most certainly support what it seeks to do, and the reasons that it makes of the Government.

So far, there have been various speakers and, in particular, the Member for Health who replied on behalf of Government. He showed but one thing, in my opinion, and that is that now in September he knows as little about the details of how this scheme is supposed to work as he did in July.

I was not at all surprised, and I could have taken a wager with anyone that this reply would have been in the fashion in which it was. The Fourth Elected Member of George Town, I do not wanting what in best for the people and not wanting the people to have low income housing. That is the general trend of his style of debate. It is certainly different from that Member that I deal with the facts of the matter and right now the House, or the country for that matter, is no more informed of the role that the Bank of Butterfield, the other two banks, and Affordable Housing are playing, than they were several months ago.

There are no details. You hear one person say they would apply to the different banks and certain requirements would be made of them. It is absolutely unclear what those requirements would be. This whole affair of giving such an exclusive position to this entities involved is clouded all in a mystery. Before I deal specifically with this Motion, I would like to refer to a few points that the Member for Health raised.

Madam Speaker, I am well aware that the Housing Development Corporation has, for many years, been trying to raise capital for on lending to people in the lower income brackets

It has had no great success. I agree with that. I would not know the quantum, but I could accept that it is in the range of the $3 million that the Member has suggested that was lent.

POINT OF ORDER

On a Point of Order, Madam Speaker, I said less than $2 million, not $3 million.

MR. GILBERT A. McLEAN: Madam Speaker, I have no problem accepting the figure as he has said, "less than $2 million", it simply shows that lending institutions are not interested in lending to persons who are of lesser means. Unfortunately, that, around the world, seems to be the attitude of banks. It is not a question in here, at this time, in this House, or in the Finance Committee, I believe, of any Member not saying that the more to do something. Including the basic principle that has been advocated by the Member to find money for Low income Housing, is wrong. I certainly believe that it is a subject which needs to be addressed. But I do not, for one minute, accept the innuendos, and so on, about me wanting to stop or delay any housing.

I happen to know the Housing Development Corporation was formed by the late Jim Bodden, when I was his Principal Secretary. I happen to know that I went to the Housing Development Corporation in Jamaica and got the particulars of their legislation, and so on, and brought it for the Member. I know about it from the day of its inception to when it was formed. So, it is trite for the Member for Health to talk about what I do not want the people to have.

As for me wanting to stop something, that is not synonymous with me, Madam Speaker, that is synonymous with the Government of the day and, in particular the Member now has to know that the matter is speculative, it certainly is, because Government is undertaking to give a blanket guarantee for a sector of the country to have homes where they are in the lower income bracket, so, therefore, making such a move is a chance, and it is therefore, speculative. I do not understand why that is so hard for the Member to understand and why there is a strong degree of uncertainty in it.

I do not know what the ratio of default is in the banks, but I do know that it's clocked in the newspapers during the past year, since the Member has been elevated to Executive power in this country, that there are a whole lot of homes that are being sold at auction by banks where persons have defaulted. One must assume that if that is happening among an income bracket of people who could afford those loans in the first instance, logic would say that that degree would increase with those who are in the lower income bracket.

The Member for Health said that I and the Fourth Elected Member for George Town are seriously being enlisted if we believe Government would have to pay out money in the case of defaulting, or, I suppose one could take it a bit further, and that is that the Member is misled, Speaker. It is clear that if the Government is giving a guarantee of up to 35 per cent, to build any house for any person, if that person defaults in paying for that house, the person or institution who has guaranteed the money to the bank is going to be the first person called upon to pay. In this case, the Government is being asked to be underwritten by outstanding such a guarantee across the board for the lower income bracket of the population.

Madam Speaker, many people in this country have had problems getting loans from banks. I can assure the Member for Health that he is not singular in that respect. I, myself, have applied for loans, thousands of us in this country have. It seems, sometimes, that you have to make sure you are in a position where you do not need to borrow money in order to get money from some. That the banks have preference towards some people, there is no question in my mind about that. The banks are institutions, and money and they deal most quickly and hastedly with those people who have money.

The Member says that over the past year he does not have the details for him to hold his press conference. Now, we know that he is a man who likes to hold press conferences and to make statements, so, at least, one can be thankful that gives one something. Why is it that there are no details? What is the position with the Bank of Butterfield, First Home Bank, and First Cayman Bank? What are their restrictions, guidelines? They have money to lend and if they have made an undertaking, as the Member suggested they have, what is holding them up? If Government is in a position to give them that guarantee, how is it that the Member cannot direct any one of the numerous calls that came in to him at his office to go to one of the three banks and get a loan? What is the problem? There has to be more than we are hearing about.

What is the problem with the Affordable Housing people, who have $27 million stowed away, cannot give the people the money, since Government is guaranteeing it? The Member has said across the floor the reason is that they cannot get the land, but the point I am making is that the Government is doing it for them, so what is the hold up? There is inherent in this proposal a number of details that, I am sorry, I am not to hasten on into this venture. That is the reason. It has to be the reason for it to fail. But Member coming to the Finance Committee to, first of all, get Government to express its interest and its support for this, now that it is in place, what is the problem? That is the question. It is not answered, and I suspect that it will not be answered for quite a while longer.

Now, in fact, could the Government logically arrive at a position that this venture was a viable concern when it did not have the information and the details that were necessary in the first instance to reach that conclusion? That says something about the Government too, that they could rush to Finance Committee and have an approval for a blanket guarantee. It would make most sensible people wonder about the whole situation.

The Member for Health also spoke about a Survey being done by the Planning Department where it was identified that there are 300 odd homes without toilets and, certainly, that is a most unexpected and serious problem in the country. There is a matter that we could address immediately. For it

he wants, and it all falls under his Portfolio, to do something immediately he could have put into effect a programme, or maybe even have used the blanket guarantee, to acquire certain funds so that he could help that situation. What does that have, really, to do with building these low income houses and the particular proposal which is before the Government at this time?

Having just raised those points of query, I wish to look more particularly at what this Motion is asking for. This Motion has a number of recitals, all of which, I believe, are factual, irrefutable, specifically the resolves. The request to the Government is to form a Select Committee of the Members of the whole House. This would give the opportunity to every Member of this House, including the three Official Members, to have some input into this, to look into the details, to ask questions, and so on. That is not unreasonable. For something of this magnitude, of this undertaking, all Members should be involved in it and the most ideal situation is a Select Committee.

A Select Committee does not have to take a year, or six months, or even one month, to come to reach its conclusions for it purely depends on how rapidly the Chairman and the Members wish the matter to be dealt with. Take, for example, the Penal Code. The Committee has gone from cover to cover on the Penal Code and there have been successive meetings and there are going to be meetings shortly after the adjournment of this House. That was considered a matter of great importance and priority so it is being dispatched quickly. It is not a question about holding it up, the question is that the Member does not want the full participation of the Members here. He has made it clear that he does not want me, for example, to have any participation in it. It eludes the Member that I am as much as elected as he is in this House. He totally misses the point.

The Select Committee, in the request of the resolve in the Motion, was asked to look, to consider, and to examine the information which the Member might have, be that as little as it seems to be. Then, with the input of all the Members of the House, the Members would formulate certain standards, requirements and guidelines. It could easily be done for the feedback would be coming into the Committee through the various Members, and there would be legal and financial advice available in such a Committee.

Right now, it is more than evident that the Government and the Member who wishes this to come about has no idea about what standards he wishes to have in place and what requirements of the people, and of the institutions of whomever in Government, including, I would imagine, Civil Servants, and what role they would play. Surely if there are guidelines, no one has heard about them. His office cannot even tell the people which bank to go to and what they are supposed to do.

The Motion further asked that Government invite the financial institutions and other housing construction entities to give their input. Here I would just like to pause for a few minutes to look at the wisdom of that. Banks will normally like to spread the risk in a venture. I do not believe for one minute that the banks which have been named in the Finance Committee are falling over their feet rushing to give this Government a position to do what it wishes to do in this particular venture over and above what it would have done with the two Governments before it, that the Member referred to if a blanket Government guarantee had been in place. So, every banking institution should reasonably have an opportunity of offering finances for the scheme. Particularly at this time, the banks seem to have a lot of money which they are unable to lend because people simply cannot qualify for mortgages. So if there is a qualifying element such as the blanket guarantee, it would seem like other banks would be interested in getting in on the act. But what has this venture done? It apparently has selected three banks exclusively, and said they are the ones who will give it, they have the exclusive. Is that a fact or is it not a fact? We do not know if it is a fact or not. That is what is said.

Now, as for housing construction entities, Affordable Homes, I am made to understand that Affordable Homes is a company operating in this country that has a certain involvement of a contractor in this country, but that the moving force and the movers and the shakers are, indeed, not Caymanians and people who know a good thing when they see it. They see that there is profit to be made in this, undoubtedly, where there is a Government guarantee. Most housing construction companies, I believe, if given the chance, but the Government refuses to do that, would be interested in getting in on this act. There are construction companies, or people involved in construction that have been into the lower income housing before this, there is Mr. Antonio Hawkins, I think he was one of the first that I heard about, Budget Homes, if I remember correctly, years ago. But, can he get in on this act? Apparently not. The Government says that this deal is cut with Affordable Housing. Why not? Why should not all of the entities who wish to be a part of this have the opportunity of doing so?

A few years ago, the Government was out to grant to one entity, or one person, an exclusive television franchise. I brought a Motion to this House and I stood in this House and argued against such a situation happening. I argued that other people who could qualify, who could deliver television services, should not be barred and that it should be open to competition. There was a response by Government in those days, they took the position, "Yes, we will do that, we will allow other entities to do so." We know that there were three others, one, the one in fact that started out with the exclusive, has fallen by the wayside. But there is television in the Cayman Islands now, local television. It has come about fairly and reasonably by competition in the market place.

Madam Speaker, this Government that likes to say how much it listens to the people and likes to get the people involved and so on, what has happened to it now? What is so fantastic about this deal that this is a closed shop? That nobody else must be involved in this? It is a question to be answered. It must be a question that all the people who support it in its present form must know about and they are not telling the House, the country or their constituents. What makes the three banking institutions exclusively in a position to have it and this company called Cayman Affordable Housing?

This Motion is asking that the right thing be done that the financial institutions all be invited to look in on it to see whether they would be interested and the various housing construction entities in this country. That should be done. That is the only fair thing that can be done if the right thing is to be done.

It is not a question of inviting every Tom, Dick and Harry, for the Motion clearly says that they would have to qualify which is the normal process in awarding contracts anyway. Every construction entity would not be able to do it. They would have to qualify under Government's requirements. Why? Simply because Government is taking the peoples' money and guaranteeing housing for other citizens and both will lose if the deal sours.

These construction and housing entities would have to meet specified qualifications, as the resolve clearly says. They would have to bid for Government's business on a competitive basis. Right now it is an exclusive. One Member said, I am not sure if it was the Member for Health, that if you did not want Affordable Housing to build it, you could get your own contractor. Well, that should be standard. How does the Government as the actuator, the motivator in this case, push this business straight in one direction to the exclusion of another? How? Whatever could have inspired such a thing? Of course, if a person qualifies for the loan and if various five or six housing construction entities qualify then there is a choice. We know how much the Government has to say about choices as well. What is the hidden agenda?

Madam Speaker, this Motion also asks for allowing all financial institutions, legal entities, maybe some legal people who would want to have some input, and the public at large, including those who want houses in the lower income bracket. They could come to the Select Committee and clearly state their views, giving the Committee a better insight, perhaps, into what is the situation with the lack of housing. Perhaps there are ways and means that could evolve which could suggest means of dealing with repayments and all the rest of it over and beyond what the Member for Health has envisaged, or whoever or on whose behalf he speaks.

Madam Speaker, there is, supposedly, all of a sudden, available through Cayman Affordable Housing $17 million for lower income housing in the Cayman Islands. I wonder if that happened over night or that was during the time of the past two administrations. If it was not there, why did it suddenly occur? Of course, I do not buy the argument that this company was so inspired by the new Government that it rushed to fill in that gap that has been gaping for so long, nor do I buy the story that the banks who allegedly will be lending $3 million, simply rushed because there is such assurance coming out of the present administration. Oh no. I refuse to buy such an argument because such an argument would be totally illogical.

I daresay there will be other speakers and there will be more of this argument about how glad they are for this venture, and what a great thing the Member is doing and all of that, which totally shunts to the side what this Motion is asking for. I do not have to go into any great protestations about me, myself, wanting to see lower income people with housing - definitely, it goes without saying. I have done what I can in the minuscule way of encouragement or assisting in the tiniest way from time to time the people who find themselves in distress where housing is concerned. So there is no question about that. It is most unfortunate that this whole issue is an attempt to blanket this whole issue and request by such argument in here. For, when I am accused, or the Member for George Town, I daresay, is accused that we want to slow down progress and we do not want people to have housing, it is ridiculous. I believe that everybody in this House would like to see that happen. The question is how do we achieve it, and what is the best way we can achieve it?

For this Motion to be rejected by the Government is saying that the Government does not want the full participation of all the Members of this House in the process. It is saying that it does not want those Members in a Select Committee to have any dealings with the standards, the requirements, and the guidelines which should be in place to undertake such a venture. It means that the Government only wants the people who can vote in a majority the authority to write blanket guarantees. We do not know how a person will qualify or, truly, what entity they must apply to, to get this; they wish to have exclusion from that participation as well. The Government does not wish all of the financial institutions of this country, in a formal way, to have the opportunity of participating in it which the Select Committee asks for. It wishes to keep in place the exclusive position of Cayman Affordable Housing to the exclusion of other such entities. It certainly does not want the public, on a whole, to have any say in it.

I am not really surprised, because while the Government likes to say one thing and, for anyone who looks carefully enough, they do quite another. I think it is most unfortunate, it is most questionable, for the Government at this point in time, without any information to tell this country and the people should refuse the sensible and realistic and practical approach to working out this situation where it is in the hands of the Member for Health it seems, to determine who, when, where and how, and all the rest of it, will have the Government's blanket guarantee applied.

Madam Speaker, I certainly support this Motion and, regrettably, the Government seems not to. Perhaps they may be persuaded to take another serious look at this situation.

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

PROCEEDINGS SUSPENDED AT 3:40 P.M.

PROCEEDINGS RESUMED AT 3:59 P.M.

THE SPEAKER: Please be seated.
The Third Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the Motion before the House deals with the

matter of Low Cost Housing. For generations, housing has set the Cayman Islands apart from all of its neighbors because from time immemorial the pride of the Caymanian had been to own his own house. This was done in the old days by one neighbor helping the other put on his thatch roof, helping with the construction of a house. In later years when the men started to go to sea, it was the ambition of every red-blooded Caymanian male to have his own home.

The way those homes were built was a very simple method. The man would make some money at sea, come home, start a house, and over a number of years, sometimes five, sometimes 10 years, the house would be completed. There were no mortgages in those days. The first mortgage company, Cayman International Trust Company, came to Cayman in the 1960s.

The old ways are gone, and today the fashionable way of getting a home is by getting a mortgage from a bank or a lending institution so that the home may be constructed. Unfortunately, for these Islands, the big lending institutions will not help Caymanians in need.

I refer to a case I know of personally, which happened only a few months ago where one of the major banks would not lend a young Caymanian the cash he needed to build his home despite the fact that somebody was prepared to pledge a fixed deposit which was sitting in the bank to cover that loan. The fixed deposit was about double the value of the house. This young man was a Caymanian and the bank, CIBC, must have felt, at least the Loan Officer must have felt, that this boy was too ambitious. Anyway, he got the home without the help of the bank.

As the Second Elected Member for Cayman Brac said, the only way you can get money from a bank is to prove to them that you do not need it. So, the need exists for Government, or somebody else, to step in and help Caymanians acquire their own homes. Government has been involved in a small way for a long time. The Government, through the Credit Union, has made funds available to members of the Civil Service for the construction and renovation of homes. Although the money available has always been small, it has helped some people.

The Government, through its Social Services Department has helped some people to repair homes, to put in toilets and a few other renovations. In 1984, the Government made the first real effort to help solve the housing problem. The Government established the Housing Authority and I remember that clearly as the Law was passed in Cayman Brac where the Legislative Assembly met for one of its Meetings during that period. The surprising thing about that meeting was that we had Members, like Mr. Norman Bodden, and Mr. Benson Ebanks, that spoke vociferously against the Housing Authority and voted against the Bill, particularly the Third Reading. They had condemned sections of the Bill which had been lifted word-for-word out of the Port Authority Bill which Mr. Benson, himself, had put through the House some years before. In other words, the opposition seemed to stem from the fact that they did not believe that people in the middle or lower income should receive that kind of help.

Today, we are dealing with a Motion which seeks to send to a Select Committee a scheme which the Member responsible for Housing is attempting to put through. This scheme is a lot different from the housing provided by Government's existing Housing Authority. The scheme, if implemented, will provide, according to the information that we have, a 100 per cent financing. The big problem with housing today is that, even for those who can get loans, it is very difficult to find the down payment, or the initial deposit required by the banks. Certainly for those of very small means, it is virtually impossible. So, the Member for Executive Council has struck gold in that he has come upon a good scheme. A scheme that is feasible, that will work, that is affordable and a scheme that needs the support of all Members of this House.

According to the minutes of Finance Committee which were recently tabled in the House, the clients, that is, the borrowers, would be provided with 100 per cent financing for their home building or purchasing costs. The maximum level of which would be set at about $80,000. But, in order for them to get the $80,000, which would be borrowed from the three banks involved, the banks are asking that there is a Government guarantee for the top of the loan, that is, the first top 10 to 35 per cent, depending upon the circumstances of the person. I understand this to mean that should the borrower himself be able to put up some collateral, the Government's guarantee would not be needed for the full 35 per cent.

The way it is structured, according to the notes of Finance Committee, is that Government, while it guarantees the top 10 to 35 per cent, would also be the first creditors to receive relief under the scheme. By that I mean that once the mortgage money flows out of the banks for the construction of the house and the borrower starts to repay, once he has repaid an amount equal to the Government's guarantee, that is 10 per cent of the $80,000 ($8,000), or 35 per cent of the $80,000, whatever percentage it may be, Government's obligation on that individual mortgage would cease. That is set out very clearly in the minutes of Finance Committee, in the notes before us. It reads:

> "BE IT THEREFORE RESOLVED, that the Government of the Cayman Islands undertakes in turn to provide a blanket guarantee of between 10 and 35 per cent of the upper layer of the loan such guarantee to cease after the first payment which aggregate the sum guaranteed of the sum loaned in lieu of perspective clients providing their own down payment, such guarantee to be activated in each case as the mortgage is approved.".

So what we are told here, is that as soon as the borrower starts his monthly repayments, and let us say for argument's sake that the repayments are $800 per month, and he has borrowed the $80,000 and Government has guaranteed the upper 10 per cent, as soon as he has made 10 payments of $800 each and has repaid $8,000 (10 per cent of the $80,000), his payment would have reached the aggregate of the sum guaranteed by Government and Government's obligation, Government's guarantee on that particular mortgage would cease. So, we need not be unduly concerned that the Government would run into

unknown quantities like they did with the GPA deal, or the Hospital in the swamp, or some of these other mad schemes. Here they are guaranteeing the first 10 or 35 per cent, and as soon as that is paid their obligation ceases.

Now, let us suppose, for the sake of argument, that there is a default - and there will be defaults because these are mortgages and if you put out any number of mortgages (I do not know what the statistics are) there are bound to be a certain amount of defaults. Suppose there is a default, and a house has to be sold at public auction. The Government, as the guarantor of the first 10 per cent, would stand in line to benefit from the sale under the public auction. It has been suggested that the Member should go and talk to these other institutions. I have no hesitation in saying that if he talked until he got slim (Members' laughter) he would not get a penny out of the major banks of this country for this particular scheme - he would not get a single penny, and I have no hesitation in saying that, unless they have changed their 30 year practices in this country.

I commend the lending institutions, the banks that have come forward and offered the Government the benefits of the funds to put this scheme in place. I had been doing a little calculation here, and from these notes from Finance Committee, the figure we are talking about is something like $16,950,000. After that another $6,800,000, or a total of $23,750,000, and that amount of money at $80,000 per home would build 300 homes. This would be a good start. In fact, according to the Minutes of this Finance Committee Meeting, the Member went on to say that even more financing might be available. I would like to read that paragraph because it seems to have been overlooked. It is on page 35 of the minutes of Finance Committee. "Members will understand that we have available to us $5,650,000 per year, or $16,950,000 for the next three years with a further $6.8 million committed for two more years after that and the private company has indicated to us even more financing if it is needed for housing.". So we are not talking about peanuts here, we are talking about people putting their money where their mouths are, and offering to help this country.

You know, we have people running around here, calling themselves environmentalists and letting you believe that they are helping Cayman. But you cannot help the poorly housed, or the starving, or the underprivileged by cleaning up the beach. The only way you can help these people get homes, is by a scheme which the Minister, I hope I can call him that now (Members' laughter), is providing here, or by providing jobs for these people in sufficient quantities and with sufficiently high enough pay for them to help themselves. You cannot help people by hand-outs or by talking about the environment. You have to help them with cash. In this world of business, when you talk about feeding people and housing people, credit might be the queen, but cash is king.

Madam Speaker, I will now turn to the Motion before the House. The Motion before the House does not condemn the actions of the Member; in fact, I think the Motion secretly applauds what he has done and the efforts he has made because without his courage and without his tenacity we would not be this far advanced today. The Motion simply asks that this business, which is so well thought out and so well arranged, be referred to a Select Committee of the whole House for consideration and examination. I know the difference between a Committee of the whole House and the Legislative Assembly sitting in a formal Session. But, I also know that a Committee of the whole House would be made up only of the Members who are sitting here today. So we have the whole House, bedecked in all its splendor, and there will be no changes - unless, perhaps, there would be a change in the Temporary Official Members. But as far as the composition of the Elected Members, if we take this to a Select Committee there will be no different Members to consider it. I believe every Member who has spoken (even the two Members that brought this Motion) is in agreement with the forward march of this scheme. So, in my opinion, nothing would be gained by referring this to a Select Committee.

I can understand referring the Constitutional matters when we did not know where we were going, we did not know what we wanted, and, worst of all, we were dealing with something that somebody else had started. But, that Member sitting over there knows what he wants. The National Team knows what it wants and, as the Member who replied on behalf of Government said, it had been put substantially in our Manifesto. In fact, one section of it reads: "We support all reasonable efforts by the Housing Development Corporation, on its own and in conjunction with the private sector to arrange necessary financing for middle and low income persons for home improvements as well as property acquisition.".

So, what we are seeing here today, is just a playing out of the script that had been written for the November election. I think this bothers a few people on the outside because they were never able to get anybody to listen to their script, much less ask them to replay the way we are replaying this today. So, this motion is not something that has been thought of recently. I know because I have been a part of it. We agonised over the wording of this particular section. It has cost the National Team many hours because we had to be careful, we did not know what the banks would do. We did not know what the private sector would do. We could not afford to offend them and we could not afford to commit them. So, today, we stand here faithfully fulfilling yet another of our election promises, and doing it, as one Member indicated, "the way we said we would do it", not in a different way.

We need not fear the default on mortgages. If you check with the banks you will find out that there have been very few in comparison to the number of mortgages that have gone out. In fact, the record is very good. It is because of the Caymanians' inherent sense of ownership in property and land, something that has been handed down from our forbearers. If you want trouble, you try to take away a piece of land from a Caymanian.

In all businesses there are certain risks, and if a person enters into a mortgage, he normally does so only when things are looking good. A mortgage is a long-term commitment of 15, 20 or 30 years. While a man started out and he could pay his mortgage comfortably, somewhere along the line he might meet with difficulties, he might become sick, he may lose his job, there may be expenses that crop up and he may find it difficult to meet his payments. But I do not believe that any person will go out and get a mortgage, put his life's savings into it, and then let it go easily. I do not think that will happen. I do not think it will happen here, particularly where you are dealing with low income people whose monthly payments on these

mortgages will represent a substantial portion of their total income. This is different from paying rent, where the person is renting somebody else's house. This is his house now. Every time he makes a payment, he owns it a little bit more than he did last month. Every mortgage receipt that he puts in his trunk gives him ownership of a bigger slice of the pie, until one day, in God's good time, with the help of McKeeva and this Legislative Assembly, he will own the whole pie.

MOMENT OF INTERRUPTION - 4:30 PM

THE SPEAKER: Honourable Member, it is now 4:30 P.M., the Moment of Interruption. Will you be completing your contribution to the debate shortly?

MR. G. HAIG BODDEN: No, Madam Speaker.

THE SPEAKER: I will take the adjournment at this time. Honourable Leader of Government Business.

ADJOURNMENT

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

THE SPEAKER: The question is that the House do now adjourn until Monday morning, 27th September 1993, at 10:00 a.m. 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, 27TH SEPTEMBER, 1993.

MONDAY
27TH SEPTEMBER, 1993
10:15 A.M.

THE SPEAKER: Prayers by the Honourable Minsiter for Education Culture and Aviation.

PRAYERS

HON. TRUMAN M. BODDEN: Let us Pray.

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

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

ANNOUNCEMENT BY THE SPEAKER

THE SPEAKER: I welcome back The Honourable First Official Member from his overseas tour.

Proceeding with the Orders of the Day. Presentation of Papers and Reports, the Honourable Member for Health and Social Services.

PRESENTATION OF PAPERS AND REPORTS

THE WATER AUTHORITY ANNUAL REPORT 1992

HON. W. McKEEVA BUSH: Madam Speaker, I beg to lay on the Table of this Honourable House the 1992 Annual Report for the Water Authority.

THE SPEAKER: So ordered.

HON. W. McKEEVA BUSH: Madam Speaker and Members of this House, in accordance with section 8(g) of the Water Authority Law, as amended, I take pleasure in tabling the Report on the Audited Accounts of the Water Authority for the year 1992.

The Water Authority Law was piloted by the Third Elected Member for Bodden Town in 1982, who was the Member responsible for Communications and Works at that time. Today's Report covers the operation of the Water Authority in its third year of statutory independence. Having studied the Report, I am sure you will agree with me that the affairs of the Authority are well documented and that the outcome of the year is most satisfactory. It is pleasing to see that the Water Authority continues to enjoy a level of success comparable to the other statutory bodies, namely, the Port Authority and the Civil Aviation Authority.

Madam Speaker, I do not wish to take up too much of the time of this House, but I feel it would be appropriate to speak for a while on the Report on the country's achievement in the water and sanitation sector. You will see from the Report that 1992 was another financially good year achieving a profit of over $740,000. This would have been $242,000 better if it had not been for the cost of fighting an arbitration with the Consultant on the West Bay Beach Sewage Project. The outcome of the arbitration was positive and the Authority won on all three aspects of their claim. However, the cash flow of the Authority has to be monitored very carefully as in January 1993, we commenced repayment of the major US$16 million loan from Canadian Imperial Bank of Commerce. Repayment of the smaller but still significant loans from Caribbean Development Bank commenced in 1991. This is the one disadvantage of not having shareholder capital which never needs repaying.

It is remarkable that in such a relatively short time the Water Authority has been able to put in place all this important infrastructure, paid for and operating without any assistance from the Government's Treasury. This country has an investment of over $25 million in water supply and sanitation. The Authority continues with its provision of a piped water supply to properties east of George Town and by Christmas had a piped supply as far as Northward Prison. The supply to the Prison has both a good and a bad side. The good side is that it will result in a considerable savings in the operating cost of the Prison. I am sure that Members of this Honourable House will recall the many times the high cost of the Prison's water supply was raised, as questions and otherwise, in this Chamber. The bad side is that it has dramatically affected the business of the water truckers who previously supplied the Prison. Obviously, one does not like to see this sort of thing happen to Caymanians who have invested and played a significant part in the development of this country. Unfortunately, progress always has its price tag. However, I am confident that the very character of those whose initiative initially got them into the water trucking business will be what helps them to successfully move with the opportunities which are created by this progress.

Madam Speaker, I would like to go on record publicly thanking the water truckers of this country who, seeing the opportunity, have so ably contributed to our well-being. Comparing the performance of water supply in 1992 to 1991, shows just over a 17% increase in the dollar value of sales. This compares to a 16% increase in the cost of purchasing water which reflects the structure of the Authority's Water Purchase Agreements, where the unit cost reduces with quantity purchased. It is difficult to correlate the difference between the 22.5% increase in the number of new customers to the 11.6% increase in volume of water sold. It may indicate that the newer customers and properties east of George Town are continuing to use their ground water supplies and are only relying on the piped supply for drinking and as a supplement. Historically, this situation tends to change when customers become familiar with the many benefits of using city water.

On the sewerage side there has been a small increase in revenue. It is up by almost 7%. The growth in this area is slow as the available area of growth is small. The cost of repairing and maintaining the system is high. An amount of just under $400,000 was spent on repairs and improvements. A part of this cost is to be expensed in 1993 when the project is completed in full. The improvement work has had a very positive effect on the operation of the system and has dealt with the problems that arose as a result of the advice given by the Consultants. The arbitration award will go some way towards defraying the cost of this remedial work.

The 1992 work on Capital Employed was 7.8%, which is down from the 1991 figure of 10.05%. This is due to the increase in investment without a corresponding increase in revenue. The Authority also experienced increases in expenditure of the arbitration costs, vast increases in the cost of property insurance, the new cost of employee medical insurance and office accommodations.

Madam Speaker, with the indulgence of this Honourable House, there are a number of general points that I would like to raise that are relevant to the presentation of this Report. The Water Authority is still a very young part of our country. Its embryo, the Water and Sewerage Project Office, was created as a result of the efforts of my friend across the floor, the Third Elected Member for Bodden Town. It was his initial forethought, encouragement and guidance that put the Water Authority on the road to the success that we see today.

In 1985, in compliance with its major projects, the first being to address the problem of sewerage disposal along the West Bay Road, on completion of that project, it continued with much energy to tackle the water supply problems of the Islands. In the short period since 1987, it has successfully provided a piped water supply to the majority of people living on Grand Cayman and has provided a limited water supply, where none existed before, in Cayman Brac.

These are some of the achievements worthy of this country's gratitude of the effort that has been made by the Authority. However, that aside, we should take a moment to reflect on the hidden benefits that we have gained from these projects.

Madam Speaker, we did not employ expensive outside consultants to design the projects, to supervise the construction, then disappear leaving us with little or no learning experience. Instead, we took the firm decision that we should do it all ourselves. This we did. The experience gained by our local staff in the design, implementation and operation of multi-million dollar projects has been immense. The professionalism of the Water Authority staff is equal, if not better, to that which one would find in more developed utilities in more developed countries. A fine example of this is the successful way in which they were able to take on a major United States consultant in the arbitration case. They are, Madam Speaker, a very dedicated group of people who deserve the thanks and respect of all of us.

The Water Authority also has a social conscience and has provided tertiary education to nine members of staff; three at Associate Degree level, two at Bachelor Degree level, one at Masters level. It also has provided local research opportunities for three staff members, one who has already received his Doctorate, two who are nearing the final stage of their Doctorates. Additionally, it is ensuring that its local staff who qualify for membership of professional institutions will proceed to become professionally qualified. No small achievement for anybody, let alone an Authority that is thoroughly busy putting in place an important infrastructure.

It is encouraging to know that 90% of the staff of the Authority are either Caymanian or have Caymanian connections and all expatriate staff have Caymanian understudies with fixed time when they are intended to assume the positions presently held by the expatriate. The Authority also has a keen interest in the youth of this country and is sponsoring a number of sporting activities that are designed to benefit youth by fostering responsibility and discipline.

Now, Madam Speaker, let me touch on a matter of other

developments in this sector. We will all be aware that Cayman Water Company was at one time trying to buy out the Water Authority. All of us know by now that I was against this happening and I said so publicly and to the Cayman Water Company. They subsequently withdrew their bid. I think, in these times when there are obviously some concerns regarding large utility monopolies, we must not put ourselves in a position where another one is created. In the water supply sector we are in the fortunate situation where this can be avoided. Cayman Water Company was given the opportunity and a Government Guarantee to provide a piped water supply to the district of West Bay for over $1.5 million. This project has been substantially completed and Cayman Water Company should be congratulated for the manner in which this was implemented and the many improvements they have brought to their operation.

However, I asked them to improve the quality of their water and to bring it up to the higher standard of water sold by the Water Authority. I have had complaints which they are aware of. I am presently also considering the provision of a piped water supply to the district of North Side. I believe that this can be supported once it can be shown that a supply can be provided to the whole of the district in a reasonable time and that the price would be no greater than that of George Town.

I am aware that the centres of population where the major water demand exists may be the priority but they are not the only concern. It is my intention to ensure that we plan to supply those areas which do not have such a high water demand and, therefore, will not show such high rates of return, but which, nevertheless, have equal human need. If this need can be satisfied by the private sector, then it is our duty to ensure that any proposal they submit is properly considered. The interest of the country must be put before anything else and the proper balance of public and private sector investment, together with a spirit of cooperation between the two, can achieve all we need.

Madam Speaker, and Members of this Honourable House, I felt that it was important to give you some idea of the work the Authority is doing and our policy with respect to the future water and sanitation development in this country. Therefore, I thank you and the House for your indulgence. May I, in closing, recommend to the Honourable House the 1992 Report on the Annual Accounts of the Water Authority.

THE SPEAKER: We will now proceed to Questions to the Honourable Members. Question No. 147, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 147

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

No. 147: How much money has been saved by Government in the reduction of jobs in the Civil Service?

THE SPEAKER: The Honourable First Official Member for Internal and External Affairs.

HON. J. LEMUEL HURLSTON: The estimated annual salaries and wages saved, resulting from the down-sizing and amalgamation exercise, is approximately $2,595,000. The saving in rental and janitorial costs is $54,952 per annum; from moving the Legal Department to the Tower Building $216,640 per annum; from moving departments out of the Harbour Centre $356,640 per annum when all departments vacate. The operational savings which may result from sharing of equipment and services has not been quantified at this time.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if there are any further matters in connection with this down-sizing of the Service that are yet to come which might yet improve the savings as expressed here?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, this is the projected savings, some of which is not going to be realised until the Fiscal Year 1994. These are not historical data, but projected. The third paragraph of the substantive reply says that there are a few operational savings yet undetermined, but the major portion that will be saved is in the region as stated.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Honourable Member say if

the process of moving the Legal Department has been completed or is it ongoing? When will the various departments at the Harbour Centre be completely moved?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, my understanding is that the Legal Department is the first of the series of departments to be rehoused and that move is expected to be completed by the first week of October, beginning the last week of September. Other departments are moving shortly thereafter from the Harbour Centre mainly into the Tower Building and one department, the Education Department, is being rehoused in the Campbell Building.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: The figure of $2,595,000, is that based on a 5% or a 7.5% reduction of the Civil Service?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, that is based on the 5% reduction.

THE SPEAKER: The next question is No. 148, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 148

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 148: What is Government's policy on receiving gifts of money or other items of value?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, this question is so broad that I am unable to determine who is responsible to answer it. If it is being asked in relation to private citizens of this country, I can advise that Government has no policy to control private citizens receiving legitimate gifts or money, and neither will we consider one.

If it relates to the Civil Service, the question should be asked of the Honourable First Official Member who is responsible for Civil Servants. If it is being asked in relation to Members of the Legislative Assembly we are all guided by what is right and proper, our own consciences, and a perceived Code of Conduct that we should all adhere to, to maintain a Government of integrity and our accountability to the public.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, the question asked for Government's policy on receiving gifts of money or other items of value, and it certainly was the intention of myself, as the person asking, to find out what was Government's Policy within the context of Government, Government in its broad sense. In this connection, could I ask the Honourable Member, if he can say, if any furniture now in existence in the Government Administration Building, commonly called the Glass House, has been donated by anyone in any of the Portfolios?

THE SPEAKER: Honourable Member, I think that is really not a part of the original question and I would not expect the Honourable Member for Tourism to answer that. If there is no further supplementary, the next question is No. 149, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 149

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

No. 149: Whether 1st January, 1994, is still the effective date for the dissolution of the Health Services Authority?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. Yes, the 1st of January, 1994, if not before, is still the effective date for the dissolution of the Health Services Authority.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, there are certain outstanding businesses in which the Health Services Authority is involved, including legal matters. Should these not be resolved between now and the end of the year, would the Health Services Authority still be dissolved?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: The answer is yes, if not before.

THE SPEAKER: The next question is No. 150, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 150

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 150: What support, if any, will the Government give the Caanan Land project?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Government has received a request for financial assistance from the principals of the Canaan Land project and is giving consideration to this request. No decision has yet been made.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what consideration, if any, was given to a joint project between the Government and the Canaan Land project?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, there has been no request for that project, therefore no consideration was given to it.

THE SPEAKER: The next question is No. 151, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 151

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 151: To state the professional qualifications and years of experience of the Acting Head of the Cayman Counselling Centre?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH:

Qualifications:

1962-1966 Bachelor of Psychology and Sociology
North Carolina State Agriculture and Technical University.

Other Training:

Certified Clinical Supervisor
Certified Family Counsellor

Member of National Marriage and Family Association.

Professional Experience:

1970-1973 United Cerebral Palsy Day Care Centre:

Assistant Director - responsible for counselling parents of disabled children, development of classroom structure and supervision of staff.

1973-1979 Link Foundation, South County Mental Health Centre, Delray Beach, Florida:

Clinical Director, Developed Programme structure for alcohol/drug related residential treatment centre, supervision of staff, provided individual, marital, family/group counselling.

1979-1982 Comprehensive Alcoholic Rehabilitation Programme.

Director of Out Patient Treatment Supervision:
Supervision of staff, developing programme liaison between community and programme, marital and family counselling.

Director of Treatment, A G Holley Hospital, West Palm Beach:

Supervised staff, in-service for hospital staff in field of alcoholism, attended medical conferences. Developed programme.

1986-1987 DUI (Driving Under the Influence) School, Lake Worth County:

Senior Evaluator (Supervisor), supervision of staff, liaison probation officer, instructor, psychologists.

1987-1989 Hanley Hazelden, West Palm Beach:

Chemical Dependency Specialist II
EAP representative for St Mary's Hospital
Family Counsellor, individual/group counselling, supervision of staff.

Consultant:

1. For Fair Oakes Hospital Family Programme, Ft Lauderdale
2. For the Development of Family Programme, Abaco, The Bahamas.

Presently:

Cayman Counselling Centre:
Senior Counsellor - Family Programme
Responsible for the development of programmes
Supervision of staff in absence of coordinator (Head of Cayman Counselling Centre).

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Could the Honourable Member say if there is at present a Caymanian understudy to be Head of the Counselling Centre?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. My understanding is that there are no Caymanians understudying at this time.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Is the Honourable Member in a position to say if among the Caymanian staff at this Counseling Centre if there are any Caymanians who have the qualifications, and exhibit the initiative, to be considered for this position?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: The answer is no, Madam Speaker.

THE SPEAKER: The next question is No. 152, standing in the name of the First Elected Member for Bodden Town.

WITHDRAWAL OF QUESTION NO. 152

MR. ROY BODDEN: Madam Speaker, if it pleases the Chair, I respectfully beg to withdraw this question since, after I submitted the question, I realised that there was no binding resolution on the part of the Public Accounts Committee to hold its meetings in camera. That being the case, Madam Speaker, it would seem that the question is innocuous.

THE SPEAKER: The question is that the Honourable Member be allowed to withdraw question No. 152. I shall put the question. Those in favour, please say Aye... Those against No. The Ayes have it.

AGREED. QUESTION NO. 152 WITHDRAWN.

THE SPEAKER: Item 4, Statement by Member of the Government. The Honourable Elected Member for Tourism, Environment and Planning, Leader of Government Business.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

Administrative Approvals for certain Planning Applications by the Director of Planning and a Member of the Central Planning Authority

HON. THOMAS C. JEFFERSON: Thank you, Madam Speaker. Madam Speaker and Honourable Members, you may recall in the June Meeting I indicated that the Portfolio and the Planning Department were going to delegate, with the approval of Executive Council, administrative authority to the Director and a Member of the Central Planning Authority to deal with certain planning applications. This, I indicated, was a move to reduce bureaucracy. This system for administrative approvals, as provided for in the Development and Planning (Amendment) Law and which is expected to speed up the planning application process significantly, has now been agreed by Executive Council and the Central Planning Authority as follows:

Fully conforming and non-controversial applications in the following categories will be able to be approved by the Director of Planning and the Chairman of the Central Planning Authority:

1. Houses/Duplexes and three unit apartment buildings and minor additions thereto.
2. Walls and fences not exceeding four feet in height.
3. Television dishes, pools, and ancillary structures such as cabanas and storage or garden sheds.
4. Sub-divisions of six lots or less, provided that no new road creation is involved.
5. Amendments to site and floor plans and elevations.
6. Certificates of Occupancy.

The application requirements will remain the same and the Central Planning Authority will be given regular reports on administrative approvals via their normal meeting agenda.

The target turn-around time for administrative approvals, assuming a complete application submission, is one week. In addition, the Planning Department has implemented a policy notified to the various referral agencies within Government that is, the Fire Service, the Department of the Environment, Public Works Department and Water Authority, allowing two weeks for submission of comments or recommendation on planning applications going to the Central Planning Authority. If no submission is received within that time, it will be assumed that the agency does not wish to comment and the application will proceed to the Central Planning Authority without delay.

I would also like to report on the status of planning applications covering the period 1st of January, 1993 to the 1st of September, 1993.

Total applications submitted:	615
Total Construction value of submissions:	$97,801,100
Of the total applications submitted, total applications approved:	474

Construction value of approvals:	$65,736,900
Total applications refused:	15
Total applications deferred:	30
Total applications pending:	96

It is conservatively estimated that approximately $26.1 million worth of development out of Planning permissions issued this year has already gone to construction. In addition, there are $10.8 million of substantial construction works which are slated to commence shortly. Not taken into account are the numerous other approvals which may materialise into actual construction.

Thank you, Madam Speaker.

THE SPEAKER: Suspension of Standing Order 46(1). The Honourable Member for Tourism, Environment and Planning.

SUSPENSION OF STANDING ORDER 46(1)
(Reading of Bills)

HON. THOMAS C. JEFFERSON: In accordance with Standing Order 83, I move the suspension of Standing Order 46(1) to allow the Companies (Amendment) (No. 2) Bill, 1993, to be taken today. I understand that the private sector is fully in support of this Amendment.

THE SPEAKER: The question is that Standing Order 46(1) be suspended to enable the Companies (Amendment) (No. 2), Bill 1993, to be dealt with at this sitting. I shall put the question. Those in favour, please say Aye... Those against No. The Ayes have it.

AGREED. **STANDING ORDER 46(1) SUSPENDED TO ALLOW THE COMPANIES (AMENDMENT) (NO. 2) BILL,1993 TO BE DEALT WITH AT THIS TIME.**

THE SPEAKER: The Standing Order is accordingly suspended. Government Business, Bills, First Readings.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1993

CLERK: The Companies (Amendment) (No. 2) 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 COMPANIES (AMENDMENT) (NO. 2) BILL, 1993

CLERK: The Companies (Amendment) (No. 2) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Companies Law (Revised). Madam Speaker, as Honourable Members are aware, the International Financial Services Industry is an extremely competitive and dynamic one. Specifically, other jurisdictions can compete with these Islands more favourably and on a cost basis. Accordingly, it is becoming increasingly essential that we, in the Cayman Islands, maintain our lead by providing an International Financial Services business with corporate and trust and partnership options that provide flexibility and features that are unique to these Islands.

In practical terms this means that we cannot sit on our successes. What worked some five years ago might not work in today's environment. More importantly, it may be available in a competing jurisdiction at a lower cost. To stay ahead we must carry out an ongoing review of our own legislation to ensure that these Islands remain competitive.

The main purposes of this Bill are therefore to introduce the following refinements to the Companies Law:

Firstly, section 3 provides, by way of amendment, that

shares in a Cayman Islands Company may only be transferrable if the Articles of Association of a Company so provide. A restriction of a transfer of this type is of importance with regard to ceratin matters of United States tax planning.

Sections 4 and 5 provide that a Company may, as an option, be terminated automatically on the happening of a specific event or the passage of a period of time. This particular type of company referred to is a Limited Duration Company and in actual practice it has becomes a feature of the legislation in one of our competing jurisdictions in the Caribbean region. It is actually a relatively new feature. This provides a needed certainty in the case of widely held mutual funds which carry voting shares but which are intended to last for a specific period of time only.

The amendment in section 6 is quite similar, but it makes such termination optional. It provides the same type of certainty for a limited duration company enabling it to terminate on the happening of an event or a date certain without provision for extension. This provision provides an optional alternative and is not mandatory therefore ensuring maximum flexibility.

Madam Speaker, given the points I have outlined, I would commend this Bill to this Honourable House. Thank you.

THE SPEAKER: The question is that a Bill entitled the Companies (Amendment)(No.2) Bill, 1993, be given a Second Reading. The Motion is open for debate.

If there is no debate, would the Mover of the Bill wish to add any further comments thereto?

HON. JOEL WALTON: No thanks, Madam Speaker.

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

AYES.

THE SPEAKER: The Ayes have it. The Bill has accordingly been read a Second Time.

AGREED. **THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1993 GIVEN A SECOND READING.**

THE SPEAKER: The House will now go into Committee to consider the Bill.

HOUSE IN COMMITTEE AT 11:01 A.M.

THE CHAIRMAN: Please be seated.
The House is in Committee to consider a Bill entitled the Companies (Amendment) (No. 2) Bill, 1993.

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1993

CLERK: Clause 1. Short Title.
Clause 2. Interpretation.

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: Clause 3. Section 32 amended.

THE CHAIRMAN: The question is that clauses 3 do stand part of the bill. There is an amendment which has been circulated and the Honourable Member will now present it.

COMMITTEE STAGE AMENDMENT
(S.O. 52(1) AND (2))

HON. JOEL WALTON: In accordance with the provisions of Standing Order 52(1) and (2), I, the Temporary Third Official Member, gave notice that I intended to move the following Committee Stage Amendment to the Bill for a Law to amend the Companies Law (Revised), as follows: "That section 31B be amended by deleting the word "not" where it appears in the first line." This particular "not" was introduced, I think, in the printing.

THE CHAIRMAN: The question is that Clause 3 be amended as indicated by the Honourable Mover. The Motion is open for debate. If there is no debate, I shall put the question that the amendment be made. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. CLAUSE 3 AMENDED.

THE CHAIRMAN: The question is that Clause 3 as amended 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 3, AS AMENDED, PASSED.

CLERK: Clause 4. Section 132 repealed and replaced.
Clause 5. Section 134 repealed and replaced.
Clause 6. Section 195D amended.

THE CHAIRMAN: The question is that Clauses 4 through 6 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 4 THROUGH 6 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 CHAIRMAN: I shall put the question that the Committee do now report to the House. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. THAT THE COMMITTEE DO NOW REPORT THE BILL TO THE HOUSE.

HOUSE RESUMED AT 11:05 A.M.

THE SPEAKER: Please be seated.
Report on a Bill, the Honourable Temporary Third Official Member.

REPORT ON BILL

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1993

HON. JOEL WALTON: Thank you, Madam Speaker. I am to report that a Bill for a Law to Amend the Companies Law (Revised) was considered by a Committee of the whole House and passed with one amendment.

THE SPEAKER: The Bill is accordingly set down for Third Reading at a subsequent date.

THE SPEAKER: Other Business, Private Member's Motion No. 4/94, Select Committee of the Whole House to Review the Government Blanket Guarantee for Lower Income Housing. The Third Elected Member for Bodden Town continuing.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 4/93

SELECT COMMITTEE OF THE WHOLE HOUSE TO REVIEW THE GOVERNMENT BLANKET GUARANTEE FOR LOWER INCOME HOUSING

(Continuation of debate thereon)

MR. G. HAIG BODDEN: Madam Speaker, the recitals in this Motion, although I do not agree with them, are well thought out and substantial. In fact, I think it would be difficult to add anything else to these "Whereases". It is claimed (and perhaps it is true) that the type of guarantee sought here is the first of its kind ever undertaken by Government. My comment to that is that I hope it will not be the last because, certainly, it is good action on the part of the Government to seek to help those people who are in the position to do something for themselves if they are given a little boost, if they are given some help.

The Motion is concerned that the Government may have to give up to a 35% guarantee on an individual mortgage. I mentioned last week that this is not so in all cases as some of the guarantees may be as little as 10%. If we look at the Government's contingent liabilities which were presented to this House last week, we will see that they now stand at $80,497,583. If that does not concern the Members, why are they so concerned about the contingent liability which will accrue to Government under this scheme? Here in these existing liabilities are many doubtful ones, some that we know already will have to be paid. Some of them have already been paid. For example, there is a $5,473,141 that was guaranteed by the last Government for Guiness Peat Aviation when they knew full well that that was not any contingent liability. That was a real liability that they would have to meet because the airline was not at that time (and would never be under the management that existed) in a position to pay.

But, if we look at the contingent liabilities which existed for a similar project to the one that is the subject of this Motion, we will find that our fears could be somewhat assuaged because there is a contingent liability for the already established Housing Development Corporation. But, I noticed from this that this has been decreased to a certain extent. For example, in 1989, the original liability was $1,484,900 and at the end of last year that had been reduced by over $300,000. What is of even far greater significance is that the guarantee for the repayment of the 7.5% debentures stood, in 1984, at US $5 million, and at the 31st of December that $5 million had been reduced to $1,892,150 without the Government itself having put forward one penny into it. There are existing guarantees that this Government has given for Cayman Water Company and for Caribbean Utilities to acquire their generators. So, what can be so bad about helping the little man? Is it the little man?

I do not want to repeat what I said last week that there were other hair-brained schemes such as the hospital in the swamp which carries an $18 million guarantee, according to the Statements laid on the Table here last week.

The recitals raised the point that the details of this venture are scanty. Well, I cannot agree with that, and I am not going to repeat myself because last week I detailed the abundant amount of information that had been given on this particular scheme so that even he who ran could read. Many of the important points were given in Finance Committee and remained established in the records. The recitals go on to demerit this proposal because it has not afforded the opportunity of a full scale debate. I wonder, if after today and after all that was said last week, if anyone can argue honestly that this subject has not been debated? Now, I am not twisting what the Motion said, the Motion said that up until that time there had not been an opportunity for a full session debate in the Legislative Assembly. But, nevertheless, the Member had given a statement in the Legislative Assembly and everyone knowing the Standing Orders knows that any Member could have asked questions on that statement and any Member could have tabled a Motion to have that statement debated.

Furthermore, in Finance Committee there was an opportunity, not for a monologue type of debate, but for you to ask questions and to speak again and again as you do in Committee. So, while there had not been a formal debate as we are having today, certainly, plenty of opportunities had been available for debate.

The whole Motion indicates that "expenditure will be incurred which would financially affect the lives of citizens of the Cayman Islands." How true! And what a pity they did not finish the sentence and say that this Government's guarantee will result in expenditure not of the Government's own money but of private sector money which will affect the lives of the citizens of the Cayman Islands - but in a good way. So that section of the recital, as I said in my opening remarks, applauds this Motion.

The Motion is concerned that this Committee, or a Committee which would be set up, would need to set standards. Perhaps they have not been following what the Member has said or what was put forward in Finance Committee because these funds will be handed out by individual mortgages. We know that these banks will cross every "t" and dot every "i" and make certain that every standard will be met, and it will not be left for any Committee. It will be, as I mentioned last week, a standard mortgage deed which will contain in it provisions not only for receiving the money but for paying it back and for taking care of those who are unable to pay back.

Now, the final recital states that only three banks and one private company are included in this venture. I think we are fortunate to have that many banks included in this venture. The Member indicated that he had sought help from other lending institutions, and none had been forthcoming. These banks, First Home Banking, Bank of Butterfield and First Cayman Bank have to be commended for the initiative they have taken. In fact, one would have thought that with all this debate going on, and with these Members looking at the welfare of the banks now, that we would have had many offers. But none seem to be forthcoming. I believe that if other banks come forward the Member will be willing to accommodate them. However, I see this as a pilot scheme. We are just beginning, we are just trying this out. It might not work. We might not actually see any money. But if it does work, this is only the beginning. But you know, Columbus had to break the tip of the egg to make it stand up. Somebody has to show the way. Somebody has to start, but that person will always be crucified; that person will always have to fight off opposition.

I object to this Motion going into a Select Committee because I know how things can drag out in a Select Committee. Do you remember what the last Government did with the Immigration Law? The Motion to re-write the Law was brought to this House very early in 1989, and when the term was finished four years later, they were hurrying to get that Law finished - four years later, before the

elections. It had dragged on for more than three year, asleep in a Select Committee. If you want to kill anything, you send it to a Select Committee; if you want to delay the action on it, send it to a Select Committee. This is not to say that Select Committees do not have their place and do not do a lot of good, but here is a scheme that has been thought out and is ready to go and does not need to be turned back or buried in the archive of a Select Committee. So this would be time consuming. I gave the other objection last week and I will not spend any time on it. But it needs repeating: The same Members would be dealing with it.

I believe that although we have some very profitable banks, some very well run banks in this country none of them readily offered their help in this situation. I have found, ever since the establishment of the first commercial bank here, that the criteria the banks use are that if you want money easily and you are not a millionaire, you must step off an aircraft, wear a two dollar necktie and carry a cardboard briefcase then you can get whatever you want from Barclays Bank, Canadian Imperial Bank of Commerce, Royal Bank or Scotia Bank. But if you are a Caymanian, no matter how much collateral you have, if you need cash they are not going to lend it to you. I have no hesitation in saying this because I have seen it happen time and time again over the last 30 years. Caymanians in need of cash with collateral hundreds of times above the little cash they needed could not get it, and that policy will never change unless we put Caymanian people in charge of these banks and I hope that day will come.

One of the concerns against this scheme - and somebody called me about it this morning - is that Arch and Godfrey will build all the homes. The Member dealt with it, but I do not think that this will happen. I believe this scheme will be a boost to the entire construction industry and the individuals getting the loans will have an opportunity to go out and find their carpenters or their contractors to get their homes built. You know, it is already an established policy here that if somebody wants a loan from the Housing Authority, in applying for that loan, one of the guidelines is that you must take to them a proposal from a contractor showing that he is willing to construct your house with the price that he is going to charge. If you are going to get a loan or a mortgage from the bank they talk to you about the construction. They want to know the builders, they want to know if you have a quotation and they want to know if you have something in writing. It is true that Mr. Heber Arch, one of the principals of Arch and Godfrey, is also one of the principals of Affordable Homes. But the construction of these homes will not be limited to Arch and Godfrey.

The last request in the Motion (a request that no one seems to have touched upon) is that we must seek input from the relevant financial and legal entities in this country. Well, I can tell this House that if they go out to seek input from the fiduciary institutions in this country or some of the legal entities, I know they are going to be told "Do not touch that scheme", because too many of them are already in their pet schemes. So that is one part of the resolution that we must strike even if we were to pass the Motion that is before the House. We dare not seek information or input from the relevant financial institutions, and I do not know who they are. Some of them are already involved in the rental business and may seek to preserve their own business.

I think the Members of this Legislative Assembly should decide whether the Government goes ahead with this scheme. We have our Legal Department, we have our construction department, we have our financial department, and we are charged with the interest of the people of the Cayman Islands. So we must forge ahead with this scheme. We do not need to go to anyone outside of it to ask them as the Motion requires. I read; "AND BE IT FURTHER RESOLVED THAT in considering the matter the Select Committee seek input from relevant financial and legal entities as well as from members of the public.". Well, I think the public input has already been sought because the Member made this statement public and so far I have not heard anyone in need of the houses say you should not build them.

You know, it is just like in the days when I really sold insurance, and a man told me he had to discuss it with his wife. I said, your wife does not qualify to tell you whether you need life insurance. Only your widow is qualified to tell you. Well, here these people are not qualified to tell us whether we need housing. Go out and talk to the people that are un-housed, they are the people who are qualified to tell you whether they need houses. Go out and talk to the people, the subject of that survey that the Member from Government responsible for Housing referred to, they are the people qualified to tell you.

I get mad when I hear these statements. In my opinion the request in this Motion comes to naught when measured against the urgency and the benefits which can flow from this scheme. I am not saying that everything will be perfect, I am not saying Government does not have to examine, and I am not saying there will not be any problems with it. I am saying that the request made here comes to naught when measured against the good which can flow. It seems to me that whenever anyone in the income group mentioned in this scheme, $1,500 a month and up, or any little man, as the previous Government used to call them; or if any middle income family tries to get a home in this country, the whole world bands together against that person especially the Government agencies.

Now this morning the Honourable Member responsible for Planning made a statement which perhaps may help to ease some of the problems that the little man faces when he decides to build a home. But it seems to me that whenever a person goes out and announces that "I am going to own my own home", the Government agencies and the banks all combine against these people because they are hit with costs, with fees, with regulations, with every impediment imaginable - to get the plans before the Central Planning Authority is an exercise and frustration in itself, designed to put off the person if they can.

I only want to mention one or two other matters and then I will close. I believe the critics of this Government are afraid that this scheme will stimulate the economy the National Team's way. There was a letter in the press, it might have been last week, suggesting that we should do what the previous Government did - go out and borrow some funds, put the country further in debt. This is not the way of the National Team. One critic said to me, "Government should get something out of this scheme." What nonsense! Government is getting something out of this scheme if the people in this country are better housed

because when a person owns his own house it is the largest single investment that most people make. That person automatically becomes a better citizen and, as I explained last week, from the first payment he makes on a mortgage he starts to own his own house.

The Member responsible for Housing and the National Team as a whole are doing a good job in rebuilding this country on the ashes that they found. But at every turn they are meeting with objections. But, you know, they had to rebuild the city of Jerusalem. They had to rebuild the walls with the hammer in one hand and the sword in the other and this is the way we are going to rebuild this country. We are going to do what is right, but we are going to fight our critics and let them know it.

In closing, as I drove to work this morning thinking about this scheme, the words of the prophet Isaiah came to me. I think they can be paraphrased to suit us, "But they that wait upon the Lord shall renew their strength. They shall mount up with wings of eagles. They shall run and not be weary; they shall walk and not faint." (Isaiah 40:31)

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

PROCEEDINGS SUSPENDED AT 11:42 A.M.

PROCEEDINGS RESUMED AT 12:04 P.M.

THE SPEAKER: Debate continues on Private Member's Motion No. 4/93.
The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. The proposal to provide housing for the sector of the population, as the Honourable Member has announced in numbers in which he is speaking, is unprecedented in this society and in short one could accurately describe it as revolutionary. It is also a widely known fact that the greater the number of persons owning their own home in society, the more stable the society is. Studies done by anthropologists and sociologists from the French Revolution onward have determined that the larger number of people having investments in a society, by way of houses or businesses, the more stable and less apt those societies would be to participate in mass upheaval and disorder.

So, Madam Speaker, the move to provide housing for needy Caymanians is indeed a noble one. I took note of the fact that the Honourable Member said there were, according to a survey, some 300 people without indoor toilets and running water. Certainly, in a society which prides itself as being one of the most economically prosperous societies in this region, that fact gives us cause for concern. But equally too is the fact that the provision of such a move which I have just termed as revolutionary in the provision of these houses gives us cause for concern.

While there are merits to the Member's position there are also merits to this Motion. Indeed, I would like to go on record as saying that the Motion is appropriate and can only be in the best interest of the provision of this housing because there are many things which we need to know about this proposed project. There are many areas which are still gray in this proposal and by going to a Select Committee I argue that this is the right route as it will afford a very good, if not the best, opportunity for us to settle these matters and to explore these gray areas.

The objection that a Select Committee would only delay the implementation of the project does not hold water. We have had a few examples of effective Select Committee's work. Select Committees which covered a broader spectrum and far greater controversial matters than this, dealing with the Government blanket guarantee for low income housing. The Select Committee on Immigration and the Select Committee on the Constitution comes to mind. One of the strong points of a Select Committee would be that not only we, the Members here, as the argument has been made, would be discussing this matter, but we would have an opportunity to speak with the developers, to speak with contractors, to speak with the people from the financial sector and, perhaps most importantly, to speak to and with some of the people who will be most affected by this proposal, namely, those people who aspire and who need this housing.

That is not an insignificant point. As I am going to argue, we need to hear from these people. What are their concerns? What can they afford to pay? I think that this is a step in the right direction because it will help us to draft guidelines so that we are absolutely sure that the Government at the end of the day will not be left in a great fiasco and not be left in a position where instead of trying to make a national situation better, we have made it 10 times worse.

Madam Speaker, I shall take a different route from those taken by previous speakers. At the beginning of my argument I suggested that there are some unanswered questions and some gray areas that we need to earnestly try to clear up. At the concluding second part of my argument I am going to try to show that this is something which needs to be studied by discussing - thanks to a dedicated friend and the services of a computer - why this is not a matter to be handled lightly and it is, indeed, a delicate matter.

Now for the gray areas. Madam Speaker, first of all, and most importantly, the rules up to this point are very unclear. For example, the Honourable Member has said that he or the Government will have nothing to do with the lending. But in the same sentence he said the Housing Development Corporation will be part of the scheme. Madam Speaker, the Honourable Member proposing the scheme is Chairman of the Housing Development Corporation. So how is he...

HON. W. McKEEVA BUSH: On a point of order, Madam Speaker.

THE SPEAKER: May I hear the point of order, please?

POINT OF ORDER

HON. W. McKEEVA BUSH: Madam Speaker, the Member is misleading the House whether by ignorance or deliberately, I do not know which one, but I am not the Chairman of the Housing Development Corporation.

THE SPEAKER: Honourable First Elected Member for Bodden Town will you clarify that, please?

MR. ROY BODDEN: Madam Speaker, if that Member is not the Chairman of the Housing Development Corporation, then I give my apologies. But I would like the Member to state how he is going to ascertain that there will be no political interference into how these loans are dispersed.

HON. W. McKEEVA BUSH: Madam Speaker, is the Member inviting me to reply to that? Because I will.

MR. ROY BODDEN: No, Madam Speaker, the Member should have done that when he had his chance to speak.

HON. W. McKEEVA BUSH: Madam Speaker, I did. Where was he?

THE SPEAKER: Let us have no further argument, please. Would you continue First Elected Member for Bodden Town?

MR. ROY BODDEN: In the second instance, Madam Speaker, the way the Resolve section of his Resolution is set out, the Government gets its guarantee back after the borrower has built up enough equity to cover such a guarantee. This means, for example, that on a loan of $80,000, 20% of the guarantee would be $16,000. If that loan was amortised over 20 years, it would take approximately 7.5 years for the Government to be released of its guarantee. This is based on the fact that the interest rates are 9%. The question, however, has not been clarified. Will the interest rates stay at 9%, or will it be a fluctuating interest rate? All of these are questions that need to be answered; gray areas which need to be clarified. Therefore, I reiterate, it is important that we delve more fully into this matter.

Permit me to digress for a moment, Madam Speaker. Banks, by their very nature, are conservative in these kinds of approaches. You know why they are conservative? Because they wish to protect not only their interests, but the interests of all parties because, as I understand it, no lending institution wishes the bad publicity of having to foreclose or having to take clients and customers to court. That is why they take almost a hard-line conservative approach.

Another important point I wish to underscore is that lending institutions like to talk about the borrower's equity and interest in the project. That is why they stipulate that the borrower must participate to the extent of putting something into the project. Not only is this economically sound, it is psychologically sound. Here is why. If someone goes to the bank to borrow $80,000 to build a house, but they have to come up with $20,000 and they get into a problem, if they are logical and clear thinking, as most Caymanians are, they are going to say, "Hey, I am going to have to make some sacrifices here, I only had $20,000. If the bank takes this house or this property, my little $20,000 will have gone down the drain. You know Bobo, I can't make that happen." So they are going to work that much harder to meet their obligations. It is my argument that in a situation where the borrower has not a vested interest, the same kind of philosophy does not obtain. "I don't care if they take the house, I ain't got nothing in it. If I have to go out and pay rent, I will go out and pay rent. I will try to get myself in a position where I can try again."

So, Madam Speaker, I am wondering and I am asking, will the borrower be required to invest their own toil and sweat in this project? Because the way it is now, one is not clear. Then, to return to a point I made previously, what is going to happen if the interest rates go up? How is this going to affect people whose salaries may not be rising in tandem with the interest rates?

The point was made by one contributor that it was impossible to get a three bedroom house for under CI$100,000. If this is the case, what are people going to get for $80,000 and less? The 100% financing, if that is the case, begs the question, does this include stamp duties? The Member has said only in exceptional circumstances. What is going to happen to those people who cannot afford to come up with the stamp duty? How are they going to qualify? How are they going to get the loan?

Then, an important question that has not been answered, and a point that has not been addressed, Affordable Housing, if, as the resolution said, two banks will lend $1 million each for three years, and one bank will lend $250,000 for three years, and the private company will lend $1 million over three years, accumulatively we are told Affordable Housing is going to come up with $17 million. Well, I would like to ask, where is Affordable Housing going to get their $17 million? Is Affordable Housing also going into the banking business? Are they going to borrow the money to unlend to people seeking mortgages? Because if that is so then Affordable Housing will be becoming a bank. If they are becoming a bank, are they going to get a bank licence? Are they going to set themselves up exclusively as a mortgage financing company?

Then, the matter is further complicated. Is the company a registered company under the local control licence? Or is it 60% owned by Caymanian shareholders? So we can

snowball these kinds of concerns. Madam Speaker, I think that these things are important. I think it is important to know if the interest rate is going to be fixed at 9% for the duration of the loan or are they going to be, as is customary, fixed for only six months and thereafter they fluctuate upwards or downwards as the international financial market dictates?

Now, Madam Speaker, I would like to share with this Honourable House the models that I have drawn up and if the Serjeant-at-Arms would assist me, I have one to lay on the Table and one for the other Members of the House. I have drawn up two models of a loan schedule, one based on $80,000, and the other on $50,000 with a term of duration of 20 years at an interest payment of 9%.

I have based this on my experience and what is standard practice at this time. A loan commitment fee of $800 in the instance of the loan of $80,000, and a loan commitment fee of $500, in the instance of the $50,000 loan. The repayments per month, for the loan for $80,000 is $719.78. On the $50,000 loan, over 20 years at 9% the loan payment is $449.86. The stamp duty transfer is $6,000 on the loan of $80,000, and on the loan of $50,000 it is $3,750. Stamp duty mortgage, $800 on the $80,000, and $500 on the $50,000. Legal fees, $800 on the $80,000, and $500 on the $50,000. The total start-up cost to qualify for a loan of $80,000 is $8,400. To qualify for a loan of $50,000, $5,250. Then, Madam Speaker, there is the question of construction insurance. On the $80,000 loan, $800. On the $50,000 loan, $500. Then, after one has the house, there are miscellaneous expenses, furniture, drapes, etcetera. On the $80,000 loan, $12,500. And about $6,000 on the $50,000 loan. Yearly insurance, including hurricane insurance, $1,800 on the $80,000 loan and $1,125 on the $50,000 loan.

Madam Speaker, the second part of the first page, "Income needed", based on the standard practice that 33.33% of one's income can go on a mortgage payment, I have drawn up a little budget.

Let me explain. To qualify for a $50,000 loan based on the foregoing, one would have to have an annual income of around $26,000 per year. For the $50,000, $16,211. I have drawn up a budget, based on the fact that for the $50,000 loan the husband would earn about $20,000 and the wife $12,000. On the $50,000 I have both of them earning around $8,100 each. I have drawn up a little budget. Their income per month for the mortgage payments, the house insurance, car payments, car insurance, gas, car maintenance, electricity, telephone, house maintenance, furniture loan, groceries and, Madam Speaker, I have, on the $80,000 loan the family spending $125 per week on groceries. They are going to have to have some macaroni and cheese meals. Children, $83 per month, that is rock bottom, clothing. This, Madam Speaker, would leave an annual short fall of the family making $32,000 combined income of $293.36. Significantly, Madam Speaker, they have not been able to save any money and I have nothing in here for entertainment. No money for the tape club, no money for the cinema.

So, Madam Speaker, what I am saying is that all is not as rosy as it appears to be. These people are going to have to pray diligently that nothing out of the ordinary happens. This does not cover doctor bills, and for a family of four (two children) particularly if they are young, there must be factored in some medical expenses.

On the two following pages, I have amortised the $50,000 loan for two years and the $80,000 loan based on, as I have said, payments of $449,86 for the $50,000 loan. After paying for two years, one would still have a beginning balance of $48,000 because the greatest amount of the money is being paid to interest, the principal is hardly being touched. This is calculated at an annual interest rate of 9% per annum.

Madam Speaker, I did that exercise to show that it is virtually impossible to try to project that people who are trying to subscribe to this loan within the income brackets that I have structured can qualify and can manage this mortgage and deal with the expenses of a family of four on the income that I have projected. I am not saying that this is a rigid case, this is exemplary by its very nature. But, the basis is sound. Nobody has to tell me about these things. I know about many of these from firsthand experience. So, it does not matter how much ranting and raving goes on, on the other side, I am saying that we have to be careful that while we want to provide the best for our people and while there is a recognised need, which we support to bridge this housing gap, we do not lay a false sense of security.

Frequently I listen to and I read about situations obtaining in other countries of the Caribbean. I am an avid listener and follower of events which go on in Jamaica. One of the problems that the Jamaican Government has is the problem which one could describe as a universal phenomenon, that is, providing adequate housing for its people. But, just recently, I have heard of the Government threatening a spate of foreclosures because people under some of the same kinds of circumstances acquired housing and I do not know, perhaps, through no fault of their own, were unable to make the mortgage payments and, of course, in that case the Jamaican Government borrowed the money from international lending agencies so they had to pay it back.

I am saying that any time the situation is not thoroughly addressed and redressed and we get into situations where people lose their houses, lose their equity, the situation becomes almost hopeless. It is politically dangerous for the Government to allow themselves to get into this kind of position. So, all I am saying, in conclusion, is that there is merit and that we should take this matter to the Select Committee. Thank you.

THE SPEAKER: If there is no further debate I shall ask the Mover if he would like to reply. The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. This issue of housing mortgage money is very important because the most stable residents within any community are homeowners. This

is one of the recognised and accepted factors in any society. If you put a young family in a home then you have gone a long distance to making that person a good citizen and stabilising the country.

Today, I believe that because many young and older persons, but mainly the struggle is with young people, especially young married couples, in getting the necessary mortgage money that is available and can be funded, that we have been able to achieve as much as we have been able to achieve within the Cayman Islands.

While I have heard a fair amount of debate on this matter and it seems that everyone feels that assisting with providing mortgage money to persons resident in Cayman, Caymanians here, is good, it seems that no one has come up with an alternative solution to this problem. What seems to be clearly underlying, by all the speakers that have spoken on this, is that we have to do something to assist persons to try to get the necessary and the long term mortgage money and to act fairly quickly.

So, I do not think that it is good enough to come here as, for example, I have just heard the First Elected Member for Bodden Town, talking about why couples cannot afford to have mortgage money for housing. That is a negative approach. That does not solve anything. What is the alternative?

POINT OF ORDER

MR. ROY BODDEN: Madam Speaker, on a point of order.

THE SPEAKER: May I hear the point of order, First Elected Member for Bodden Town?

MR. ROY BODDEN: Yes, Madam Speaker, I did not say anything about couples could not afford mortgage money.

THE SPEAKER: That is not a point of order, Honourable Member. Honourable Member for Aviation, would you continue?

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker. What I am saying is that it is easy for Members here to stand up and take a negative approach even when they are using complicated figures and reading these out. But, the hard-line of this and what I think the duty is of every person in this House is to assist young couples and to assist persons in this country to try to get long term mortgage money. Every Government has recognised that is necessary. The Third Elected Member for Bodden Town mentioned the struggle originally with the Housing Authority, the objections to that. That has been out there but we have not been able to raise sufficient funds within it to get the proper funding to sufficient people.

If the First Elected Member for Bodden Town had attended one or two of the National Team's meetings, this understanding would have come out. But, once again, there is the approach that simple facts and figures that go along with this do not exist. The position, as far as what information is necessary and what is not, I do not believe (and I have been in as many Select Committees as any other Member of this Honourable House, barring perhaps one or two), that Select Committees may be the answer to problems which do not have to be dealt with at the moment or within a short period of time. But, it is not the answer to trying to deal with something rapidly. The records of this House will show that Select Committees sit, and sit, and sit, and they go on from one meeting to another and temporary reports come in. We have several of them sitting now. So, while it may be good to go into a Committee on some matters, I do not believe that going into a Select Committee on this matter is going to do anything other than to slow it down. The situation, I believe, cannot be dealt with in any other way.

I am a banker. I have been a banker for 25 years - and I am a qualified banker on top of it. I know that there must be certain guidelines that we follow, and I know them reasonably well. I hope to just go through some of the figures that the First Elected Member for Bodden Town has produced here.

A couple with an income of $32,000, if they cannot afford a mortgage of $80,000, then this country is really in serious problems. So the figures that the First Elected Member for Bodden Town produced, in my view (and I am speaking as a Banker, as someone who has dealt with loans now for many years, close to 20 years on Boards), is that the fallacy in these figures comes from the fact that it appears that the Member does not realise that most of what he has listed here that couple has to pay for anyhow. It is not if you live in a house or not, you are going to have electric bills, phone bills, groceries, these are all things that you have to pay for. The bottom line, basically, is that the same couple is renting for probably $719 a month anyhow, because remember they have to live somewhere. If they are putting rental money into buying a house, that is the most sensible thing in the world that anybody can do.

So when you look at this, you will find - and by the way, I see children are put in for $83.33, I think that is definitely a serious short changing. I think that the decimal went wrong somewhere along the line there. But be that as it may, what I am saying is that most young couples are renting for between $600 and $900, maybe $1,000 per month. What this is going to do is to provide them with the ability to own the shelter over their heads. But they have to pay that rent regardless; they have to live somewhere. So, I do not believe that the argument that has been urged in this Honourable House, that a person will not pay mortgage payments and, obviously, they are basically saying they would not pay rental payments, is not correct. If they pay rental payments for about the same amount, they will pay more even to see that the house is theirs in the long run.

The areas that have been mentioned that I have found, in practice, has been the big problem with young couples getting their own homes and their own mortgages has been twofold. Firstly, the funds are not available. I say that as a banker, because there is a shortage of mortgage funds. Along come banks and companies that are prepared to provide mortgage funds for that purpose. Basically, I think we would have to be, at least I would have to be, sort of out of my mind if something we have been trying to get year after year, suddenly we have it and we are going to play around with it and run the chance of maybe losing it or, alternatively, run the chance that we may have five, or 10, or 15, or 20 couples getting that mortgage money at a much earlier stage than if we went into the Select Committee.

The second point has always been that even though money may be available, the length of time has never been sufficient for persons in the middle, and under the middle income brackets to afford it. Because, with commercial banks, and I have to say this with relation to their justification, if they borrow short they have to lend short because in banking you have to match funds as best as possible. You cannot borrow funds, that is, have people put up deposits for one year, and you lend for 20 or 30 years. You can only do that with a small amount of your lending and normally a part of your capital that is long term. So many commercial banks, on good banking practice, have not been able to lend long. There are some mortgage companies, and I think they have done a good job, we are all happy with it, the Housing Authority has lent long and that is good. But there is a serious shortage of funds.

I believe that the question of default on these loans has to be looked at from several factors. As I said earlier, the first and most important one, these people have been paying rental so they will pay mortgage payments. The second point is that it appears, at least it appears to me, that in making payments towards the house, even if the financing covers the down payment, Government's guarantee, and this is in relation to the loan falls away after the 10%, or 20%, whatever, of the upper layer takes place. So I think that you will find that when you look at this, firstly, you have to take a percentage of that layer off because even though Government guarantees say, 15%, it gets 7.5% back of the value of the property. So immediately, a part of what Government is guaranteeing is coming back to Government in the form of stamp duty and you get another 1% on the mortgage and it naturally depends at what stage of completion there is a transfer because naturally if the house is not done when the transfer is made, or if the building is not completed it would be less.

So, when you look at what Government is guaranteeing and if you strike a midway approach, because some may be 10% and some may be 30%, you are really not looking at much money, after all, that Government is guaranteeing. But most important, the difference between this guarantee and the guarantee of, for example, the Guiness Peat Aviation loan that the previous Government made of $6.2 million, or even the guarantees that are made for the Housing Authority or other places, the difference is that this is a series of guarantees in which the risk is spread and the chances of everyone defaulting on that guarantee which would total an aggregate of $3 million or $4 million, is impossible. You are going to have some defaulters, but Government's risk on this guarantee is so well spread that I do not regard it as much of a risk at all. Then, remember that it is doing something that we all want to get going. We want to get the economy of this country moving and some housing at this stage from this will definitely assist in doing that.

The bulk of the risk in this $16 million, $17 million or whatever it finally adds up to, and it will be a period of time I would think before that amount is used because it is a lot of money, would be spread over a fair period of time. Quite frankly, Madam Speaker, I believe what this House should really be doing is trying to speed up this process in trying to get persons, and when I speak of young couples, I am not excluding other persons, but this is where the impact of not having long term mortgage money, hits hardest, young couples who are just beginning, and they are people who begin with their own dreams and they want to have a good life and naturally to do that it is important that they have their housing.

Since the banks and the private company are going to be carrying the larger part of the risk in these loans, they have their own guidelines in lending and, naturally, those guidelines, I know, will follow sound and orthodox principles. They will be evaluated in accordance with those principles because it is not a matter of the fact that Government has guaranteed 10%, there is still another 90% sitting there. If they guaranteed 20% there is still another 80% in there. So the larger part of these loans is being given by the banks and the private company. Quite frankly, I take my hat off to the ExCo Member for getting this moving because during the previous eight years I was in Government, along with two other colleagues that are in the House now, we tried, and tried, and tried, and it was a struggle and still is a struggle, to find people who will give long term mortgage money.

So, I am very positive, I am very happy, that we are in a position to be here trying to help the persons in the middle to lower income bracket. I believe the little risk that is involved with Government's guarantee which on this full amount of money will amount to $3 million or $4 million, if you take an average, it is well spread. I do believe that with getting back 8.5% stamp duty, out of what we are putting in there in the form of a guarantee, we, once again, reduce down that risk considerably more. The guarantee is totally different from what Governments on a massive guarantees have given in the past in that this is going to help many Caymanians, not just to cover the mistakes or to cover problems that have arisen in one or two areas as guarantees have been used for in the past.

So, I am not at all worried that these people will not appreciate and repay these loans. What I think it is our duty to do is to move on as quickly as we can. While I would dearly love to support my colleague and the Fourth Elected Member for George Town on this issue, I believe that he means well, obviously, with it, I really think that our better bet now is to move on because the procedure of a Select Committee, I think every Member in this House appreciates, we are sitting on several now, is really going to keep a good thing away from people in the bracket. It is unfortunate that all of the information that one or two of the Members wished to have could not have been forthcoming. But it takes sometimes, a bit of time for banks to move and to finalise a lot of these things. But, I believe that the proper thing to do now is for us to move on and continue

to stabilise our country by putting Caymanians in their own homes because that is the best citizen that any country can have. I believe it is the duty of everybody in this House to do that as quickly as possible. Government is, quite frankly, doing very little when it is guaranteeing the upper part of a loan, of which the larger part of that upper part will be coming back to Government in the form of stamp duty. I believe that they will appreciate it, that they do not have to pay rent. They will gladly pay the mortgage payments that come up from time to time.

So, I am sorry that in this specific instance it is a matter put forward by my colleague in George Town. But I really think, at this stage, we should move on, we really should get on with it and try to get this kind offer, for which I thank the banks and the company for making. It is extremely important. After the Constitution I would regard this type of matter, as far as stability goes, especially, as next important. Thank you.

THE SPEAKER: Proceedings of the House will be suspended until 2:15 P.M.

PROCEEDINGS SUSPENDED AT 12:58 P.M.

PROCEEDINGS RESUMED AT 2:21 P.M.

THE SPEAKER: Please be seated. Continuation of the debate on Private Member's Motion No. 4/93. The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. I rise to speak on the Motion before this Honourable House. I quite understand some of the concerns made by the Mover, but when I went back and took a deeper look at some of these things and the concern he had for the liability falling on this Government, I made a point to call a number of banking personnel in regard to what would ultimately happen if everybody were to default on their payment. On more than two occasions most of the banking personnel said that the traditional trend in mortgages is for less than 5%, and some as low down as 2% failed. So having checked on this and found this out, this allayed one of my main fears of putting a burden on the people of this country. It is my understanding that the houses will more than likely be built on land owned by the people making an attempt to secure these monies. This equity should go quite a way to keeping the people who make an effort to obtain these funds and this should give them the motivation to make sure that their mortgages do not lapse.

Some of the problems that I see in regard to this, not necessarily in the approval of these funds, but what we need to really address is that of the insurance problem. I think this is the area that is now one of the main hold backs in the housing development for our younger people. So, I hope that as soon as possible this problem will be addressed. I have been told by some people who have gone to the commercial banks that loans have been granted. But, low and behold, they have found that when the papers and the documents are drawn up that one of the formalities is that of insurance from one of their own companies covering these mortgages. So, I urge this Honourable House that, as soon as possible, this problem be addressed.

Thank you.

THE SPEAKER: If there is no further debate I will ask the Mover of the Motion if he would like to reply.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I would like to make mention of a few things said here in this Honourable House by Members in their contribution to this Motion. I will try to stage my various comments so that at the end of the day I will still be able to prove my point.

First of all, the Elected Member for Health, in his contribution, started off by saying that there are many people in the Cayman Islands who are aware of the housing needs which exist in these Islands. I could not agree with him more. I, too, am aware of these needs and, as I have said before, the concept of Government taking a stand and wanting to speed up the process for many of these individuals in allowing them to acquire their own houses, is certainly commendable. The purpose of this Motion was simply to ensure that in doing that, we went about it in the right fashion.

I have heard from other Members various points, various trains of thought, and, by and large, I have to say at this point in time that many salient points have been brought out regarding this proposed scheme. Had these points been allowed to be brought out at the very beginning, or had the Member, when he brought his resolution to Finance Committee, had a collated document giving the details of this proposal then there would have been no need for my motion. But, if I am the lamb for the slaughter to assure debate is evoked, then I do not mind.

I feel forced to address some of the statements made by the Member for Health in his contribution. First of all I will make a very small point to show that in my view there are many areas that need to be looked at if Government is going to engage itself in a scheme of this nature.

The Honourable Member said that there was a study completed in June by the Planning Department and members of the Department of Environmental Health. That study points out that there are an estimated 300 homes in the Cayman Islands that have no toilet facilities at all. That is disturbing to hear and I would certainly like to see us being able to do something about that. But that only brings to mind the fact that there may be many people who already have some type of house in this Island, Madam Speaker, who need assistance and are willing to pay their way but who are not in a position to go about arranging

financing for themselves in the usual fashion. So, it is things like this that I have in my mind when I say that we need to sit down and go through this thing as thoroughly as possible. In other words, it is very possible that when looking at a situation like this, Government may be in a position to arrange something of a very similar nature. Now, whether that is to be part of this scheme or a supplementary scheme, that is fine. These facts have come out in this debate but I will just bring that point out to say that those were some of the things that I had in my mind to wonder about when the resolution initially came to Finance Committee.

The Member was also saying, on another note, that what I said regarding our discussion after the Meeting of the Finance Committee was true, and he went on to say that what I left out was what he said to me, that I and all Members would have a chance to hear the final details of this scheme when he had it finalised. I am not here today to say that he did not say that. But, I have to say that if he did say it, it must have been after he closed his car door. I am not known to be one who does not hear very well.

Several speakers have also made mention of the point that mortgage money of this nature has not been available in the Cayman Islands before now. The way that it is said is that all of a sudden there is a group of people and a group of recognised lending institutions who are prepared to do so. I submit that those institutions who are prepared to do so now have not changed their policy from any time prior to this. It is my contention that the Government's guarantee is what will trigger these and any other institutions who say that they will get involved in lending of this nature to do so. That is not that there is anything wrong with that, Madam Speaker, but, as far as I can glean, the monies that are forthcoming are forthcoming because of this guarantee not because there is anything spectacular or different about their lending programme.

Madam Speaker, the Member also chose to say, "If the Fourth Elected Member for George Town somehow has an inflated ego, then that is his problem", and I quote him, "But, I believe today, that this is what it is all about...". I cannot say it the way that he does, Madam Speaker, because certainly his style is inimitable. But he goes on to say, "...an ego trip, because that Member has no more responsibility to the country than we have. He has a Legislative and we have an Executive responsibility.".

Madam Speaker, let me make it clear to that Member, and to all Members of this House, that I understand that. But, as the Member is muttering while I speak, I believe, that if anyone knows me, they really know better than to say or think that I am on an ego trip. You know, I had forgotten about the incident, but if that Member really wants to think and understand what an ego trip is all about, let me relate a very short incident that happened one day in this House. I so happened to have been passing the Table that is directly in front of me. It concerns the Member, and no one told me this, Madam Speaker, I heard the Member wondering when a Division was called whose name should be called first, whether it should be the Leader of Government Business or the First Elected Member of Executive Council. Madam Speaker...

POINT OF ORDER

HON. W. McKEEVA BUSH: On a point of order, Madam Speaker.

THE SPEAKER: Please draw my attention to the Standing Orders and the point of order.

HON. W. McKEEVA BUSH: (Interrupting) Yes, Madam Speaker, if you would ask the Member to sit, as you usually do, to give me time to...

THE SPEAKER: Would you please sit, Fourth Elected Member for George Town?

HON. W. McKEEVA BUSH: He is misleading the House, Madam Speaker. I was talking to the Clerk about how the Minutes of the day were set out. It is not the First Elected Member of Executive Council who should be called first, it is the First Official Member, and not the Leader of Government Business. That is no secret.

THE SPEAKER: I do not think there is a point of order in that at all...

HON. W. McKEEVA BUSH: *(Interrupting)* I say it, he was misleading the House. That is the Standing Order I am referring to.

THE SPEAKER: Would you please continue Fourth Elected Member for George Town?

MR. D. KURT TIBBETTS: Madam Speaker, as I continue...

THE SPEAKER: Would you please keep to the debate on Private Member's Motion No. 4/93?

MR. D. KURT TIBBETTS: Certainly so, Madam Speaker, I am only answering what was said. I only say that I can hear.

Madam Speaker, the Member goes on to say that, and I quote a certain section, "...an imputation of ulterior motives on the part of the principal players committing

themselves to involvement and the lending of these funds. It also suggests that the Movers of the Motion place little confidence in the commitment and trustworthiness of the prospective clients.". (*Hansard* - 24th September, 1993) Madam Speaker, if the Member interprets any part of the 'Whereas' section of this Motion to impute any such thing, then one of us needs to understand the Queen's English a little bit better. The whole purpose of this Motion is simply to ensure that as many facts, wide ranging as they may be, were put together and made available to the Government of this country to ensure that when they acted on the resolution passed in Finance Committee's Meeting that the end result was good for all. If that Member, or any other Member, is thinking differently, I can only repeat again the sole purpose of this Motion. It was meant to cast no aspersions on any one individual or any one institution that may have been involved in the initial discussions.

The Member goes on to say, Madam Speaker, and I quote: "As for the opportunity to debate this matter, Madam Speaker, as I have said, I was of the impression that when Finance Committee's approval was sought that this created an opportunity at that time for all Members to raise questions, make comments, and for them to get what information was available and this is what happened. The proposal was approved and now Government has to show that what they are setting out to do can work. When that is done a final press conference will be held." (*Hansard* - 24th September, 1993). Regardless of the sides which appear to have pitched their tent with this Motion, I contend that what I just read, the Member said was not the case. I asked several questions in the Finance Committee Meeting and the answers were not forthcoming. Without trying to repeat a lot of other things that were said before, I say that, and I feel safe in saying that, and that is the truth, I had no problem at that time about the answers not being forthcoming. I was prepared to wait once Government explained its course of action. Neither did I get an explanation for that.

Madam Speaker, the Member also sings his new chorus in the final part of his contribution, he says: "Now they want us to put it back, Madam Speaker, for what? So that they can say what? Because they have not said anything as yet. This country needs to get going..." I do agree with him there, Madam Speaker."...that is a problem and this will help boost the economy as well. I do not know what more they want." That is the chorus. "They want to put back Government's programme, I am sorry but I will not allow them to do it. I do not think the Members here are going to allow them to do it. I have not heard any alternatives. Where are the alternatives?" (*Hansard* - 24th September, 1993). The Motion is not suggesting an alternative. The Motion is simply asking for a chance to have fairly wide-scale debate so that at the end of the day the method to bring this scheme into being is the correct one and not one that is going to haunt us in years to come.

I noticed the line that has been taken by some in their contributions to the debate, Madam Speaker, and many of the speakers have discussed the scheme and the ways and means by which to bring it about. They have also discussed ensuing problems. They have shown in their own way what their thoughts are in regard to the magnitude of these problems and how they can be solved. I daresay today, Madam Speaker, that if nothing else, if this Motion had not been brought to this Honourable House, none of that debate would have taken place.

In his short contribution, I remember the Second Elected Member for George Town saying, and I do respect what he had to say, words to the effect that he might have had more knowledge of the scheme than I did, and that is fair. Whether I am to be put to task for it or not it just so happens that I am not a Member of the National Team and I may not be privy at all times to some of their discussions, whether individually or in their group. I do know that insofar as the Elected Members for George Town are concerned, to the best of my knowledge, we have fairly good communication, and I thank God for that. But, while what the Second Elected Member for George Town said may well be the truth, I still contend, today, that the proposal which caused me to bring this Motion is one that merits and should evoke wide-spread debate amongst all the Elected Members of this House.

The Third Elected Member for Bodden Town said, and I quote:

> "I know the difference between a Committee of the whole House and the Legislative Assembly sitting in a formal session. But, I also know that a Committee of the whole House would be made up only of the Members who are sitting here today. So we have the whole House, bedecked in all its splendor, and there will be no changes, unless, perhaps, there would be a change in the Temporary Official Member. But as far as the composition of the Elected Members, if we take this to a Select Committee there will be no different Members to consider it. I believe every Member that has spoken, even the two Members that brought this Motion, are in agreement with the forward march of this scheme. So, in my opinion, nothing would be gained by referring this to a Select Committee.". (*Hansard* - 24th September, 1993)

Madam Speaker, those words ring true up to a certain point. But, the point that the Third Elected Member for Bodden Town made regarding the nonsense of taking this Motion to a Select Committee because it was now being debated in the House, what the Member could well have said, and I have said it before but I just used that to reiterate the point, was if the Motion had not been tabled the debate that is now taking place would not have taken place. So, in essence, in my opinion, that proves my point.

Notwithstanding what other Members might have said, I would just like to quickly go over the motion itself. In the Whereas section there are nine recitals, I believe. The reason why they were separated and made as specific as they are was simply to start the Honorable Members' of this House thinking. I want to make it clear to one and all concerned that to see such a scheme brought forward by Government is, and I have no fear in saying this, certainly a move in the right direction when it comes to addressing one of the problems that many individuals and families in this country face today. That is not my problem, Madam

Speaker, and that was never my problem.

Everyone will try to defend his own way of thinking and his own way of doing things, and I respect that because, so too will I. But, regardless of what has been said before now, with regards to all of the recitals and the two Resolve sections, the fact still remains that unless this Motion was brought, I do not know about other Members, but I certainly would not have had a semblance of an indication with regard to really how it was going to work. There is a part I know in the Member's delivery where he basically says that he was not going public before he had gathered all of his facts and when everything was ready and it was the right time, then there would be the press conference and members of the public at large will be introduced to the scheme. Madam Speaker, that is fine. But I again say today that even at the end of the day, if everything is done totally correct, the principle of the operation would not have been right left alone because, as far as I am concerned, if each and every Elected Member of this House is not afforded the opportunity of understanding what it is all about and giving input, then there is no guarantee that what will come about is the best that is possible from within this House.

I also believe that had I not brought this Motion many other Members who took time out to debate the Motion would not have given it as much thought as they have. That is not to say anything bad, it simply, in my mind, proves that it is not always the best thing to hear one side of the coin when moving forward with matters, as far as I am concerned, of such importance.

Madam Speaker, I maintain that each of the sections of the recitals are valid. If Government has, or is going to address all of these areas to ensure that all things are considered before the scheme goes forward, that is fine. I know that I would have done my duty. I do not see the Honourable Member sitting across on the Government Bench this evening, I am sure he will be here, he probably has something that he has to do now. But, I have seen on many occasions where the Member for Education and Culture and Aviation has been well known for his ample dose, or to put it another way, an abundance of caution. I have seen that caution proven right on many occasions. I sincerely hope that after this debate that his caution switch has tripped in. If not, I hope that it does because there are problems to overcome in formulating and presenting such a scheme. The fears that I have had from the very beginning are not unreal or unfounded.

It is sad that whenever we have Private Member's Motions, that others, at some point in time, interpret those motions as simply dealing personally with a situation. I want to assure this Honorable House that even if it appears that way, whenever something is said, and I feel a need to respond, I will do so. But, I can assure them that the intentions of this Motion were simply to ensure that the Government gets on with its business in the right fashion.

The last point that I want to make is that, as far as my memory serves me, every Member who talked about Select Committee made any Select Committee out to be one that drags on and on. That may have been the experience on other occasions and those experiences may have proven them right in those instances. But, I contend, again, that if the majority of this House is well in sync with this scheme of Affordable Housing and if the majority of this House is well informed and it does go to a Select Committee, how could it take so long to deal with it? If it is not their wish, they have the numbers and I cannot do anything more about it at this time. I do believe that it was right to bring the Motion at this time. I sincerely hope that whatever transpires at the end of the day, the Affordable Housing Scheme goes forward in the right way and that Caymanians will derive the proper benefits from what it is supposed to end up as at the end of the day. I can only say that it was not, it is not, and it will not be any intention of mine not to see it happen, but only to play my part, in the limited capacity that I am allowed, to ensure that it happens in the right way. If Members in this Honorable House feel that it is not right to go to a Select Committee then they have every right to vote their conscience. I will, only urge each and every one here to do what they have to do to ensure that, whatever happens, this scheme is put together with the proper thought process.

Thank you.

THE SPEAKER: The Question is Private Member's Motion No. 4/93. I shall put the question. Those in favour please say Aye...Those against No.

AYES AND NOES.

THE SPEAKER: The Noes have it.

HON. W. McKEEVA BUSH: Could I have a Division, please?

THE SPEAKER: You certainly may, Madam Clerk.

CLERK:

DIVISION NO. 5/93

AYES: 3	**NOES: 14**
Mr. D. Kurt Tibbetts	Hon. J. Lemuel Hurlston
Mr. Roy Bodden	Hon. Joel Walton
Mr. Gilbert A. McLean	Hon. W. McKeeva Bush
	Hon. Thomas C. Jefferson
	Hon. John B. McLean
	Hon. Truman M. Bodden

Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Dr. Stephenson A. Tomlinson
Mrs. Berna L. Thompson-Murphy
Capt. Mabry S. Kirkconnell
Mr. Anthony Eden
Mr. Haig Bodden
Mrs. Edna M. Moyle

ABSENT:
Hon. Richard A. Coles

THE SPEAKER: The result of the division is 14 Noes, 3 Ayes. The Motion fails.

PRIVATE MEMBER'S MOTION NO. 4/93 - SELECT COMMITTEE OF THE WHOLE HOUSE TO REVIEW THE GOVERNMENT BLANKET GUARANTEE FOR LOWER INCOME HOUSING NEGATIVED.

THE SPEAKER: The next Motion is Private Member's Motion No. 5/93.

PRIVATE MEMBER'S MOTION NO. 5/93

REQUEST FOR GOVERNMENT TO RECONSIDER THE PURCHASE OF THE PROPOSED PROPERTY IN BREAKERS

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I rise to propose Private Member's Motion No. 5/93 - Request for Government to Reconsider the Purchase of the proposed Property in Breakers, standing in my name, which reads as follows:

"WHEREAS on June 25th, 1993 the Honourable Member responsible for Health and Human Services announced Government's intention to purchase property in the Breakers area for the purpose of establishing a rehabilitation centre for substance abusers;

AND WHEREAS the residents in this area have expressed concerns regarding this facility in their community;

AND WHEREAS there was no formal communication or explanation between the Honourable Member and the parliamentary representatives (for this area) regarding the development of this proposed facility;

AND WHEREAS the *Caymanian Compass* dated July 20th, 1993, quoted the Honourable Member as saying: "It [the Rehabilitation Facility] is going on that property regardless of who likes it".

AND WHEREAS this property is an old property which is in need of extensive renovations;

AND WHEREAS the Honourable Member has not outlined to the Legislative Assembly exactly how this property will be renovated;

AND WHEREAS the conversion of the existing property to such a purpose built facility will cost a large sum of money;

AND WHEREAS there is at least one more attractive property for sale at a significantly lower price;

AND WHEREAS this property has a much larger area and greater scope for future expansion as compared to the Breakers property;

BE IT THEREFORE RESOLVED THAT Government reconsider its stated intention to purchase and develop the Breakers property, as this property does not represent the best value for money;

AND BE FURTHER RESOLVED THAT Government investigate the possibility of procuring property which can be developed at a lower cost.".

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

MR. GILBERT A. McLEAN: Madam Speaker, I beg to second the Motion.

THE SPEAKER: Private Member's Motion No. 5/93 has duly been moved and seconded and is now open for debate.

The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

Notice, Madam Speaker, that the Motion does not seek to debate the merits and demerits of the establishment of a Rehabilitation Centre for substance abusers. It is agreed by all and sundry in this Honourable House that we are in dire need of such a facility.

The Motion is straightforward. It seeks to show that this property, being an old property, the buildings of which have been constructed at a time when our building standards were less stringent then they are now, is in somewhat of a dilapidated and run-down state. The Motion contends that the Government would be wise and prudent to seek property which could be better developed at a far less expensive cost.

It also seeks to establish that there are properties, and, certainly, one property comes to mind, with a much greater land space, newer and more modern buildings and an attractively lower price which the Government could consider.

The Resolved sections of the Motion are straight forward and I invite Members to support this Motion as it will be a step in the right direction.

Thank you.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker. I rise to oppose Private Member's Motion No. 5/93. The National Team meets every week. We have been meeting since we have been elected. If the Mover of this Motion had been attending those meetings he would have learned of this property and perhaps at those meetings, if he had attended them, he could have shared at that time the other suitable property and we might have had a choice.

In regards to being dilapidated as he says, I did a little research. In fact I visited the property again this past Saturday. The property is approximately 19 years old with a duplex just being built, roughly three years ago. It is a very secure place and it is constructed more like the centre that we are looking for. It has 7.5 acres of property with the main house covering about a quarter of an acre with roughly 10,000 square feet. It has a central courtyard with rooms leading off of this courtyard and it would be very secure with a gate that could be closed at nights, and also during the day. The only exit is through this courtyard, giving added security. There are five other units constructed on this complex and it has a maximum of about eight bathrooms. I admit that it will need renovation, how extensive I think we have already been told that by the Member. But I feel that this is a suitable place.

In regard to the residents in the area having expressed concerns regarding this facility in their community, I only know of one person who contacted me (I am not sure about the other Members of the Team) who was originally from that community but who does not live in that community at this time (that I am aware of, I could be wrong). She wrote a letter, this former resident, but did not express concern for other members of the community. Therefore, I feel that one member of the community is a minority.

Unfortunately, the Opposition, not only in the House but, on the outside, has accused the Member of having political pay-backs. I think this is very wrong. I, for one, am not associated with a team in this way. To say that the Member is driving Hawley's car is very wrong. We do not think in these terms and I have had to defend him on several occasions and this is not the way the National Team is operating.

When the Member brought this in the Finance Committee, I recommended to the other Members of this Honorable House that they go and view the property for themselves and see what it was all about before the final purchase was made. To my knowledge, only about three other Members have communicated back to me that this was done. Maybe since then they have done so. I still urge Members to go and see where the property is situated and what it has to offer. I feel that it does offer the best value for the money.

About purchasing property that can be developed at a lower cost, recently the proposer mentioned another property which is of wood. This property is of cement. It has less property, I think the other property has roughly about 30 acres or more, this has 7.5. But I feel that it is much better constructed, in a much more suitable location, which would be suitable for the inmates.

As to safety, I feel it is very safe. I believe that with the terms that the Government was able to obtain this property we have been given a fair opportunity, and I see no reason to delay the purchase of this proposed property, to set back the purchase of this property so that substance abusers can benefit from this. I feel that we should continue with this and go forward and have the property put in place so that by the end of next year, at the latest, that substance abusers will benefit from this Rehabilitation Centre.

Only today, Madam Speaker, a question was posed regarding Canaan Land, I do not have a problem with Government supporting Canaan Land. The more help we can get for substance abusers, I welcome this. However, to our knowledge, Government has not been approached by Canaan Land and I think there has been some difficulty among family members in obtaining the property to give it to the community. Until that has been settled, I feel that we, as a Government, cannot really support it until all the legal entities are put in place regarding Canaan Land. I will fully support to any extent what is required of the

Government. But, again, everything must be in place and a proposal must be presented to us.

Therefore, Madam Speaker, I feel that this proposed property in Breakers is very important. It is something that we can get on terms and I see no reason why this Private Member's Motion has been brought. Therefore, I will not support this.

Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for Bodden Town.

MR. ANTHONY S. EDEN: Thank you, Madam Speaker. As a former resident of this area, it is my obligation to bring to this Honourable House the concerns of some of the residents of the little town of Breakers. I am sure the Honourable Member understand these.

I would like if he would address Government's stand on this, some of the problems that the people fear, the security of the place, the types of services that will be offered there, whether it will be like a hospital, or whatever facilities that will be provided to the people in this area. As I have said, as soon as time permits, I would ask that the Honourable Member please meet with the people of this area and go over their concerns whatever the result may be.

Thank you.

THE SPEAKER: The Fourth Elected Member for West Bay.

MR. D. DALMAIN EBANKS: Thank you, Madam Speaker.

Madam Speaker, this property that is being debated here today for a Rehabilitation Centre, I went and visited it myself. I know of the 7.5 acres of land there carrying about 11,000 square feet of floor space. We are being able to purchase it for $600,000. Now, Madam Speaker, in anybody's language today that is a steal because if you had to build those buildings you would be running yourself up into millions of dollars, plus the land. The area is a good place for a Rehabilitation Centre.

I do not know about the complaints but I feel that regardless of where the complaints are coming from, I feel that wherever you buy land or put the Rehabilitation Centre you are going to have complaints. If you put it in the centre of any of the districts, or in the middle of the swamp, you are still going to have complaints. So that should not draw any face against this Rehabilitation Centre going in Breakers.

I feel that it is a good purchase because the buildings are concrete and they are well built and there is not so much deterioration in the buildings. The smaller buildings are in use now, so they are in very good condition. Also, Madam Speaker, there is a huge workshop attached to this building that you could set up any sort of trade school in there. I cannot see why Government should not purchase this. The other piece of property that is spoken of, I do not know anything about it, I have not seen it, but I am made to understand that the buildings there are also run down, they are of wood. So you have no comparison there with wood against concrete. With that, Madam Speaker, I cannot support the Motion.

Thank you, very much.

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, I have looked at these Motions on the Order Paper and I have come to a point at this time in our administration to ask what is it that they really want from us, because I have never seen more politics played with something that everybody claims that is needed, something, Madam Speaker, that this country, or some things, in particular the matter addressed by this Motion, that this country is so badly in need of.

Madam Speaker, if we have to send persons overseas much more than we are doing and we know that is it is not working, it costs millions of dollars Madam Speaker, I say without the shadow of a doubt that these people can be rehabilitated and brought back into the main stream of life in this country. I, and other Members as well, have to face these problems in our constituency. Madam Speaker, I am not going to take up the time of this Honourable House to give examples. I have given enough examples during my eight years in this House, of families that are hurting because of drug addiction whether it is alcohol or other forms of substance abuse. We have seen our young people on the scrap heap of life when they could be making valuable contributions to their country, to their life, to their homes and to their parents. They are hooked on these substances. You know, if there was not so much rumour going around, and nothing of course that is going to be said in this House or where I can put a lawyer on them, I would not waste the time of this House to answer this Motion for anything in the world because it deserves to be put in the scrap heap. In the garbage dump!

But, Madam Speaker, seeing that it is before the House, knowing who I am dealing with and knowing that things are being said on the outside that they are not going to say in this House, I will attempt to deal with some of the allegations in the Motion before us.

This Motion, as I understand it, was filed on the 8th of September, 1993. On the 1st of September this property was purchased, the deal was finalised and this Member had nothing more to do with it other than identifying the property earlier this year. I should say, Madam Speaker, that at a meeting in the Village where the National Team used to meet in the early days, and the early part when the First Elected Member for Bodden Town was still attending the meetings, this matter was brought to the attention of Members that it was Government's intention, when we could sit down with the owners, to purchase that property as we believed it could work. I had Members' attention, I had Members' support and the First Elected Member for Bodden Town was a part of the Team, as I said, at that time of our being made aware of it. Their concerns did not

arise until some members of the public started to talk about the facility going in Breakers.

Anyway, Madam Speaker, I cannot figure out these people. I am not going to waste the time of my Government in trying to do so. So, Government is at this stage, therefore, in no position to accept either of the resolutions contained in this Motion and Government can neither at this stage reconsider its stated intention to purchase, as I have said, this property, nor investigate the possibility of acquiring a different property as the matter has been finalised.

Madam Speaker, I sought last week to provide some detail of our plans for the development of the Drug Rehabilitation facility for which this property was purchased and the only few things I would add to that, at this point, is a few statements to correct some of the wrong impressions, or errors of fact, contained in certain of the clauses of this Motion. Madam Speaker, as I understand it, and to my knowledge, a few residents have expressed concern and those that have expressed concern, we believe we can put those to rest. Four persons have spoken to me. One of them came to my office and we had a very good discussion. That person had the wrong impression that the property in question was in the sub-division she lives in and it was next door to her home. As I said, we had a very good discussion in my office and I cannot say that I allayed her fears, she was very honest with me. These four people I have known for many years and I have great respect for that family. I will be having more discussions with residents as we go along. In fact, the two Elected Members for Bodden Town, the Second and the Third Elected Members, have been in contact with me on this resolution, have been bringing the concerns to me and have been asking me to go to Breakers and hold a discussion with the residents. This could not be done, Madam Speaker, until plans were finalised by the Department as to exactly what was going to take place on that property.

There have been, as I have said, discussions between myself and the two Members representing the district and I will also continue my discussions with them as the development continues. But what is of importance to this Honourable House is that since that meeting in the Village, the First Elected Member for Bodden Town has not yet mentioned to me one word concerning anybody's concern up there. Not one word, and you would have thought that if he had these concerns that he would have written me a letter as he has always done with other matters, but I have received no letter and the Member has had no discussion with me on it. You wonder, Madam Speaker.

The next point that I would like to raise is this matter where the two Members are quoting me and I should say, not only him, Madam Speaker, but his seconder, his twin, they have said nothing to me on this resolution. Nothing concerning the facility at Breakers yet they want to get up here and pontificate. You would have thought, Madam Speaker, that they would have sought an audience with me, or they would have written their concerns, or they would have done something else.

Now, I happen to know, and when I say I happen to know, I will make it clear, Madam Speaker, that I understand that they visited the property. But I would say that the Members would do well in the future to quote the official record of Parliamentary proceedings, the *Hansards*, as opposed to the *Caymanian Compass* when they put things in Motions. The alleged direct quote from me is incomplete and I would like to read to the House what I said on that occasion in Finance Committee.

Now the part that they are complaining about, Madam Speaker, in the resolution says;

> "AND WHEREAS the *Caymanian Compass* dated July 20th, 1993, quoted the Honourable Member as saying: 'It [the Rehabilitation Facility] is going on that property regardless of who likes it'.".

What I said then, when I was questioned in Finance Committee on it, was that;

> "We have not done any public screening to say who wants to see a Rehabilitation Centre there or not. I will say to Members that I have had one letter of complaint and two verbal complaints from residents in Breakers, people for whom I have a great amount of respect. However, Mr. Chairman, Members and the public must understand that this country needs services. These are things that we have been crying out for, for 'donkey ages', and if I have to sit and listen to every complaint and be blown hither and tither by every wind that blows, we will not get anything done in this country. If it had to be put alongside of my house, so be it, but this Government is determined to get a rehabilitation facility and it is going on that property regardless of who likes it.".

That is what I said Madam Speaker and I still stand by that statement.

The *Caymanian Compass*, Madam Speaker, of course, would not carry the full statement because that particular paragraph quoted in the resolution would make me look bad. They would not say that I said that I had a lot of respect for the people, they would not say that I said that I would have put the facility beside my own home if it had to go there. Oh no! Because that would look, Madam Speaker, as if this Member was determined to get a facility regardless of who talked - whether my wife complained, or my mother complained - if that was the best that we could do, we were going to do it.

The *Caymanian Compass*, not all of them, Madam Speaker, but in particular one scalawag of a reporter that usually comes up here in the mornings, Mr. Redman, he has done more misquoting and more dirty reporting than anybody else in this country. The other day they said that the Speaker chastised me, the other day they said we had a row. Where did that happen, Madam Speaker? Do you know anything about it? I am very careful in these last several months and the last two years, since that particular reporter has been on that staff, in what I have to quote from the *Caymanian Compass* because they are looking to blow things out of proportion and that is a good example of what they will do.

The next point that I care to raise is, the Member says

that we can get a cheaper facility or more attractive property for sale at a significantly lower price. I have no doubt, Madam Speaker, that I can go and find some properties that might be more attractive. When I say properties I mean land, but I contend to this House that I have looked all over this country and I cannot find any property with buildings on it sufficient for use so that we can start a programme within the first quarter of the next year. We could go and buy land but we would have to build on it. That means that the Rehabilitation Programme that this country needed ten years ago is going to be put back another two year. I know this much, Madam Speaker, that we still would not get anything cheaper. We could not build for what we are getting this property for, Madam Speaker. I want to reiterate to this Honourable House that I have had nothing to do with the sale of this, me, nor Cambridge Realty, which is my company, has had nothing to do with it. This has been solely a Government property. I am in the habit, when I am dealing with Government that, especially on (the purchase of) land because I own a real estate company, I make sure that I say in any correspondence, "go directly to the owner and cut out any real estate agents." That is on record in this House.

This claim of buying another property, although I would have loved to have heard the Member say ... because in truth, and in fact, Madam Speaker, when a Member brings a resolution to the House for an ExCo Member to reply on, really they should offer some idea what they are talking about. How am I going to know what he is talking about? If he was genuine, if he so wanted Government to go and purchase property and he says he has it, why did he not say so, Madam Speaker. I had not spoken yet. Politics! Is it politics, Madam Speaker?

Madam Speaker, there have been three valuations on this land and the buildings registered as Breakers, Block 56B, Parcels 91, 92 and 93. One was done by BCQS, and if I am not mistaken, it is Martyn Bould and Associates that valued the property for $632,000. Now what this property contains is five buildings with over 11,870 square feet. I had another valuation done by Cayman Contractors Limited, and this with five buildings and 7.5 acres is $643,440. This was done, as I said, by Cayman Contractors Limited, Mr. James Powell Jr., or better known as Mr. Jimmy Powell. They are the two independent valuations, Madam Speaker. Government, as I said, did their own valuation.

Madam Speaker, the main house has some 6,000 square feet and can be described as a six bedroom, eight bathroom house and this is what Government's valuator, Mr. Alan Jones, the Lands Officer, had to say about it. He is talking about the main house. He says that;

> "There is a large surface water cistern of approximately 36,000 gallons which has some small workshop units attached to it. Accommodation amounts to approximately 5,738 square feet. The accommodation is somewhat flexible and other rooms such as the library, dining room, the office, etcetera, could possibly be turned over to living accommodation. There are some furnishings of fine old mahogany furniture.
>
> The other building which we will call Building I - is approximately 840 square feet with a rear veranda. It is made up of two bedrooms, one bath, dining, living room and kitchen. There is a cistern of approximately 3,900 gallons.
>
> Building II - is the same as Building I, and Building III - this is a duplex of approximately 1,624 square feet. The walls are of timber and the roof is pitched with shingles. There is an external cistern of approximately 1,100 gallons.
>
> Building IV - this is a large house offering the following accommodations; three bedroom, living/dining area, two baths, kitchen and screened porch. There is a single storey timber extension with a pitch shingle roof which was constructed approximately ten years ago. Gross external floor area including covered screened porch amounts to approximately 1,972 square feet. There is a 4,000 gallon cistern.".

Madam Speaker, Government's evaluation - this is what the Lands Office said, and I quote:

> "It is not considered that there will be a ready market for a building such as the Hawley's House. Its setting, location and outlook is somewhat unique and the proprietor would, in my view, be extremely fortunate to find a purchaser prepared to pay the proposed asking price.".

It goes on to say:

> "With regard to the value of bare land in this area, I have to say that there are very few recent sales upon which to draw. It is not considered that the Frank Sound Estates Sub-Division is necessarily comparable particularly since the parcels of land being transferred are much smaller than those to which this report relates.
>
> Having regard to the above, I am of the view the fair open market value of parcels 91, 92 and 93 combined is in the region of $700,000. Please note that this does not include any element of the value of furnishing.".

So we can see that Government, as far as we are concerned, has a good deal. We have rooms, as I said the other day, for inpatient facility, for a half-way house,

which is needed in putting the people back out into the mainstream of life. It has room available for administration, for offices. It has room for a separate girls facility, if we decide to go that route. It has space for a very, very large workshop. It has its own water reservoir and cisterns.

We are paying over $600,000 in a five year period. Government has to put down, I believe, $100,000. If we had to go somewhere else, and let us talk about this somewhere else. I do not know if the Member is talking about another facility, but, one other person wrote me earlier this year, or late last year, saying that their property was up for sale. That property is in North Side, and is owned by Mr. Robert Moyle, or Bob Moyle as we know him. They do have a larger property, but the house is in a worse condition, as I understand it, and is not suitable for what we want. It is an all lumber house, with sheet rock walls inside. The offer was for $400,000, $200,000 down and the balance over a period of time. If, from the projections of the Public Works Department and those people in the Public Sector Investment Committee, we had to go to build a purpose-built building, to house all the things I have named out for this Rehabilitation facility, we would be well in the region of $1.3 million, for the building, plus, the $400,000 for the property. That is in the region of $1.7 million and, as I said, we will not be getting any facility until sometime in 1995.

Our property, let us say it cost $700,000 over five years, and the refurbishing and the purchasing of all the equipment that is needed, the furniture and the fixtures, amounts to under $400,000. If we round it off and say $400,000 we are talking about $1.1 million. Tell me where is the better property? We cannot afford to wait, Madam Speaker. I do not know what more these people want. I do not understand what they want. The renovation costs plus the purchase price on this property is still cheaper than a purpose-built facility. It has the tremendous added advantage of relatively quick availability.

Madam Speaker, the other matter that was addressed in the resolution says that Government, or myself, has not outlined to the Legislative Assembly exactly how this property will be renovated. I am not aware that a Member of Executive Council is obliged to present to the Legislative Assembly details of plans of any renovation project. We sit down with Members who want to be concerned with any matter and we discuss with them and we say this is what the policy is. We take it from there. We bring the matter to Finance Committee and we go ahead. I did not know that I had to bring any plan for renovations.

I am not going to take any more time of the House, I believe that I have answered this resolution. I hope that Members here will put this resolution where it deserves. I believe that with all the problems that we have with drug abuse, with all the families that are hurting, and they say they agree there is a need, well, we need to move now. Not 1995 or sometime later because we cannot say that a building could be finished at that point in any event. We never know what kind of circumstances might arise. Therefore, I am saying to this Honourable House, let us get on with the business of the country, let us go ahead with the plans that we all promised the people in the last campaign. Therefore, I ask Members to reject the resolution.

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

PROCEEDINGS SUSPENDED AT 4:02 P.M.

PROCEEDINGS RESUMED AT 4:21 P.M.

THE SPEAKER: Please be seated.
The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, I am relieved to hear that the First Elected Member for Bodden Town has not changed his stance on the urgency of a Drug Rehabilitation Centre in the Cayman Islands. I have heard him root on many occasions for this Drug Rehabilitation Centre and I am very pleased that as he opened the discussion and moved the Motion that he reiterated, once again, that this is not the reason why he is bringing this Motion to the floor. He is extremely committed, he said, to a Drug Rehabilitation Centre, as the rest of us are in this Honourable House. Indeed, this has been long overdue. We needed this Drug Rehabilitation Centre like yesteryear.

Those of us who have children and who are involved in one way or the other with community affairs realise how urgent this matter is. As we try to promote good mental health in the Islands we find that drugs are playing havoc, especially with our youth, and the matter is, indeed, one of urgency. We do need a Drug Rehabilitation Centre. The way forward has certainly, to a large extent now, been decided by the present Government. We have seen that the Member for Health has taken the bold plunge in doing something about it, not just talking about it, but doing something about it and it is well on the way. The guarantee for the property in Breakers came before the Finance Committee in July and it got the backing of this Honourable House.

I would like to find out if any Member in this House feels that it makes sense sitting around for the next two years, or even one year, waiting for a Drug Rehabilitation Centre to be built when we can have this facility up and running early next year if we go ahead with the present plans. The facility that we are talking about, because of its architectural design, etcetera, is easily convertible into a Drug Rehabilitation Centre.

We heard one Member tell us a little about the design. I myself have visited it and it has numerous bathrooms and rooms that open onto a courtyard. The Member has told us that it will cost no more than $350,000 to renovate. He has gone into the details of this so it is not a very expensive venture as far as renovation is concerned when you consider what you will get at the end of the day.

Also, you will not just be getting a Drug Rehabilitation Centre, there will be a half-way house there and many other facilities to do with mental health. So, I see this as a major improvement in improving health and health facilities in the country.

The evaluators have assured the Government that it is also good value for money. When you work it out it is about $80,000 per acre and it is developed land. Just the other day I had to pay $125,000 per acre for undeveloped land. I was told by at least six realtors that it was a giveaway. I have no reason to believe that this is very expensive and that this is over-valued. Of course, I am not in the realty business but I have heard the Member say that he certainly got in touch with not just one evaluator, but a number of evaluators. They feel that it is certainly very, very reasonable indeed.

I noticed that one of the 'Whereas' in the recitals did say that there are concerns expressed by members of the community of Breakers about the Drug Rehabilitation Centre being situated in Breakers. It has caused some concern. I am sure, being a Member of that constituency, that various constituents must have contacted him and they are concerned. But, should we be thwarted in our effort because of what I call, the N.I.M.B.Y. Syndrome? This is a common syndrome, the N.I.M.B.Y. Syndrome - Not In My Back Yard. It is known throughout the world that when you talk about certain kinds of facilities, people do not want them near them. But they must be erected and they must be put someplace in the Island.

Then, there is another 'Whereas' that says more reasonable property can be found for the project. We have heard a little about that already in the debate, that we are talking about a far inferior building, a wood structure that does not come close to meeting the desired purpose of a Drug Rehabilitation Centre. So, although I understand that it is something like 34 acres of land, I believe that this land will be put to good use in the future. In fact, I understand that maybe even Government might be needing most of that in the future for future development, or other projects in that district. So perhaps that can be used in the future. But, certainly if you want to get a Drug Rehabilitation Centre up and going by early 1994, that is not the property. And this is a very salient point, we cannot get it up and running by 1994 if we are going to put it all the way in North Side. Although there is a lot of available acreage there, and I am sure that is good value for the money (indeed, I understand it is $400,000 for a little over 30 acres of land), perhaps Government can, in fact, look at that for a different project, but not the Drug Rehabilitation Centre.

One of the main opponents to the Drug Rehabilitation Centre being in Breakers argued that it should not be all that far from town. Madam Speaker, I disagree with that. I do not believe that every facility needs to be situated in George Town. Many people think that everything that is developed in Grand Cayman has to be right in the centre of town because of infrastructural reasons, etcetera. No place is really far in Grand Cayman. When you think about a Drug Rehabilitation Centre, the quiet that is needed and the resort that is needed, the land that is needed and the occupational therapy that needs to go with it, I am sure that the ambiance, and so forth, in the beautiful district of Breakers could very well provide what this Drug Rehabilitation Centre needs. As a matter of fact, I do not really plan to waste too much time in this House debating this, we are paid for our time here, I would just like to say that I regard this whole project as a pressing one, as an urgent one, as one that this country cannot wait any longer for and I have heard Members say this. So, let us not try to delay it in any way. Let us get on with it. Like Marvin Gaye said, "Let's get it on".

Thank you, very much.

THE SPEAKER: It is now 4:30 P.M., the Moment of Interruption. The Honourable Member for Tourism, Environment and Planning.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until Wednesday morning, 29th of September at 10 o'clock.

THE SPEAKER: The question is that the House do now adjourn until Wednesday morning, 29th of September at 10 o'clock. I shall put the question. Those in favour please say Aye...Those against No. The Ayes have it. The House is accordingly adjourned until Wednesday morning at 10 o'clock.

AT 4:30 P.M. THE HOUSE ADJOURNED UNTIL AT 10:00 A.M., WEDNESDAY, 29TH SEPTEMBER 1993.

WEDNESDAY
29TH SEPTEMBER, 1993
10:06 A.M.

THE SPEAKER: I will ask the Honourable Third Elected Member for West Bay to say prayers.

PRAYERS

MR. JOHN D. JEFFERSON, JR: Let us Pray.

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

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

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 153

THE SPEAKER: Question No. 153, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING

No. 153: If there are any outstanding payments due to Government by hotels and condominiums in the Island and, if so, what are the amounts and the properties so owed?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I have actually asked the Honourable Temporary Third Official Member to answer this question as it deals with finance.

THE SPEAKER: Thank you. The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. The following is a summary of properties with outstanding Tourist Accommodation Tax payments due to Government as at 30th June, 1993. These are estimated amounts, as follows:

Property	Estimated Total
Cayman Islander Hotel	30,800.00
Cayman Kai Resort	74,600.00
Coconut Harbour Hotel	89,800.00
Island House Resort	5,100.00
Morritts Tortuga Condominiums	89,700.00

Coral Caymanian Hotel	15,070.00
Driftwood Village	3,200.00
Seaview Hotel	1,500.00
Harbour View Apartments	2,200.00
Hospitality World Ltd	410,780.00
Villa Caribe	14,800.00
Ramada Treasure Island Resort	586,726.00
London House	2,400.00
Casa Caribe	1,200.00
	CI$1,327,876.00

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Honourable Member tell the House why these figures are estimates, and what is being done by Government at this time to collect these outstanding monies?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker.

The reason whey these are estimates is that the Tourist Accommodation Tax Returns that are submitted to the Government are based on the folios of the invoices of the respective hotels, condominiums and guest houses. Therefore, we are assuming that the information presented is correct. In some cases where we have not actually received these returns we attempt to do an estimate based on historical information, and based on historical occupancy rates. So I was very careful to point out that it could be a little bit more or a little bit less, but these are pretty good estimates. At this time there is no independent verification data available other than what is being submitted by the various hotels.

As to what is being done by the Government to alleviate some of the outstanding debts, there has been a change administratively. First of all, the responsibility for the collection of Accommodation Tax has being transferred to the Treasury Department effective January 1st, 1993. There is an officer that has been assigned specifically to deal with these outstanding returns in the Treasury Department. In addition, we have sent letters to the various accommodation properties on the Island reminding them of the need to turn in tax returns 28 days before the end of the month and as well, of course, the invoices that have been paid by the respective tourist visitors. We have also made the properties aware of the fact that we will surcharge the 20 per cent that is now available under the Law in the event of a late payment.

In addition, we are taking legal action against two properties at this point in time for non-payment of taxes. Also, we are considering action against another property at this point and we are about to enter into negotiations with one of these properties to set up a schedule for repayment.

We are considering two other future actions including looking at the existing Law with a view to strengthening or putting some teeth in the Law, if I could use that term. As it is now it is not that easy under the existing legislation to really move decisively in some cases. So we are taking a look at the whole Law with a view of beefing it up. We are considering as well using the incoming immigration statistics to help as an independent verification of the number of visitors. At this point in time there is a computerised programme that is being put in place in the Immigration Department that will assist us in this independent verification. Of course when a visitor arrives and puts down that they are going to stay at a particular facility they might not stay there, so there will still be some problems. But at least we will have another set of information to check it against.

Thank you, Madam Speaker.

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 how will Government be protected, as I am made aware that one or more of these companies may be in receivership?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: In cases where companies might be in receivership we would have to examine what action we might have beyond the company, that is, is it possible to take action against one or more of the shareholders of the company that is in receivership. That is an option we could explore.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say if it is a fact that these amounts are only due to Government because these properties have actually had

whatever number of guests and received certain monies and, in effect, if that is the case, then they have simply refused to pass Government's portion of the monies according to Law?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker. It is correct. But in a majority of these cases monies have actually been collected but have not been turned over to the Government. The Member is correct.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. In the answer provided, other than Cayman Kai, Coconut Harbour, Hospitality World, Ramada Treasure Island, which were properties mentioned in our Public Accounts Committee Report, I wonder if the Member could say on an average how long have these monies been outstanding? Is it a month, two months, three months?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you. Unfortunately, Madam Speaker, I do not have the information at hand but I could certainly provide it if the Member would wish that I do so in writing.

THE SPEAKER: Thank you.

The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Could the Honourable Member give an indication as to what has been the various defaulting properties' response. Have they responded in any way whatsoever out of concern to Government, or given any indication that they are working toward paying these amounts?

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you. In some cases, Madam Speaker, there has been some positive feedback from the properties. In others it has not been that way across the board. This is one of the reasons why we need to take a look at the legislation itself to give us more options. At this point in time there are not many options available to us.

THE SPEAKER: The next question is No. 154 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 154

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING

No. 154: How often does the Tourism Department carry out inspections of hotels, condominiums and other accommodations falling under its supervision?

THE SPEAKER: The Honourable Elected Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, the answer. Under the Tourism Law, any property providing sleeping accommodation for six or more people requires a Tourism Accommodation Licence.

These licences are renewed on an annual basis by the Hotel Licensing Board. The Department of Tourism has two full time inspectors who inspect all properties at least once a quarter. Properties requiring attention or follow-up would be inspected more frequently. Inspections are also conducted by the Public Health and Fire Department.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Honourable Member say if there are any properties at this time that fall within the category identified in his answer as not meeting inspection requirements, and if so, what action is being taken about them?

THE SPEAKER: The Honourable Elected Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, on the 1st of September, the Hotel Licensing Board met to consider all hotel and condominium licences. Some properties had significant deficiencies and as a result were given until the end of September to put them right.

Other properties had some deficiencies on the inspection reports which would require more time. Those properties were given 60 days and re-inspection in that case would take place on the 1st of November. Properties that were given until the end of this month which is tomorrow, I believe, some have been re-inspected and some of those deficiencies have been corrected. In one particular case, which we are presently working on, it is our intention to give another 30 days to allow the deficiencies to be corrected.

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

MR. GILBERT A. McLEAN: Would it be within the policy of the present Government, or the Department of Tourism at this time, to take severe action should the requirements not be met to the point that it would order a closure of a property until such corrections are made?

THE SPEAKER: The Honourable Elected Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, my approach as the Chairman of the Hotel Licensing Board is to try to persuade the individuals who manage or own properties to put the deficiencies right and to give what appears to be reasonable time in order to allow that to occur. If it does not occur then I believe the answer to the Second Elected Member for Cayman Brac is that there would be closures of the rooms or apartments that do not meet our standard.

THE SPEAKER: The next question is No. 155 standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 155

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 155: What was the contracted cost of the tourist landing at Hog Sty Bay and when will it be completed?

THE SPEAKER: The Honourable Elected Member for Tourism, Environment and Planning.

DEFERMENT OF ANSWER TO QUESTION STANDING ORDER 23(5)

HON. THOMAS C. JEFFERSON: Madam Speaker, under Standing Order 23(5) I ask that this question be deferred until Friday, as I do have some information to answer to the Member, but I believe it would be incomplete.

THE SPEAKER: The question is that Question No. 155 be deferred for answering until Friday. I shall put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. QUESTION NO. 155 DEFERRED FOR ANSWERING UNTIL FRIDAY, 1ST OCTOBER, 1993.

THE SPEAKER: The next question is No. 156 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 156

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING

No. 156: What steps are being taken to correct the fault in the pavement at the Port Authority compound off Industrial park?

THE SPEAKER: The Honourable Elected Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Thank you, Madam Speaker. The Port Authority has contracted with Law Engineering Inc., of Miami, Florida to advise on the cause of the problems experienced at the Port Authority's container yard pavement, and to recommend appropriate correction measures. Law Engineering Inc., is recognised internationally for their expertise in the provision of geotechnical and pavement engineering services.

The Port Authority entered into a contract with Law Engineering Inc., on 15th June, 1993. Law Engineering carried out field testing at the container yard from 18th July to 24th July and laboratory testing in Miami following that. A preliminary report was received on August 23rd, and the final report is expected within the next two weeks. When the final Report is received, the Port Authority Board will meet to discuss the report findings and to plan how to proceed.

SUPPLEMENTARIES:

THE SPEAKER: If there are no supplementaries the next question is No. 157, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 157

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 157: What staff changes have there been at the Port Authority since January 1993?

THE SPEAKER: The Honourable Elected Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, there have been a total of three staff changes at the Port Authority since January 1993. They are as follows:

1) A new Financial Controller was appointed in August 1993;

2) 1 post of Billing Clerk was created and filled in July 1993;

3) 1 Receptionist/Account Clerk left the Port Authority to take up employment elsewhere. This post has been filled.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what circumstances led to the appointment of new officers; the Financial Controller and Billing Clerk?

THE SPEAKER: The Honourable Elected Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, in respect of the Financial Controller, the former Financial Controller was on a work permit with the Authority and in accordance with rules of the Immigration Board the post was advertised. A young Caymanian Certified Public Accountant applied for that post and that young lady is now the new Financial Controller. In respect to the post of the Billing Clerk, the Authority is in the process of establishing a satellite office in the proximity of the new Customs Building at the Airport. It has been necessary to employ an additional Billing Clerk for this office. This post has been filled by a Caymanian and the rationale behind this, Madam Speaker, is, as I understand it, that the Customs Department intends to move all their operations to this particular building at the Airport. We thought, as a Port Authority, that it would be in the best interest of the public if we located a small Port Authority office there, thus allowing the public to go to one location to clear their goods.

In respect of the Receptionist, this post was filled by another Caymanian as a result of the, shall I say, former incumbent taking up employment in the private sector.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. I noticed that the answer does not take into account staff members other than the office staff. Is the Honourable Member in a position to say whether any of the technical staff, like the mechanics and maintenance people, have been laid off?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe that answer may come, if the Honourable Member would allow me, in the following question, No. 158.

THE SPEAKER: The next question is No. 158 standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 158

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER OF EXECUTIVE COUNCIL RESPONSIBLE FOR TOURISM, ENVIRONMENT AND PLANNING

No. 158: To state what personnel changes took place at the Port Authority during the last twelve months?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, there have been a total of 16 personnel changes at the Port Authority in the last 12 months. They are as follows:

11 dock and shed labourers who retired at the end of December 1992 due to age;

1 post of Assistant Port Director was created and filled in December 1992;

A new Financial Controller was appointed in August 1993;

1 Post of Billing Clerk was created and filled in July 1993; and

1 Receptionist/Accounts Clerk left the Port Authority to take up employment elsewhere. This post has been filled.

1 additional Taxi Dispatcher was employed.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if in the cases of the dock and shed labourers there were any replacements for these retired personnel?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I think I would undertake to supply the answer to that supplementary in writing as at the moment my information does not suggest that they were replaced.

THE SPEAKER: That concludes Question Time for today.
The next item is Government Business, Bills, Third Reading.

GOVERNMENT BUSINESS

BILLS

THIRD READING

THE COMPANIES (AMENDMENT) (NO. 2) BILL, 1993.

CLERK: The Companies (Amendment) (No. 2) Bill, 1993.

THE SPEAKER: The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker.
Madam Speaker, I beg to move that a Bill entitled a Bill for a Law to amend the Companies Law (Revised) be given a Third Reading and passed.

THE SPEAKER: The question is that a Bill entitled the Companies (Amendment) (No. 2) 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 COMPANIES (AMENDMENT) (NO. 2) BILL, 1993, PASSED.

THE SPEAKER: The Bill has accordingly been given a Third Reading and passed. Statement by Members of the Government. The Honourable Member for Tourism, Environment and Planning.

STATEMENT BY MEMBER OF THE GOVERNMENT

HON. THOMAS C. JEFFERSON: Thank you, Madam Speaker.

APPOINTMENT OF ECONOMIC COUNCIL

Madam Speaker and Honourable Members, in an earlier meeting of the Legislative Assembly this year I mentioned that the Government would establish an Economic Council. Yes, it is the fulfillment of another promise made in the National Team's Manifesto.

An Economic Council comprising both private and public sector members has been established with the overall objective of advising Executive Council on measures it should consider implementing to maintain a buoyant economy and hence preserve a high quality of life for the people of these Islands.

The basic terms of reference for the Council are as follows:

1) To advise on additional services which the Cayman Islands should consider implementing to broaden the base of the Financial Industry and to raise the quality of services as a tourist destination;

2) To advise on the steps, if any, which should be implemented to ensure a financially sound Government now and in the future;

3) To advise on how light clean industries, arts and crafts, electronics and cottage industries catering to the local and export markets can be attracted;

4) To advise on the feasibility of developing an offshore medical industry locally;

5) To advise on incentives which Executive Council should consider to attract the film industry to the Cayman Islands; and

6) To advise on any matter which will bring greater economic benefit to the people of this country.

Additional items for the terms of reference are also under consideration by Executive Council and will be incorporated when approved.

THE SPEAKER: The next item of business, Private Member's Motion No. 5/93 - Request for Government to reconsider the purchase of the proposed property in Breakers, continuation of the debate. The Second Elected Member for Cayman Brac and Little Cayman.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 5/93 -

REQUEST FOR GOVERNMENT TO RECONSIDER THE PURCHASE OF THE PROPOSED PROPERTY IN BREAKERS

(Continuation of debate thereon)

MR. GILBERT A. McLEAN: Madam Speaker, as the Seconder of this Motion, I support the request made in the Resolve of the Motion, that is, Private Member's Motion No. 5/93. This Motion, as I see it, was necessary to be brought to this House to seek information that was not given when the Member for Health and Human Services came to the Finance Committee's meeting in a rush to get approval to spend $600,000 on a property in Breakers. He said much when he spoke about why this Motion should not be here, and I will address that shortly. However, Madam Speaker, I, at this stage, as the Seconder of this Motion, have said or done nothing different from what I did when this matter came before the Finance Committee on the 19th of July. I would just like to quote briefly from the Minutes of that meeting where I quote myself as saying; "Mr. Chairman, has there been any estimates made as to what it would cost to put these buildings and parcels of land into the condition which will be conducive to the rehabilitation facility that is envisaged, do you have any estimates on that?".

Madam Speaker, it has become quite alarming that the Government comes here, particularly the Member for Health, to seek large and earth-shattering amounts of money to spend - certainly guarantees that are unusual and have never happened before - and he brings little or no information to the Members of this House on which they can make a decision. He also gets most vociferous when someone asks a question about it, although he has said in his reply on this particular Motion that the Finance

Committee is where you are supposed to get the answers.

I well recall the way he acted, a month or so ago, when I asked a question. As I reflect how the last Government, which even now he talks incessantly about, would bring their Bills or Motions, they brought the details including, one that comes to mind straight off, the Campbell Building, the $900,000 purchase, and they brought the information from the Lands Officer and they sat and took their blistering of attacks from the Backbench because it was felt that it was not a wise purchase, but yet they did it. Totally unlike his attitude now that he is in the lofty position as an Executive Member of Council.

Madam Speaker, also in that meeting I asked another question, and I quote: "Mr. Chairman, can the Honourable Member just give some idea of a rough estimate, are we talking about $100,000, $200,000 a quarter million dollars of renovations, or what?". Madam Speaker, there was no answer to it. There was absolutely no answer. One last quote from this is when I said: "Mr. Chairman, I agree with that 100 per cent and I have advocated that for the past five years.". There I was referring to having a Rehabilitation Centre. "I do support that, but it is a question of a property being bought here now, its suitability, its cost initially to purchase, and what it will cost Government to put it in the way that it will be useful for this purpose.".

At this time, Madam Speaker, all this Motion is asking for is explanation of these things and, indeed, reconsideration by Government whether this is the best buy that Government can get for the money.

The day before yesterday various speakers spoke, including the Second Elected Member for George Town, and he pointed out that the cost of this property works out to about $80,000 per acre. Madam Speaker, when it comes to Government expenditure, any property that you are paying $80,000 per acre for is not a steal. And if one is going to go purely on the economic side of things, the financial aspect of this, surely buying 34 acres of land for $400,000 has to be a better financial position, or buy, than buying 7 acres for $600,000. I fail to understand how anyone could argue that position otherwise. Even if it is a fact as some Honourable Members have said, that the other property which has been referred to (of 34 acres) has buildings that are timber or of wood, still the overall purchase price has to be better for $400,000. It gives the opportunity of developing various services even, perhaps, other than those directly related to the rehabilitation and, certainly, 34 acres must provide more space for any expanded services within this particular field. So, it is a question of value for money, as the Motion says. That is what it is all about.

However, we know that on the 19th of July, this was the day that Finance Committee met, according to the Member for Health, on the 1st of September this deal was sealed, signed and delivered. It is one of the quickest things that has been accomplished by him. I wish that he had produced a new Health Insurance as quickly as he did this particular exercise.

Madam Speaker, this Government has told the world at large that the country is financially strapped and it has talked about all the bad financial management of the past Government. It has promised that it is going to give superb financial management and this is a good place for it to start - by purchasing an alternative property which is better value for money. I have heard certain arguments by previous speakers about the great suitability of this property for a Drug Rehabilitation Centre. It has caused me to wonder how the people who built these dwelling accommodations or dwelling units on a piece of their private land could have had the foresight to build those dwelling houses in such a fashion that they were absolutely suitable for a Drug Rehabilitation facility or building. I do not believe it, and the Members who said I went and saw it are quite right. I went there with a long-time contractor/builder friend of mine and I saw it. I saw the rotted out rooms, the tiles in the walk ways that have been broken up, the lime tree at the back, and they got plenty limes there, if that is something in the diet for the place, and so on, they definitely have a good supply of limes. It has, I hear, workshops and so on. I wonder if the people are talking about that room next to the cistern that is cracked and, so on, as being such a wonderful facility?

Madam Speaker, most builders will say and tell us, or anyone, that it is easier to build a new building than to try to take one that is in a dilapidated or broken down state to renovate it. The Member did not know what the cost of the renovation was. Now he says it is going to be about $400,000. I argue that it will not be $400,000, it will be like $800,000 and, if fact, he does not know that that is an estimate. We well know that when builders go in, and so on, to do a job, how they did not have foreknowledge of this or that as the case may be. Therefore, there is going to be additional cost and this is going to be one such case.

The Member for Health also gave some guesstimates as to the cost of the renovations and said that it would be $400,000, $600,000, one million, and if it takes a bit more it would work out to about $1.3 million. Madam Speaker, I believe that the property of 34 acres could be purchased over as long a period of time, or longer, and that $400,000 (or add $500,000 to it) they could build a facility there for less than $1 million. But, the Member has started across the floor, as expected...

POINT OF ORDER

HON. W. McKEEVA BUSH: On a point of order, Madam Speaker.

THE SPEAKER: If there is a point of order, I would like to hear the point of order.

HON. W. McKEEVA BUSH: Is the Member saying that I did not give an indication or give an amount for renovation, or that I had no specifics on renovation? Is that what he is saying, if he is I would like him to clarify that.

THE SPEAKER: Honourable Member, I think he gave a figure that had been explained by you. That is what he said, so there is no point of order. Will you please continue Second Elected Member for Cayman Brac and Little Cayman?

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

As I was noting, the merits of this Motion were not taken into account by the Member for Health when he got up to reply. In fact, as usual he started off abusively against myself and the First Elected Member for Bodden Town, and I read from the *Hansard*. I quote: "I would not waste the time of this House to answer this Motion for nothing in the world because it deserves to be put in the scrap heap, in the garbage dump.". (*Hansard* - 27 September, 1993)

Madam Speaker, no Motion that comes to this House, I believe, deserves to go in the garbage dump because duly Elected Members bring Motions to this House and they bring them making certain requests. If they were not within what could be put before this Parliament, I am sure that the Honourable Speaker would so direct and not allow it. So, that in itself was abusive and so his contribution went on that way.

I do not know about the meetings held by the National Team Government and about the attendance of my colleague, the First Elected Member for Bodden Town, to any or all of them; or whether they discussed the matter of this Breakers property as the Honourable Member for Health said. I do not know and it really does not matter to me if it was discussed for my support of this Motion is; 1) it goes above whether it was discussed by the National Team, or the district team or any team. My position is that it is a question of value for money and that the haste and the attitude developed by the Member for Health to rush in and have approval given is unsafe for this country.

I would not say that there are few concerns about the question of the facility being put in Breakers for I have heard a number of people speak about it and, certainly, I too, received a copy of a letter from the person whom the Honourable Member spoke about as having written to him. I think she made her point very lucidly and I do know that she lives in Breakers. It is not a question of her having land, or having left to go to live somewhere else, she lives there. The Member for Health made a great point to attempt to show that the First Elected Member for Bodden Town and myself are in some way in cahoots of attempting to harm his great effort to do all the things for this country that have never been done before and will never be done after. Of course, in that process he attempted to show how the other two Members for Bodden Town were on the ball with him in an attempt to exclude the interest of the other Member. So be it. I daresay he can speak for himself. But I am in no collusion with anybody on anything which relates to my country where I cannot see reason behind it and good cause for supporting or not supporting it.

Madam Speaker, the Member also went on to talk about myself and the First Elected Member as my twin. Well twins run very strong in my family. I have twin brothers and I am the father of twins, so I am not unfamiliar with that situation. But I want him to know that I can be a fraternal twin with anyone who has an interest in this country to do what is best for this country, including Members of this House, as I believe in this case the First Elected Member for Bodden Town has. So he can count on me as being his twin in any move he wants to make here where he has the courage to take a position where he gets regularly chastised and kicked by so big a majority. I get it myself and I am used to it. The more they kick on me the more I will question what they are doing.

Now, Madam Speaker, the Member went on to ask why did we quote him from the *Caymanian Compass*, why we did not quote him from the *Hansard*. Well, I think both were quoting him correctly. He made the statement that the building is going to go in Breakers whether anyone wants it to go there or not. The whole world heard it on the radio and read it in the press. It is in the *Hansard*. That is his attitude. That is the way it is going to be. The very opposite to what he used to say when he was on this side of the House.

I can well hear him now, lambasting the Members of Executive Council about trying to railroad and ramrod deals through this House. The very attitude he is adopting, I guess some sort of syndrome or malady occurs, some strange psychological change overcomes people when they are elected by their peers to move from this side to go and sit in the Executive.

Madam Speaker, one thing that concerns me, and I certainly do not believe that either newspaper in this country is necessarily my friend, or any reporters are, but I did get quite a shock when I heard the Member pointedly call a Mr. John Redman, who is a reporter from the *Caymanian Compass*, a "scalawag".

Madam Speaker, that is really strong language about any reporter and, unfortunately it seems to me, that the Member would prefer all the newspapers here to say all the magnificent things that I hear so many Members on this side saying about him, but life is not that way, for there are others of us who do things that are in the best interest of the country. There are past Legislatures who did those things, so he cannot continue to want to grab all of the glory; for example, like getting credit for all the things that his predecessor did, including opening the latest garbage dump in Little Cayman.

POINT OF ORDER

HON. W. McKEEVA BUSH: Madam Speaker, on a point of order.

THE SPEAKER: May I hear the point of order Honourable Member?

HON. W. McKEEVA BUSH: Yes, Madam Speaker, the point of order is relevance. I am wondering where the Member is going except to pontificate and to protect his friend, the reporter in the Gallery?

Where is he going with this debate?

THE SPEAKER: Honourable Member that is not a point of Order. The Second Elected Member for Cayman Brac and Little Cayman could you please continue your debate and please continue on the Motion No. 5/93. Thank you.

POINT OF ORDER

HON. W. McKEEVA BUSH: Madam Speaker, on a point of order I am rising on relevance, that is within the Standing Order.

THE SPEAKER: I have heard it, and I have asked the Honourable Member to please continue with the debate on Private Member's Motion No. 5/93. The Second Elected Member for Cayman Brac and Little Cayman, please continue.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Madam Speaker, I always attempt to keep my debate as relevant as is possible, but it is my understanding, and I am sure the Chair will correct me if I am wrong, if a Member raises something in debate that deserves a reply by the other person, that person has a right to reply to it. Certainly, I have the *Hansard* here of what the Member said regarding this situation and myself, and the First Elected Member for Bodden Town not quoting from the *Hansard* and quoting from the *Caymanian Compass*. What I believe, Madam Speaker, in the situation here that is now obtaining, and the attitude taken by the present Member, that we will see in the not-too-distant future the fact that the reporter who was attacked in here will not have his work permit renewed in the immediate future.

POINT OF ORDER

HON. W. McKEEVA BUSH: Madam Speaker, I rise on another point of order.

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

HON. W. McKEEVA BUSH: The Member ...

THE SPEAKER: Just a minute please, I have not finished. I was asking him to take his seat. Will you please state your point of order Honourable Member?

HON. W. McKEEVA BUSH: Yes, Madam Speaker. It is found within our Standing Orders where Members should not impute improper motives to other Members and it is found on page 381 in *Erskine May*. I have nothing to do with work permits no more than when the Law comes into the House, I deal with it. We have a Board for that. If that is the attitude of the Member speaking, then that is a different story. The Bible says, Madam Speaker, "As a man thinketh, so is he.".

THE SPEAKER: The Second Elected Member for Cayman Brac and Little Cayman, would you continue? And please do not refer to work permits as this is not a part of the Motion before us to be debated. Thank you.

MR. GILBERT A. McLEAN: Madam Speaker, I would like to refer now to the other matter which the Honourable Member for Health raised. I quote: "I want to reiterate to this Honourable House that I have had nothing to do with the sale of this, me, nor Cambridge Realty, which is my company, has had nothing. This has been solely a Government property.". (*Hansard* - 27 September, 1993) I have no cause to know otherwise, Madam Speaker, and again I certainly did not fall within that category of persons who made, and are making, any such claim about who dealt with this particular property. It seems as if, because I question things in this House, everyone is so anxious to impute things towards me which I have had no part of. In connection with this, and what the Member said, I refer to what was said by the Third Elected Member for George Town, and I quote: "Unfortunately, the opposition, not only in the House but on the outside, has accused the Member of having political pay-backs.". (*Hansard* - 27 September, 1993)

Madam Speaker, I could not know who the Third Elected Member for George Town may include in the term "opposition". What I do know is that on the day that I was sworn into this Honourable House I made it clear that my role here would be the Opposition, therefore, this must be directed to me. As for the Member having any political pay-backs through this property at Breakers, I cannot speak to that. I cannot honestly, accurately or factually make that statement. She further says; "I, for one, am not associated with a team in this way, to say that the Member is driving Hawley's car is very wrong.". Now, Madam Speaker, the Member for Health referred about a rumour and he would sue people if he could get them outside of the House making statements. The Elected Member for George Town is making statements which, definitely, has to include myself. I do not know anything about the Member driving Hawley's car. I hear rumours all the time just like all other Members. The only thing that I heard in connection with any car was someone I knew who called me and

asked me what type of car the Honourable Member drives. To which I said, "to the best of my knowledge he drives a white Oldsmobile", and I heard then from him, "oh no, not an Oldsmobile, it is a 'Hawleymobile'." That is all I know about Hawley's car, or any suggestions or connection where the Member is concerned, and that is all that I can say to this House. I have heard lots of rumours in connection with this, and so the Cayman Islands goes, but nobody should accuse me of it. I particularly checked to see what car the Member is driving and I see he is driving a Lincoln Continental. So that is all that I can factually say about it.

HON. W. McKEEVA BUSH: You think hard of it, or what? You must remember that I have been working since I was 13....

THE SPEAKER: Order, order in the House, please! There will be no talking across the floor. Please continue Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, this matter of the purchase of this property and what was said in this House has been taken far afield from the request that was brought in this Motion by the First Elected Member for Bodden Town and myself, which asks for the Government to reconsider its intention to purchase the Breakers property as it does not represent value for money and also, that it investigates the possibility of another property being purchased.

Madam Speaker, if the Government wants to put this Motion aside to vote it down (the second one so far) they are free to do so. However, they must understand that wherever this Member believes Government is not acting in the best interest of the country financially, or otherwise, I am definitely going to say so and I can be twins with whomever in here. Certainly, I have no problem whatever being twins with my long time boyhood friend where efforts are being made to direct Government's attention to another side, to another alternative. I will always stand as a twin where he may share similar views as I do, including fighting against things which are rumoured and are not right and in the best interest of this country.

Madam Speaker, this Motion is timely. It is good for the country for the Government to reconsider its position, and for the Government to look at an alternative when it buys a property for the Rehabilitation Centre. One property of 34 acres with three houses is available for $400,000. The other one is 7 acres with three houses for $600,000.

HON. W. McKEEVA BUSH: Madam Speaker, the Member continues to give wrong information...

THE SPEAKER: I will not have two Members standing at the same time. Are you rising on a point of order?

POINT OF ORDER

HON. W. McKEEVA BUSH: Yes, Madam Speaker. I am rising under Standing Orders. The Member is misleading the House. The property in question, as I have said, has five homes with a total of 11,870 square feet. All of the valuations are here. I have given them to the House. How can he say that I said, it is three houses?

THE SPEAKER: That is not a valid point of order, Honourable Member. Please continue if you are not yet finished Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I wish to clarify that I said there are three houses, which is, to the best of my knowledge. If the Member says there are five, well that is fine with me. I went on the property and I saw three. I saw the main big house that everyone talks about. I saw one to the left, and there is one up on a hill somewhere. So, maybe there are five, maybe we are talking about rooms. I do not know. Madam Speaker...

HON. W. McKEEVA BUSH: Madam Speaker, I think that this thing is getting out of order.

THE SPEAKER: Are you rising on a point of order.

HON. W. McKEEVA BUSH: Yes, I am rising on a point of order.

THE SPEAKER: Please say so, Honourable Member, when you stand up, please say that you are rising on a point of order.

POINT OF ORDER

HON. W. McKEEVA BUSH: For any good it will make, I am rising on a point of order and it is in the Standing Orders. The Member is misleading the House. I have given the House the benefit of the valuations. I am going to lay the valuations on the Table.

THE SPEAKER: Honourable Member, the Member for Cayman Brac and Little Cayman is talking about the number of houses. He is not talking about the valuations and, therefore, that is not a

valid point of order. Will you please continue, Second Elected Member.

HON. W. McKEEVA BUSH: On a point of order, Madam Speaker.

THE SPEAKER: I have ruled on the point of order. Will you please sit? The Second Elected Member for Cayman Brac and Little Cayman, please continue.

MR. GILBERT A. McLEAN: Madam Speaker, I observed that the Member referred at some length to an evaluation made by Mr. Alan Jones, the Lands Officer, and that was not laid on the Table. So if he is laying that on the Table I am sure, as far as I am concerned, that would be much appreciated because everyone could then have a look at that particular valuation and what the Government evaluator said.

Madam Speaker, turning from that particular aspect of this situation I would like to refer briefly to the Statement made by the Honourable Member on the 22nd of September, when he gave a long statement about the services which are envisioned under a programme for rehabilitation services; that included a detoxification service, admissions, inpatient residential treatment services, half-way house services, after-care and community support services. Now these things were the things which, certainly, myself and, I believe, many other Members here would have wanted to have heard in the Finance Committee. They have been given now at this later date. However, there is in this programme a huge and vast sum of money if this is to be implemented as is stated in this particular Statement.

One thing that I wondered about in it straight off, was the idea of having a half-way house on the same compound with a detoxification centre or an inpatient residential treatment centre because I understand the actual detoxification, where this is severe, where the severe addiction will be done at the hospital and that certainly should be. So that part has been clarified. But if the inpatient residential treatment centre is going to be on this place, is a half-way house also appropriate on such a compound? My understanding is that a half-way house, as the name signifies, is just that - an addict has really reached half-way, they have achieved something half-way in their progress to rid themselves of drugs and drug addiction and are actually removed from the residential treatment centre.

I have inquired from someone here who knows, or who has knowledge of this thing, and, unfortunately, I was not in a position to receive the information which they were attempting to get from overseas for me on this particular point. It is my understanding that when a person has reached the level that they can go into a half-way house, it is not good that they are in close proximity or association with people who are still really going through the throws and the agony and everything else with trying to kick a drug habit. Be that as it may, Madam Speaker, one underlying fact about this situation is that there has to be one huge amount of money put into this coming year's Budget if these services are to go into effect, including $400,000 straight off, the staff, and the cost that it will take to have staff to render these various services here. So if we are talking about implementing these envisaged services, again, what I would say to the Honourable Member is, please do not continue to look at the situation piecemeal, or saying that is your desire, because that is the desire basically of all of us; come with a package that will show the whys and wherefores and the details and more particularly, the money that is projected and forecasted for this to cost.

Madam Speaker, I cannot say much more on this matter. I have tried to address the various points that I felt I should and I still stand supportive of Private Member's Motion No. 5/93.

THE SPEAKER: If there is no further debate, would the Mover of the Motion, the First Elected Member for Bodden Town, wish to wind up the debate?

MR. ROY BODDEN: Thank you, Madam Speaker.

In the winding up, Madam Speaker, I would like to address some of the comments made by some of those persons speaking against the Bill, and in so doing, I would like to refer briefly to the Minutes of the Standing Finance Committee of July 19th, 1993. May I, then, begin by reiterating that the Bill in its Resolved section simply asks that the Government reconsider its stated intention to purchase and develop the Breakers property as this property does not represent the best value for money.

THE SPEAKER: Honourable First Elected Member, the matter before the House is a Motion not a Bill.

MR. ROY BODDEN: Sorry, Madam Speaker. In the second instance the Motion asks that the Government investigate the possibility of procuring property which can be developed at a lower cost. At no time does the Motion seek to debate the merit or the demerits of the establishment of a Drug Rehabilitation Centre because it is my position that we have long needed one and I am in support of the establishment of a Centre.

Now, Madam Speaker, the Member, in his reply, stated that the property was purchased on the 1st of September. I wonder what was the haste in moving so rapidly? I wonder why the Honourable Member was not disposed to a further investigation since when he was on this side of the House he was one of the foremost proponents of the Government seeking to get the best value for the money spent.

Madam Speaker, that leads me to the very crux of the argument against this move. I cannot be convinced that 34 acres for a price of over $400,000 is a worse deal than 7.5 acres for $600,000. Madam Speaker, that is Alice in Wonderland economics and reasoning. For the mere fact that we have 34 acres as against 7.5 acres would suggest that the larger property has a greater scope for future development. It is my understanding that this 34 acres of property which is located in the North Side district, offers, according to the owner of that property, great scope for future expansion especially if the Government were thinking in terms of developing its Civic Centre/Hurricane Shelter.

The Honourable Member speaking for the Government wondered why, since I had this information, I did not write to him. He said, "Not one word", and I am quoting from the *Hansard*. I quote: "And you would have thought that if he had these concerns that he could have written me a letter as he has always done with other matters, but I have received no letter and the Member has had no discussion with me on it. You wonder, Madam Speaker.". (*Hansard* - 27 September 1993) The Member, Madam Speaker, is correct to say that I could have written him a letter as I have always done with other matters. The records I keep in conjunction with the work of myself and my colleagues tells me that on May 25th, 1993, I wrote the Member concerning certain matters. On June 18th, 1993, I wrote the Honourable Member concerning certain matters and again, on July 26th, 1993, I wrote the Honourable Member concerning certain matters and to this date I have not so much as received from that Honourable Member an acknowledgment of that correspondence, let alone his intentions of dealing with the requests which I made. So, can anyone tell me, Madam Speaker, if this is the kind of results I have received from that Honourable Member why should I compound the problem by writing him another letter?

Madam Speaker, I hear the Member talking across the floor, but I will not submit to answering him because that is not in the best interest of the undertakings of this House. The matter concerning the friendship of myself and the Second Elected Member for Cayman Brac and Little Cayman needs no comment by me. I think that the whole Cayman Islands know that our friendship goes back to boyhood and has stood the test of time. I am looking forward to being a friend of that Member until the time comes for me to depart this side.

Madam Speaker, as regarding the attack on the *Caymanian Compass*, I am only left to speculate as to whether the Member was protecting himself, acting out of secret spite or was in the grip of some excruciating and pathological ambivalence because I believe, while I do not hold any special friends in the media, I believe the media has its place. Certainly it cannot be right, according to my knowledge of the Westminster system, for any Member to use his privilege to castigate the press. Enough said on that point.

Madam Speaker, the Member admitted that he had knowledge of another property over in North Side and I am going to say something about that property. That property, as I understand it, is approximately 34 acres. It has three buildings with a total of 5,500 square feet and was appraised some years ago for CI$570,000. I wonder how many Members who spoke against that property took the time to visit it because I visited the property, and let me assure this Honourable House it is not a dilapidated property. Indeed, the property has been more recently built than this particular property in Breakers which is 19 years old.

The owner of this property in North Side, as I understand it, is prepared to take $485,000 with 50 per cent down and the remainder over several years. The property has over 300 bearing fruit trees and enormous potential for expansion and productive use of projects, such as one would think people recuperating and rehabilitating from substance abuse would be able to participate in. So, Madam Speaker let it not be said that this alternate property, which was alluded to in the Motion, is by any stretch of the imagination inferior to the property which has been purchased by the Government.

Madam Speaker, the Third Elected Member for George Town, in her reply, said that she made an outing. She said: "After the June Sitting I made an outing to the site and looked over the land and buildings. And, if I could just say on behalf of the Member, I believe that it will be less, I would probably say around about $60,000 knowing from the building material side of it, it looks like that would probably do it including the fencing. I think we could probably get it done for around $60,000.". (F.C. Minutes - 19 July, 1993) She was referring no doubt to the renovations, and quoted a figure of $60,000. Interestingly enough the Honourable Member, in his statement, said the total cost of this capital work is estimated at $394,239 and, Madam Speaker, this is just the kind of anomaly which we are seeking to head off. There is a big difference between almost $400,000 and $60,000. I have spoken, since my visit to this property, with people knowledgeable in the construction industry and with developers who have told me that the danger in renovating this kind of property is that if one is not absolutely certain, skilled, and experienced, what can happen is that when you begin to renovate one phase and one thing it is discovered that the whole building and structure is so dilapidated and so far gone that one will have to spend much, much more money than it was estimated.

Madam Speaker, I also visited the site with a very experienced building contractor and that particular person pointed out numerous defects and deficiencies in the property. Some of the roof structure, most of it is rotted. The electrical wires were laid at a time when they were just put into the cement and not through any conduits. The plumbing system is antiquated, to say the least. So what I am saying is that we are getting into a situation where we are not going to know the full extent of the renovation costs until we have begun. A Quantity Surveyor with whom I had the occasion to discuss this property with told me that he had arrived at a conservative renovation estimate of half a million dollars, that is if the work was done by an experienced contractor.

The Member made mention of estimates that were done and he mentioned that Mr. Alan Jones at the Public Works Department, had done an estimate. I wonder if the Member is also aware of the fact that the Public Works Department had examined this property in 1989 on the instructions of the then Member for Health to see the feasibility of converting this property into just such a facility and that at that time, it was my understanding, that the Public Works Department, the examiner being a Mr. Peter Riley, condemned the building for such a purpose? I wonder, Madam Speaker, what has transpired, what developments at this particular site have taken place between 1989 and now that would make this building suitable for these kinds of purposes? It seems paradoxical that the same department which condemned it in 1989 is now recommending it

for use. Madam Speaker, all is not well in the state of Denmark.

Towards the end of his reply the Member said, "I am not aware that a Member of Executive Council is obliged to present to the Legislative Assembly details of plans of any renovation project.". Madam Speaker, the Member is quite right. Members of Executive Council are not obliged to present details but I have made an observation of that Member's style of operation since he changed sides. If that Member would have taken the approach that I think is appropriate, and that which his predecessors took, to bring his projects and developments in the form of Member's Bills so that the merits and demerits of these things could be debated at that time, there would be no need for the First Elected Member for Bodden Town or any other Member to bring Motions to force the debate and to force a discussion of the merits and demerits of these proposed projects.

I would like to take it a point further by observing that the national vision of political process is being skewed and condescending and it seems as if the Government works from the top down. From the Glass House to the Legislative Assembly, rather than, as in a true democracy, working from the Legislative Assembly to the Glass House. Let me say on this point that it is not my intention, as long as I am an Elected Member representing my constituency, to abnegate my responsibility to speak out against whatever I think is questionable, is wrong, and could be better handled whether I am a Member of a National Team or not. Madam Speaker, when it comes to taking certain positions of conscience and what is right and what is wrong, I will line up against my mother if I think she is doing something which is not in the best interest, particularly where it concerns country and constituency. Madam Speaker, I hear the Member in his usual way of betraying the high principles of the Westminster system, muttering and bickering across about pontification. I wonder who, Madam Speaker, was a greater pontificator than that Member when he was on this side?

HON. W. McKEEVA BUSH: You, you were the biggest one and still are and you were never a part of the National Team because you are a traitor.

THE SPEAKER: Order please, order! Please continue First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, you know what is true? Some people can give, but they cannot take. They should take a tinge from the books of those of us who sit like gentlemen, who sit like the Westminster system demands we sit and respect the Speaker and the other persons who are debating the merits and demerits of Bills or Motions before the House.

HON. W. McKEEVA BUSH: Sitting like a gentleman and being a gentleman are two different things.

MR. ROY BODDEN: Madam Speaker, I can only say that it is my belief that in bringing this Motion the Seconder and myself have fulfilled our responsibilities as Elected and mature Members of this Legislative Assembly. If I suspect is the case the Motion is voted down, I am in no way the worse off, nor is the Seconder, nor for that matter are those people who deemed it fit and appropriate to vote with us in favour of this Motion. I would like to go on record as saying, Madam Speaker, that I will be watching the development of this Centre. I will be watching it from the point of view that there are people in my constituency who are owed an explanation, who have requested an explanation from the Member. I will be watching from the point of view that these Members have registered their objections, at least one of them in writing, and I will also, Madam Speaker, be watching to see how much money has been expended on the development and renovation of this site.

I can say that I have done my duty because I have brought my concerns to the Member in the most appropriate place that I could possibly bring them, namely, to the floor of the Legislative Assembly and the Member has said, this is nothing but politics. Well this is the House of politics. There can be no better place for politics than inside here. This building was built for that. Madam Speaker, let me close by saying that I consider that I have done my duty and I would ask Honourable Members to search their consciences to see if they can support this worthy Motion. Thank you.

THE SPEAKER: The question before the House is Private Member's Motion No. 5/93. I shall put the question. Those in favour please say Aye...Those against No.

AYES AND NOES.

THE SPEAKER: The Noes have it.

MR. GILBERT A. McLEAN: Madam Speaker, could we have a Division?

THE SPEAKER: You certainly may have a Division, Madam Clerk.

CLERK:

DIVISION NO. 6/93

AYES: 4

Mr. D. Kurt Tibbetts

NOES: 11

Hon. J. Lemuel Hurlston
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mr. Anthony S. Eden

Hon. Richard H. Coles
Hon. Joel Walton
Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Mrs. Berna L. Thompson-Murphy
Capt. Mabry D. Kirkconnell

ABSENT: 3
Dr. Stephenson A. Tomlinson
Mr. G. Haig Bodden
Mrs. Edna M. Moyle

THE SPEAKER: The result of the division is 4 Ayes and 11 Noes.

PRIVATE MEMBER'S MOTION NO. 5/93 NEGATIVED BY MAJORITY.

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

PROCEEDINGS SUSPENDED AT 11:48 A.M.

PROCEEDINGS RESUMED AT 12:27 P.M.

THE SPEAKER: Please be seated.

The next item on the Order Paper would be Private Member's Motion No. 6/93. It has been represented to me that the Business Committee, when dealing with the Orders of the Day, had determined that this should be the last Private Member's Motion to be dealt with since the Honourable First Official Member was off the Island and required some time for preparation. Accordingly, I feel that this should be placed at the bottom of the Orders of the Day for the future and be the last Private Member's Motion to be dealt with.

I would like to have the concurrence of Members and I shall put the question that Private Member's Motion No. 6/93 would be the last item under Private Members' Motions to be dealt with. If there is no debate I shall put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AGREED. PRIVATE MEMBER'S MOTION NO. 6/93 TO BE SET DOWN ON THE ORDER PAPER AS THE LAST ITEM TO BE DEALT WITH.

REMARKS BY THE SPEAKER

THE SPEAKER: Before proceeding to Private Member's Motion No. 7/93, I feel constrained to make a few remarks regarding procedures in the House. First of all, I think that Members would be best advised in the future to avoid making comments on hearsay or rumours outside of the Chamber. This would certainly be better for the quality of debating and would necessitate no reply thereto. Furthermore, I would ask all Members to be very cautious in the future when replying to other Members. There should be better decorum in speaking about Honourable Members whether of the Government or of other Members who are not Members of the Government. We must bear in mind that there are radio broadcasts of all the debates and not only have I seen some comments about the remarks made by certain Members of persons who are not members of this House and who are in a position of not being able to reply or defend themselves.

So, I would ask in future that Members do their best if they have to make comments against newspapers or other associations that they make it all inclusive rather than naming persons or using derogatory terms in talking about them. Thank you very much.

We shall now go onto Private Member's Motion No. 7/93 - Prescription of Minimum Wage by Category. The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 7/93
PRESCRIPTION OF MINIUM WAGE BY CATEGORY

MR. GILBERT A. McLEAN: Madam Speaker, I beg to move Private Member's Motion No. 7/93, Prescription of Minimum Wage by Category which reads as follows:

WHEREAS there is public controversy concerning the minimum wage paid to various categories and nationalities of employees;

AND WHEREAS a large percentage of labour complaints emanate from charges of unfairness in the amount of wages paid in various instances;

AND WHEREAS it is publicly claimed that Caymanians do not accept employment in many instances as a result of unreasonably low wages offered by some establishments and in some categories of work;

AND WHEREAS no national minimum wage is prescribed by law in the Cayman Islands;

AND WHEREAS Government prescribes, in its annual budget, categories of wages for employment;

BE IT NOW THEREFORE RESOLVED That national minimum wages by category be prescribed by Government, similar to those wages which Government has for its employees, and that such categories shall encompass all categories of employees in these Islands.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, I respectfully beg to second the Motion.

THE SPEAKER: Private Member's Motion No. 7/93 has been duly moved and seconded and is open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, in speaking to this Motion I first wish to reiterate and point out that, in effect, what the Motion is asking for is for Government to recognise its own already existing position regarding wages and to simply extend that nationally as representing minimum wage. In addition, due to the fact that Government does not necessarily employ all categories of employees, that the Government look at other categories of employees in the country and fit them into a category where a reasonable wage will apply.

One category of employee that comes to mind is the category of hotel workers because Government, as such, does not have any hotel workers as it does not own a hotel. Various wages are paid to such employees within the hotel industry, or the hospitality industry, as it is sometimes referred to, in areas such as housekeeping, maid service, groundsman, or whatever the case may be. So there are already existing certain wages. The way I would envisage the situation that Government could proceed would be to get the wages that are paid at a number of hospitality establishments and strike an average to come up with what might be a realistic wage in a particular category, make some adjustments up or down, as the case may be, and then prescribe these categories as it has for its own several hundred employees that it has employed in occupational groups.

There are major public complaints from employees within occupational skills who claim that the wages being offered in many instances are below what is reasonable. This is a matter which, unless it is addressed, cannot do anything but worsen. Refuting what has been said in many quarters, including the Chamber of Commerce, regarding work permits and the refusal of work permits was the statistic that proved that Government right now has issued over 11,000 work permits. If one looks at the numbers which were given, if I recall, at the last Meeting of the Legislative Assembly, the total work force is round about 17,000. So it leaves basically about 6,000 Caymanians who are working. If the country is to maintain its present position on development, services, infrastructure, and everything else it seems to follow that it has to maintain that level of work permit holders. Give or take that it may change from time to time by, for example, say a down turn in the construction industry - the construction industry might see a reduction sum - but give or take, upward or downward movement we are looking realistically at that kind of work force continuing here just to maintain our present position.

Of course we know that if development should cease and there should not be further development the situation then turns static and it loses the momentum and I doubt that there are very many in the country who really want to see the development aspect of the country stopped. Even though there are many complaints, there are many questions asked about whether it should develop or not. To stop it, in my opinion, would have a more severe situation than to allow it to go at a managed growth. As the numbers in the work permit holder sector of the country stays high there will always be, I believe, a continuing charge that those workers are being paid lower wages in many instances than what Caymanians are prepared to work for.

At this point, I would like to say that I believe, in many instances, certainly, I have heard many instances of Caymanians saying, "I just cannot work for that wage, that is too low" and so on. The particular person in many instances is out of work and unemployed. In many instances that I have found it and experienced it the wage that is being offered is realistic for the level of semi-skilled work that is being required. But simply because the person believes that they should be paid more they refuse to work. Therefore, if anything, it worsens the situation for where the employer needs the work to be done they must seek alternative arrangements and, unfortunately, there are only so many Caymanians. The alternative arrangement is for non-Caymanian workers which swells the number of such persons. So this is a large and seriously encompassing situation. It is one that relates directly to the difficulties, the problems experienced in Immigration and successive Government's difficulties in trying to find a solution.

In many instances there are non-Caymanians in the largest extent in certain areas of employment, particularly in the hospitality industry. There we find employers generally relying considerably on gratuities to make up the amount that is not paid in basic wages. My belief is that a person should be paid the basic wage for delivering that particular service or work demand. If they are paid gratuities, well

fine, but a worker should be able to rely on the fact that they are getting what is a reasonable basic wage.

The Government has wisely, I think, and for many years now, prescribed wage scales. In every year's Estimates, at the back, normally, one will find the occupational group and wage scale and, certainly, 1993 was no different a year. I think it was today or yesterday, there is mention made of attempts to regularise and correct conditions relating to gratuities which is one of the areas that make up, or comes into play where wages are paid in some particular business. Unless something can be done where Government is in a position to monitor or to measure, or to have a standard by which they can judge what is happening throughout the country, I believe there is going to continue to be resentment amongst certain categories of employees, accusations that such and such is happening while it might not even be the case. So I think there is certain logic in Government simply doing for the country at large what it is doing for itself.

Certainly the Government is under greater constraints and restrictions in, I believe, keeping wages as bare and as spartan as is possible. That, at least, has always been my impression and, from what I know of the service, that is the way it goes. Government tries to reach that realistic point and does not really go beyond that. For higher wages one normally would find that in the private sector, although in the private sector it is said that the wages in many instances are extremely low. All labour can be evaluated and costed and it is so that one arrives at what is a reasonable hourly wage. Again I think that one of the best guidelines that we have in the country now is what Government presently prescribes to pay semi-skilled and unskilled labour, and skilled labour.

Should the request of the Motion be accepted, and Government take that position, then I think everyone, private sector and Government, are playing on a level play field. It will not be difficult for any employee, in the private sector as well as in Government, to know what their minimum wage should be. If an employer paid less they would then be in breach of what they should be paying the particular employee. So overall, from a managerial point of view, I submit that it is very timely and very necessary for Government to set the standards by which it must judge the situation of labour which is one of the biggest matters that this Government, any past Government, and I daresay any to come, will have to deal with.

As one looks at the occupational groups and wage scale that Government prescribes, one sees that there are five columns into which the jobs are set. There is in each column three points or three hourly wages that can be paid to an employee. It is set up that way because employees will come to work for Government with various years of experience and, for example, in column A, which includes group A, represents; semi and unskilled labour, they are listed, an Assistant Care Taker; Cleaner; Maid; Messenger; Porter and Watchman. Within that group there are three wages prescribed, there is $4.46 per hour; $4.65 and $4.84. So it is left to each department to judge the type of quality that person is and their experience, and so on, so that they are fitted into one of those categories. To the best of my knowledge Government's policies still continue to be that each year, more or less, the person would upgrade to another point if they performed satisfactorily until they reach the maximum that is prescribed there, and there they would stay. They would stay within that category unless they improved their skills to move to another category. This is basically the situation as it exists in Government and, as the Motion proposes, that Government should extend this across the board nationally.

Madam Speaker, I believe that the labour situation, the concerns that employers have, the concerns that employees have and the concerns that the Government must have can only be addressed if standards are prescribed similarly for everybody. I think it is nothing mysterious that has been requested, it is basically to do for the country at large what is being done within Government. Therefore, Madam Speaker I recommend this Motion to the Honourable Members of this House.

THE SPEAKER: The House will be suspended until 2:15.

PROCEEDINGS SUSPENDED AT 12:50 P.M.

PROCEEDINGS RESUMED AT 2:19 P.M.

THE SPEAKER: Please be seated.
Debate on Private Member's Motion No. 7/93 continues.
The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, on July 31st, I assumed responsibility for Labour. Since that time my Portfolio has been getting, or becoming familiar with the functions of the Labour Office and we are beginning to identify areas pertaining to labour which will receive policy emphasis. The House will recall that in February the Honourable Member for Tourism who had responsibility for Labour at that time said, his intention was to have a look at the matter which this Motion seeks to address.

Madam Speaker, that is the position of Government. If it is determined necessary to respond to what the Motion talks about, there is provision within the Labour Law for us to move, but, having just taken over the Portfolio, we have to look at this matter closely. That is what we are now doing and we therefore cannot support the Resolution.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. As the seconder of this Motion I feel I have a moral obligation to say something on the Motion.

First of all, I would like to establish very clearly that the setting of a minimum wage means that there is a bottom line to which wages in certain occupations and skills are rested

upon. That does not mean, for example, that because the minimum wage is $5.00, a person employed in that particular vocation, occupation, or skill, will be paid only $5.00. What it means is that someone in that particular vocation or skill will be paid no less than $5.00 per hour, as the case may be. But it is quite possible, depending upon the experience and qualifications, that the person could fit at the upper end of the scale or in between. It is, as the Mover of this Motion said, and his example of the Government scale is, I think, an ideal example. So to emphasise what a minimum wage does is to ensure that people in the labour force in certain professions do not earn less than the stipulated categories but they can earn more depending on their experience, level of skill, etcetera.

We hear complaints almost daily about the fact that people think they are underpaid and, indeed, I am reminded that not only is the complaint made by employees but sometimes by employers who get caught in a trap. For example, I was apprised of a situation some time ago where a Caymanian in my constituency contracted someone to do some work around the yard. Like most of us at times, there was no discussion as to what the rate would be. The prospective employer assumed that a reasonable rate would have been charged, a reasonable rate being somewhere between, I suppose $5.00 to $7.00 per hour. The task took two hours and the employer told me that they were presented with a bill for $75 at the end of that two hours. So this is typical of the kind of situation which people often get into whereby having a prescribed minimum wage, would once and for all settle these kinds of problems. So one need not only think that it is the employee who falls on the short end of the stick in every case, sometimes, as I related, employers get caught up in the trap as well.

Madam Speaker, to take the argument a step further, having a national prescribed minimum wage can only alleviate some of the problems that we are having in this whole controversy as regards to labour from outside of these Islands viz a viz Caymanian labourers. Quite often we hear the argument that the foreign nationals earn more than the Caymanians even for unskilled labour and for unskilled tasks. Yet there is no way of ascertaining the level of skill, or the level of expertise, and the differences between those of the foreign nationals and those of the Caymanians.

The construction industry for the most part seems to be well organised as far as this is concerned, but even in the construction industry I hear arguments and bickering regarding the dissatisfaction, because there is an absence of a national minimum wage scale. So what happens in cases of boom is that those contractors who are in positions to offer more attractive wages are those contractors who do best in the labour force by avoiding labour turnover, by avoiding disgruntlement and, certainly, by the mere fact that their wage scale is a more satisfactory scale, the level of production is higher and the performance by the employees is different from that of those who believe they have been short changed.

Madam Speaker, I contend that in the psychology in the minds of our Caymanian labourers, this notion of being paid a fair wage or not being paid a fair wage, is one of the greatest problems with which we have to contend. Indeed, one could say that it is a focal point in the argument of us being good workers or not being good workers. For many times I have had to encourage and mediate into differences between Caymanians and their employees. The Caymanians believing that they are not being paid a fair wage for a fair day's work, hence they have quite naturally decided that they are going to work according to the pay. Madam Speaker, the problem is more obvious in those circumstances where the Caymanian is working shoulder to shoulder with a foreign national and that foreign national is being paid more than the Caymanian. A common complaint is, "Imagine this person is being paid more than I am being paid and I have to teach him how to do the work". That is from roofing to tile laying right down to, sometimes, electricians and plumbers. So this, again, is one more instance where we need to set this. While I am on this point, let us not lose sight of the fact that if we have a nationally prescribed minimum wage, certainly, in those cases where disputes come before the Labour Board for arbitration in these areas, it will make the work of the Labour Board and it will make those decisions that the Labour Board has to come by more easily decided upon. It will also make those decisions more palatable, even to those people whom the decision goes against. For then there will be a scale to hold up and there will be comparisons to be made and so, Caymanians and those who are non-Caymanians can more easily understand where they might fall.

Madam Speaker, also the fact that there are now many areas where Caymanians feel disinclined, or are unattracted to, if we had a realistic and reasonable minimum wage prescribed in those areas we would be able to attract more Caymanians thus eliminating some of the complaints which we hear about foreign nationals taking away all of the opportunities of Caymanians. I can think, certainly it was obvious some years ago where, in the Public Health sector, most of the people who worked in that sector were non-Caymanians, save for a few Caymanians, the majority of them from my constituency. These people perform a very important job in our community for if they fail to work many of us would have to work and live in very unpleasant and uncomfortable surroundings. Yet, Madam Speaker, Caymanians were not attracted to that because the pay scale was, for many years, not attractive. In the private sector there are those positions and circumstances, again, where Caymanians are not attracted. Being a home worker, working in somebody's home, many Caymanians are not attracted to that because they do not deem the wage scale as being attractive and as a consequence we have to rely on foreign nationals to perform these kinds of tasks.

I see, Madam Speaker, and it is a perennial source of complaint in the hospitality industry, in the hotels, and the establishments which cater to tourists, there is a proliferation of foreign nationals. I do not know whether that is the result of a disparity in scale, because the foreign nationals are paid a higher wage scale, or whether it is that Caymanians are just not interested in that kind of work. I cannot say. But, certainly, amongst Caymanians with whom I have spoken, who are interested in doing that kind of work the common observation is that there is a glaring disparity in the wage scales that they are being paid, as against the wage scales that the foreign nationals are being paid.

So, Madam Speaker, I have to argue that this Motion and what it is calling for in its Resolved section is quite appropriate, is necessary, and is timely. Just as we cannot afford to wait

for two years to pass to establish a Rehabilitation Centre, so too, can we not afford to wait for two years to set a national minimum wage. If we leave the problem and it continues to be in a state of flux the more agitated our people will be, the greater the disparity, whether in reality or perception, between the Caymanian workers and the foreign national wage earners. It is incumbent upon us, Madam Speaker, that we move to settle this problem by developing a prescribed national minimum wage scale now.

Thank you.

THE SPEAKER: If there is no other debate, I would ask the Mover of the Motion if he would like to ... 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 on Private Member's Motion No. 7/93 - Prescription of Minimum Wage by Categories.

I have read this Motion many times and during the long Select Committee debate on the Labour Law, we had many and much discussions on the establishment of a minimum wage. It is my understanding that when we talk of a national minimum wage we are talking of one wage, a national minimum, not by categories. To establish a national minimum wage by categories would be a mammoth task, it would be taking away from free enterprises. Each profession establishes their own rate scale just as the professionals establish their rates, the semi-professional theirs and the non-skilled their rates.

I share the concern of the Mover that there are some working within these Islands that are paid, what I would call, a substandard wage. Some of these in the hotel industry are subsidised, in my opinion, by gratuities or when the two are combined they have a rather attractive wage. It is true that a portion of that wage is paid by the employer and a portion by the customers of those establishments. I contend that gratuities being used as a part of wage is wrong, and I know there is talk of something being done to rectify that.

Madam Speaker, having lived in developing countries, and developed countries, I see a distinct difference and the dire necessity for minimum wage in a country with a high standard of living as the Cayman Islands and some of the very underdeveloped countries. We have almost a full employment situation here where the individual has the ability to establish his own rate scale. They come to you and they tell you what they will work for. It is not a matter of you saying, I will pay you 'X' amount of dollars an hour, or take it or leave it, because they are quick to leave it. We are an advanced society and I have done some research on this particular matter. Very often the increasing of a minimum wage too high has caused societies to hurt the very class of people that they tried to protect. Very often people seeking part-time employment would be willing to work at the lower end of the scale in order to subsidise their income, but if the minimum wage is such, they will not get an opportunity to work.

This has been true even in the industrialised United States of America. If we recall the United States has maintained their minimum wage, but for many decades that remained at $1.00 per hour, they had not increased. It is substantially higher than that today, but I am only giving that as an example, that if we try to categorise our wages in every category our Labour Department will certainly have to have 40 or 50 people monitoring this segment to see that it is not abused and the bureaucracy will further be increased.

So, Madam Speaker, I want to make it abundantly clear that I want to see everything done that is humanly possible to protect those that are not being paid a proper wage; but I do not want to be a part of something that would make those that are in the lower echelon of society any worse off. I think we need to be very careful when we think of implementing a minimum wage that could create further unemployment.

We saw in the Island of Cayman Brac, which has a limited work force and a very small amount of jobs available, when the provision was placed into the Labour Law that after working 45 hours the employee was entitled to time and a half. Provisions were requested to be put into the Law that by agreement they could waive their time and a half payment in order to extend their hours because they needed to take home more money. The problem is, they can not support their family on the eight hour day and the hotels were simply going to establish a separate shift and not allow them to work longer hours. So, often times, when we think we are helping, we are really not.

Madam Speaker, I do not know what a minimum wage would be, whether it would be $5.00, or more, but to some people it would mean unemployment and that, for the person who is seeking a paycheck on Friday, would be very detrimental. So I would strongly recommend to all Honourable Members of this House, before we implement a national minimum wage, and, most certainly, a minimum wage by categories, that we give this very serious and long consideration.

Thank you, Madam Speaker.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

Madam Speaker, my understanding of prescribing a minimum wage by category is not one whereby to categorize the various types of occupations would have to be done, where each individual job description is dealt with on an individual basis. My understanding of categorizing employees is in a very similar fashion to the way it is done by the Government today. So, I do not subscribe to the school of thought that the First Elected Member for Cayman Brac has brought to this House regarding the very mammoth task that it would be. Looking at it from his point of view it certainly would be one that is a mammoth task, but I think that it could be categorized in a fashion that is palatable to all without having to go into each individual job

description.

The First Elected Member for Bodden Town raised a point in his contribution regarding the problem of foreigners being paid more than Caymanians. I take his point well, but I would just like to add to that, because on the other side of the coin we also have heard of many situations where employers happily employ foreigners because they were also willing to work for less than they had to pay Caymanians. I have known of instances when this has happened, Madam Speaker, so for both sides of the coin it stands to reason that if there was a minimum wage both ends could be satisfied to protect all employees.

I understand and I accept, that prescribing a minimum wage on a national level would not be something that could be done overnight. I accept the statement by the First Elected Member for Cayman Brac that we need to look at it long and hard. I also understand what the Member for Health, under whose Portfolio this would fall, has said regarding the fact that his Portfolio has been looking at this area. One thing we must bear in mind is the Resolved section of this Motion which reads: "BE IT NOW THEREFORE RESOLVED that national minimum wages by category be prescribed by Government, similar to those wages which Government has for its employees, and that such categories shall encompass all categories of employees in these Islands.". This Resolve section says nothing about a time limit. So, in my opinion, if Government is not in a position to deal with minimum wages at present, because there is more study to be done, and there is more investigation to be done, it still does not mean that this Motion cannot be accepted. I support the Motion. Thank you.

THE SPEAKER: If there is no further debate, I would ask the Mover, the Second Elected Member for Cayman Brac and Little Cayman, to wind up.

MR. GILBERT A. McLEAN: Madam Speaker, I am not surprised that the Government has not accepted this Motion. I am grateful to the First Elected Member for Bodden Town and the Fourth Elected Member for George Town for expanding factually on the Motion and indeed putting forward the situation as is clearly outlined in the Motion.

I emphasize the point that was made by the last speaker that no time limitation has been put on this, so if it is the case, as the Member for Health now also the Member for Labour, says that they are reviewing the situation as the prior Member responsible for Labour is doing, then it is ideal that this be an integral part of such a review. The fact that if such a minimum is to be prescribed, it is covered under the Law is nothing new, and, in fact, it is very good that it can be done so simply. The question is that this situation needs to be faced. If the Government wishes to take a responsible position to respond to the many complaints and this particular area of complaint which is constant, it is constant in this country, if they wish to address this particular aspect of Immigration then they would accept this Motion. One of the chief arguments of people in these Islands (Caymanians) in the skilled and semi-skilled categories and vocations is that the chief areas of increase in the amount of immigration into this country by non-Caymanians is because the persons are working for wages below what the Caymanian employees find acceptable. If the Government applies its minimum wages by categories, that they already have in place guiding the Government nationally, it takes away the argument from those people who would use it, for example, purely to complain, because Government would have in place a yard stick of measurements.

I think that my colleague, the First Elected Member for Cayman Brac and Little Cayman, knows that I am by no means suggesting an attempt to categorize every single worker or job description in this country. In fact, in the present structure that the Government has developed, various types of employees and the wages are structured in three tiers so that somewhere between those three tiers these particular categories in this table can fall. It is not anything revolutionary that the Government is being called upon that will put them to such time and effort because it is already there. If it is so bad then I would certainly say to the Member for Labour that he should take this out of the Estimates and leave Government employing these categories of workers on a free for all. If that is the desirable state of affairs versus what it is now.

Madam Speaker, in my opinion it is not a question of the Government being unable to accept, it is that it will not. What I do believe, though, is that the complaints from the people who work in these categories are not going to become less, they are going to be very conscious of the people whom they elected who feel it wrong to prescribe some minimums so that they could be ensured of receiving a fair wage. I am not saying, or trying, or attempting to suggest to the Government what the wages would be in categories not shown in the tables of the Government's Estimates. That would be the business of the Government Executive and they could find out from the hotel industry, or any other industry in this country, anywhere in the private sector, what they think to be fair and, in turn, insert those wages there and categorize these persons accordingly. I am not telling them that. I am simply saying to the Government, we have a problem. The country has a problem. Here is one of the problems, and here is what is already in place just refine it some, or make an addition, and extend it to these other categories of persons.

As for being treated unfairly, Madam Speaker, I know of many instances in Cayman Brac and Little Cayman where employees have been treated exceedingly unfair. Where people there make what must be a minimum there, in some instances $1.50, $1.75 per hour, I wonder if the market force is interacting and, in true capitalist style, if anyone really is earning a fair wage for that type of hourly wage. Certainly, I know what the Government has done time and again by not doing anything about it to correct the situation. Now they are doing nothing again. For if any hotel or any place of business knew that if they employed a cleaner the minimum they could pay that cleaner was $4.46, then that is the way it would have to be.

Is it a credit to ourselves in this country that to satisfy employers who wish to exploit to the 'nth' degree their employees, where wages are concerned, that the Labour Law had to be amended to allow people who were earning so little money at the end of an eight hour day that they could continue working on for 10, 11 and 12 hours at the same basic wage? I think it is a shame on this country. Particularly where

there is such hoop-la about how much money we have, and how good the wages are, and the high standard of living. Why should the categories which these tables represent have to work for so many longer hours over what is a normal work day to earn a fair wage? Would someone tell an accountant to do that? No. A lawyer, doctor, or a teacher, you name them in the professions? Oh no, oh no. This category of persons seems to be the forgotten.

Madam Speaker, anyone who truthfully looks at the Cayman situation will see too much unfairness in the work place in these Islands. On a whole, even in the big, wide out yonder in the industrialised countries, I have often wondered when a business is not showing a profit or making the returns that the owners would like, there seems to be only one remedy and that is to get rid of employees because, it would seem that the only cost to any business is the labour it pays. Of course, that situation is ridiculous. It happens here and it happens elsewhere.

Other costs that could be looked at are improving the efficiencies, taking those same employees in many instances and improving their skills to sell so when a customer comes in that they are there to answer questions which would cause customers to spend more money and to come back there because of service. But no, the answer from the days of the iron laws of wages, in any simple study of economics one hears of those times - labour, you get rid of labour, you cut labour. A very typical example of that happened here recently this year with the Civil Service. I believe that greater efficiencies and savings could be realised if, instead of cutting 20 people out of the Civil Service, there was a large scale drive to train and motivate people rather than the trauma that was caused to make 20 jobs redundant. So, the arguments against not accepting this cannot be logically relevant. The Labour Office will have more problems by not prescribing a standard that they can judge by, and if it is going to increase by mammoth amounts it had better start because without a basis on which to reason, on which to correct this complaint, it has to increase.

Madam Speaker, I have no more to say on this and when the vote is called I will, of course, support this because I believe it is in the best interest of the country and the people who are affected thereby. I know who in this Chamber were the people that stated here in the very first Meeting of this House, this year in March, that this very thing was necessary and I will look keenly to see what now is their position, and what has been the National Team's ruling on this particular affair.

Thank you, Madam Speaker.

THE SPEAKER: The question is, Private Member's Motion No. 7/93. I will put the question. Those in favour please say Aye...Those against No.

AYES AND NOES.

THE SPEAKER: The Noes have it.

MR. GILBERT A. McLEAN: Madam Speaker, could we have a division please?

THE SPEAKER: You certainly may.
Madam Clerk, would you take the Division, please?

CLERK:

DIVISION NO. 7/93

AYES:4	NOES:14
Dr. Stephenson A. Tomlinson	Hon J. Lemuel Hurlston
Mr. D. Kurt Tibbetts	Hon. Richard H. Coles
Mr. Gilbert A. McLean	Hon. Joel Walton
Mr. Roy Bodden	Hon. W. McKeeva Bush
	Hon. Thomas C. Jefferson
	Hon. John B. McLean
	Hon. Truman M. Bodden
	Mr. John D. Jefferson, Jr.
	Mr. D. Dalmain Ebanks
	Mrs. Berna Murphy
	Capt. Mabry S. Kirkconnell
	Mr. Anthony S. Eden
	Mr. G. Haig Bodden
	Mrs. Edna M. Moyle

THE SPEAKER: The result of the Division is 4 Ayes, and 14 Noes.

PRIVATE MEMBER'S MOTION 7/93 NEGATIVED BY MAJORITY.

THE SPEAKER: The next item is Private Member's Motion No. 8/93.
The First Elected Member for Bodden Town.

PRIVATE MEMBER'S MOTION NO. 8/93
PUBLIC UTILITIES COMMISSION

MR. ROY BODDEN: Thank you, Madam Speaker.
Madam Speaker, I beg permission of the Chair to move Private Member's Motion No. 8/93 entitled "Public Utilities Commission" and which reads as follows:

WHEREAS Caribbean Utilities Co Ltd (CUC) has an exclusive franchise to provide electricity on Grand Cayman;

AND WHEREAS this franchise has in the recent past been renewed for another 25 years;

AND WHEREAS CUC is guaranteed 15 per cent annual profit on its capital investment by the Cayman Islands' Government;

AND WHEREAS the price of fuel has decreased in recent times and CUC has increased its charges by 2.5 per cent;

AND WHEREAS CUC does not have to seek Government's permission to raise rates;

AND WHEREAS rate increases are passed on to the consumer (the public);

AND WHEREAS the electricity rates and increases raise the cost of living and place considerable financial pressure and hardships on consumers;

AND WHEREAS consumers consider charges by CUC (inclusive of deposits) to be too high;

AND WHEREAS electricity consumers are dissatisfied with the rate and increases which have been annual since 1988;

BE IT THEREFORE RESOLVED that Government consider the appointment of up to three suitably qualified professionals to undertake a financial and operation's audit of CUC and that this report be laid on the Table of this Honourable House;

AND BE IT THEREFORE RESOLVED that Government consider establishing, by law, a Public Utilities Commission to administer, set and regulate the rates of water, electricity and telephone.

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

MR. GILBERT A. McLEAN: Madam Speaker, I beg to second the Motion.

THE SPEAKER: Private Member's Motion No. 8/93 has been duly moved and seconded and is open for debate.
The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
The call for the Government to establish a Public Utilities Commission is not a new call. Indeed on the 12th of September, 1989, the now Member for Health and Human Services, who was at that time, the First Elected Member for West Bay, brought a Motion to this Honourable House, of which I was the seconder, asking for a review of Caribbean Utilities Limited's franchise and rates, asking the Government at that time to set up a Public Utilities Commission to monitor, especially, Caribbean Utilities Company. It was interesting, Madam Speaker, and I was pleased to learn also that the Chairman of the Public Accounts Committee, who, in presenting his Report to this House, stated that it was time a Public Utilities Commission be set up. So it is not out of order, it is not untimely, nor is it inappropriate for us to be now asking that a Public Utilities Commission be set up.

Over the years we have had good services from Caribbean Utilities Company, we are in the free enterprise system and there is no disputing the fact that we would expect and hope that these investors should get a reasonable rate of return on their monies. It is also reasonable to expect that consumers will be protected and that consumers will have certain rights. As Caymanian society progresses we are getting more essential services as they are called. First we had electricity, then telephone, and now we are almost in the position were we have nationally a central water supply. These three services constitute the three most important services in the lives of every Caymanian, because it is recognized that access to and availability of these three services determine the standard of living in our society as well as the state of our economy. Madam Speaker, we are not asking for any control in the sense that we are going to be telling these people, no you cannot do this or you cannot do that. We are only asking for a Commission which would be able to sit down and to hear the pros and cons and to regulate. It is of crucial importance that we arrive at this point.

Madam Speaker, if it was needed in 1989 it is needed to a greater extent in 1993, and the longer we leave this problem to fester the worse it will get. A few day ago there was a report in the paper again, as I understand it, triggered by the Report of the Public Accounts Committee, by the Manager of the local telephone company, Cable and Wireless, and some of that information in the newspaper was revealing indeed.

There is no question we have, almost throughout my constituency now, central water supply. Certainly by the end of December it will be up to Midland Acres in Bodden Town. These are services that even the most humble household in the Cayman Islands are connected to and depend upon. That is why it is of crucial importance for us to ensure that the consumer, that the subscribers, that ordinary Caymanians, are in a position where they can benefit from these services, where they can feel that these essential services are making their lives easier and that these services are not a drag and a drain on them, because they constantly have to wonder if they will be able to afford the next rate increase, or if they will be able to survive the next power surge as the case might be. Even in the developed countries, the highly industrialized countries; the United States, Canada and countries of Western Europe, there are Utilities Commissions which seek to do just what this Motion is talking about, to regulate the rates, to ensure that the consumer, that the paying public, is not unnecessarily inconvenienced and that they can afford the rates, that they take the most and greatest opportunities of the services provided.

In offering this Motion, Madam Speaker, I hope that the Members of this Honourable House can see fit to support this Motion. It is long overdue. Thank you.

THE SPEAKER: The Honourable Elected Member for Agriculture, Communications and Works.

HON. JOHN B. McLEAN: Thank you, Madam Speaker.
Madam Speaker, in 1989 a Private Member's Motion No. 20/89 was moved in this Honourable House. It was calling for the review of Caribbean Utilities Company Limited's franchise and rates. I was a party to that Motion, because I gave it my full support. I say that to say, Madam Speaker, I feel no different today than I felt in 1989, and it is for this reason that I have taken the necessary actions which I have since I have been in Government. Since being in office in November, I have met on many occasions with officials from Caribbean Utilities Company and Cable and Wireless mainly to deal with the rate structure and the services which the companies offer to the people of this country.

Madam Speaker, I am not here to act as a judge with regard to the present Motion which is before the House, because I am aware that every Member here at one time or another has spoken out against the rate structure. Indeed, not only on one company but on all of the utilities companies in this country. Madam Speaker, what I would ask each Member in this House to take into consideration, is the action which this Government has taken since we have been in office. We campaigned that we would do something with regard to the electricity company and, indeed, the utility companies, and we have done just that. I would say that it was explained quite well in a press release made by myself. It was also explained in a Statement which I put forward on the floor of this House quite clearly as to what action we were taking with regard to looking at the franchises in question.

Therefore, Madam Speaker, I must say that Government finds itself in the position that we cannot accept the Motion which is presently before the House. I will give the undertaking that whatever is the outcome of our investigation I will report back to this House and I will, indeed, keep this country informed of our findings. I pointed out in the Statement that for the first time this Government had seen fit to exercise a right which we are entitled to under the franchise with Caribbean Utilities Company. As a matter of fact it is Section 7 of the licence, whereby we are able to put in place independent auditors to make sure that the rate of return which this country is faced with is correct.

Madam Speaker, I am not about to change my mind on that action. I have already started and I intend to continue and to see it out. As far as I am concerned, if Caribbean Utilities Company is correct in what has been put forward I will be the first person to say to the people of this country, they were correct. However, should I find them, or any other utilities company, in violation of a licence which has been granted by the Government of this country I certainly will be the first one to take the necessary action to make it right.

As I pointed out, Madam Speaker, presently the wheels are turning and we are trying our best to do it as quickly as possible to have an independent audit into Caribbean Utilities Company. I would further like to point out that if this country is to appoint a Commission it is not as easy as one can get in here and say, because there are many legalities to appointing a Commission. We have to take into consideration that not this present Government but a past Government awarded these companies in question certain franchises for a specific length of time. Therefore, I believe that the action which is being taken by this Government is the sensible way for us to go about it.

As I pointed out earlier, I am not here to say that the Motion which is presently before the House was not brought with good intent, but it has been no secret, Madam Speaker, as to what action this Government is taking in an effort to try to put the rates on these utilities companies right. I would further say with regard to water and the rates charged, although this does not fall within the ambits of my Portfolio it is my understanding from my good friend here in Executive Council that constantly the rates and the quality of water is being monitored, and I have to believe exactly what he said to me. I believe if the time should come when his Portfolio feels that this should be enquired further into that he, no doubt, will take the necessary action. So, therefore, Madam Speaker, once again I have to repeat that it is my belief that we are on the right track with regard to trying to rectify the problems with the utility companies in this country. The undertaking which I gave in November I will continue to pursue and, indeed, I will keep the people of this country and the Honourable House informed.

Thank you.

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

PROCEEDINGS SUSPENDED AT 3:28 P.M.

PROCEEDINGS RESUMED AT 3:45 P.M.

THE SPEAKER: Please be seated.
Debate continues on Private Member's Motion No. 8/93.
The Honourable Second Official Member for Legal Administration.

HON. RICHARD H. COLES: Thank you, Madam Speaker.
Madam Speaker, I do not wish to address this Honourable House on the desirability, or otherwise, of a Public Utilities Commission, but it might be helpful at this stage if I attempt to clarify the legal position regarding the existing Public Utilities Commission companies.

There are at the present time franchise agreements between Government and each of the Public Utilities Companies. These are for fixed periods of time and they contain binding terms and conditions entered into between Government and the individual utility company. Amongst other things, the terms and conditions of these agreements contain the mechanisms for regulating or otherwise each utility company. Those mechanisms for regulation are exclusively contained within those binding agreements so that it is not possible in the Law for a Third Party who is not part of that agreement to seek to interfere with it.

The only lawful way that these agreements could be altered would be either through free negotiations between the parties to the agreements, if they so wish, or by recourse to the courts, if there was some clause in the agreement that allowed them to do so, or if there was an allegation by one party that the other had broken a term of the agreement. In other words, what I am saying is, that whatever functions a Public Utilities Commission may or may not have, the one thing that it would not be able to do would be to tamper or interfere with the existing binding legal agreement between Government and the individual utility company.

Thank you, Madam Speaker.

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 Private Member's Motion No. 8/93, entitled Public Utilities Commission.

Madam Speaker, just last Wednesday, I think it was, the Public Accounts Committee laid a copy of their Report for this year on the Table which was read by myself as Chairman. I would just like to read this excerpt from the Report with respect to a public utilities regulatory body. It says:

> "It is the opinion of the Committee that a Public Utilities regulatory body should be established to regulate the telecommunications, electricity and water supply industries. The Committee envisages that two basic forms of control might be considered:
>
> i) rate of return controls (a profit control); and
> ii) price caps.".

That is, Madam Speaker, with regard to rates that might be charged by these respective utilities.

Madam Speaker, we were told during the Public Accounts Committee's deliberations that in Government at the present time there is a semi-formal type of body in place that when it comes to dealing with these utilities that this body - I think it consists of two or three persons - they are requested to review the request regardless of what nature it is and they are then in a position where they make certain recommendations with respect to the utility which maybe offering, or requesting, a rate increase or whatever the nature of the request may be.

What we as a Public Accounts Committee kind of envisaged was that rather than these respective individuals, be it two or three, which may be scattered throughout Government, that they be brought together maybe in the form of an Advisory Committee. There is no reason why the Member who is in charge of the utilities could not sit as a part of that committee. Basically, Madam Speaker, rather than the situation as it now exists, and has existed for many years in the past, where if a request comes in or if there is any negotiations that have to be done with respect to these utilities, where the Member himself, on a lot of occasions, handles these negotiations without the advice or support of other experts in the field. I believe, Madam Speaker, Government is in a much better position where, when a decision is taken, regardless of the nature of that decision the decision is made in a much more informed environment. Madam Speaker, rather than the present request going to the respective Portfolio, the request would go into the Advisory Committee, or body which is responsible for reviewing requests of this nature. They sit, they make a decision, they may call for whatever additional information they need in order to arrive at that decision. Once they are satisfied that all the facts are available to them and they determine a course of action, then they would be in a position where they can advise the Portfolio as to the proper course of action. It would also put the Government in a position where there might be a private citizen who may have a specialized background in that particular area, be it telecommunications, be it electricity, or water, where they could invite that individual to sit as a part of that committee and offer his advice to Government.

I, certainly, and I do not think the Members of the Public

Accounts Committee would support the establishment of any law that would violate or contravene any provisions of any franchise agreement that Government now has between themselves and these respective utilities, because I think it is very important for us as an International financial centre to live up to our obligations and any commitments that we have made with respect to these individual utilities, as well as other areas, Madam Speaker. Credibility is very important to us if we are to continue to enjoy the level of success we have had in this country. So, Madam Speaker, I do not necessarily disagree with the intent of the Motion. It is just like we have been advised by the Second Official Member that it is not possible at this stage to establish a law or a Commission under a law that would be in contravention of the respective provisions of the franchise agreements which are already in place.

The Member in charge, that is, the Member for Agriculture, Communications and Works, I think about a week ago, made a statement in the House that he is calling for an independent audit of Caribbean Utilities to determine that what we are being told and what information is being provided to Government with regard to their rate of return, maybe their assets on which its return is calculated, is also in order. Madam Speaker, I look forward to that being done. I believe we all share the concern here in this House that when it comes to monopolies we have to be very careful to ensure that the interest of the public is protected, because that is exactly what a monopoly is all about. It is a monopoly. It is the only entity providing that respective service and if you are not careful, a lot of times these respective monopolies do take advantage of their unique positions.

I believe that more effort needs to be brought to bear on these utilities, because they have an exclusive right to provide that service; they make a decent return and they operate in a tax free environment and that is significant. I believe that rather than trying to recoup their investment over a two or three year period which seems to be the objective and concept of most businesses, be it monopolies or otherwise that operate in this country, which has really contributed to the high cost of living here. Both Government and the utilities should make a genuine effort to determine whether or not rates can be adjusted downward which would be in the best interest of the general public. It would lend itself to a much more comfortable environment, a better relationship with all parties involved and we can continue then to enjoy the quality of life that we have enjoyed for so many years in this country.

Madam Speaker, I cannot support the idea of establishing a law or a commission by law that I am told would be in contravention of the franchise agreements which are now in place between Government and these respective utilities.

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 this Motion. As has been said, the Honourable Member has already taken steps to address the first Resolved and I know he, like the rest of us here, has great concerns, about what is happening with the utility rates and I am sure he, like the rest of us, also has had representation from the public, their concerns and sometimes the difficulties it brings upon them to pay these bills.

Madam Speaker, I did a little bit of background research on this in regards to the Public Utilities Commission. Most of my research dealt with that of the power companies. It is said that in the United States - and this is where most of my background information came from - the electric power which is the combined function of generating, transmitting and distributing electric energy, this is the largest industry in the United States and they have found ways in which to regulate some of these companies.

> "Though the services of public utilities are considered essential or necessary, the public does not regard them as so necessary that they should be provided irrespective of cost or the consumers' ability to pay for them. In the United States the desire to enforce competition among the utilities industries and the establishment of these commissions came about to make sure that there was competition, that the public was protected. This led to the enactment of the Sherman Anti Trust Act in 1890, and further to that in 1914, the Federal Trade Commission.
>
> The tendency for many business to practice price discrimination caused passage of a law limiting such discrimination as early as 1914, better known as the Clayton Act. As a matter of fact, in the United States the Federal Regulation of business proceeds is guaranteed in their Constitution under Article 1 and section 8 gives Congress power to regulate commerce among the several states.".

With your permission, Madam Speaker, I would like to quote briefly from an article in the "Encyclopedia Britannica" of over 200 years ago when a decision was made by Lord Chief Justice, Sir Matthew Hall. He held that:

> "When private property is affected with a public interest it ceases to be juris privatis only. Property becomes affected with a public interest when used in a manner to make it of public consequence and affects the community at large. When therefore, one devotes his property to a use in which the public has an interest he, in effect, grants to the public an interest in that use and must submit to be controlled by the public for the common good to the extent of the interest he has thus created, he may withhold or withdraw his grant by discontinuing the use. So long as he maintains the use he must submit to control.".

So, Madam Speaker, we see that these controls went back for literally over two decades. In the United States at the moment all 50 States use the Public Utilities Commissions.

This is in a country where there is competition, not like here where two of our Public Utilities are monopolistic to say the least. As was told to us by the Honourable Second Official Member there are limitations as to what we can do and we have to abide by law. But we must express our concerns for the public and hope to, down the line, get some relief from what many people think are the exorbitant costs.

In bringing this Motion, I think further background would also reveal that the prices we have to pay for gas and diesel that run the machinery in this country, back when the Gulf War was on, went up. I would dare to say that the difference in those prices and today is very limited. Yet we know that in surrounding countries the reduction in the fuel that generates our electricity, why must we stay here and allow two companies to literally dictate our future? There should also be competition in this respect and I think, and feel sometimes, that we are held hostage by these companies. We should take a serious look at this also.

Thank you, Madam Speaker.

THE SPEAKER: The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker.

The recent announcement by Caribbean Utilities Company to hike electricity rates almost caused pandemonium in this country. I believe all of us have been approached by many, many members of the community both personally and by telephone call, and it has caused much concern among Members of the Government and particularly the Member responsible for that particular Portfolio.

I was very happy to see him go on national television and try to explain to the Caymanian public the true situation. If we had full control of things, Madam Speaker, we certainly would like to see the electricity rates lower in this country because we know that people, at this time especially, do have hardly any disposable income and, certainly, many are finding it more difficult to meet their obligations.

The Member did explain that we have inherited contracts that are in place. Those contracts have terms and conditions and these have been signed and are legally binding, much to our disadvantage, in my opinion, and in some instances. I, personally, have always been against one term and condition with the monopoly Caribbean Utilities Company regarding a guaranteed 15 per cent assured profit margin, I think in capital expenditure, and I do not believe that there is any other company in the Cayman Islands that has this kind of assurance or security. I was hoping that the Attorney General, the Second Official Member, would have told us more about the terms and conditions of the contract with Caribbean Utilities Company, and also with Cable and Wireless, because it would have been most enlightening and I believe the listening public, too, would like to hear more about what those terms and conditions really are.

The fact of the matter is, we have inherited those contracts. They are legally binding and there is nothing it seems that we can do. We must respect the contracts, therefore, in a sense, our hands are tied. The Member responsible has, in a statement which was released here, told us that he will be conducting, or having performed a Denouvel Accounting exercise on Caribbean Utilities Company's accounts. I am very, very glad to hear that this will be done and I believe that we will hear more about that when the results are released. It is important for the public to realise that this will not simply be an elementary exercise in going over Caribbean Utilities Company's accounts that have been presented, but it will be a complete and very thorough accounting exercise and at the end of the day he has told us that he will let us know whether Caribbean Utilities Company is justified in what they are saying. They have told us that in order to meet expenses and to operate their company they need to increase their rates. I believe that the Member is trying to hold that at bay until this exercise is completed. Then we can see whether they are living up to their terms, to their side of the contract, and I hope that this exercise will be completed without undue delay.

Madam Speaker, we have an obligation as representatives to protect the public's interest and I see this as our primary duty. Therefore, we have to do all we can to see that people are being treated fairly, albeit these contracts are in place. Caribbean Utilities Company, its true is providing a very, very essential service and no one can dispute that we enjoy a highly reliable electricity supply. I personally shall not forget of how electricity was restored so quickly after hurricane Gilbert hit us in 1988. So the Company is doing a good job as far as providing electricity and I certainly would like to thank all those who work so hard at Caribbean Utilities Company to provide this very, very good service. It employs hundreds of Caymanians and it contributes to many charities. It is a good Company as far as those things are concerned. While all of that is very true the cost of electricity in the Cayman Islands has got to be one of the highest in the world. It has got to be one of the highest, and there has to be a reason for this. Is it the cost of raw materials? Is it inefficiency in the work place, or what is going on? These matters need some attention and I do not believe that the consumer should have to pay for inefficiencies of the Company.

Madam Speaker, complaints are rampant throughout the Islands about Caribbean Utilities Company. Many of us have been receiving so many letters about the inside workings of the Company - what really is regarded as capital expenditure to what is put on the books as capital expenditure - I do not know whether these reports are true, so I shall not even mention them in the House. It is true to say that many of these allegations have been made to us in writing and some of them are rather alarming. I should hope that none of these things are happening in Caribbean Utilities Company.

I said that the recent price hike almost caused pandemonium, and I mean that. It was in the papers, people appeared jittery, and I believe it is because the average Caymanian cannot stand any more expenditure. They are at the point now where the average Caymanian is really strapped for cash, and so it is just natural that this would have been the reaction. I personally feel that the contract signed by the last Government with Caribbean Utilities Company is far too generous in Caribbean Utilities Company's favour, and I believe I mentioned that already. I sometimes wonder if this contract is one of the reasons for the problems that we are having. It certainly would not encourage a company to be very efficiency sensitive. The fact is, the contract is legally binding and the terms of the contract must be honoured.

During my recent visit to Cyprus I could not help but notice the solar panels on top of the roofs of the houses, they were so conspicuous. I just wondered if perhaps we might not entertain this as some alternate form of electricity if the price of electricity continues to spiral in the Cayman Islands. But that is left to be seen. I understand that it is relatively cheap to install solar panels and I believe one or two individuals in Cayman already make use of this. I believe that we could benefit from solar energy and maybe will all be forced to install such panels to cut down on our electricity bills.

Many of us, too, Madam Speaker, promised the public last year during our campaigns that we would seriously look at ways to reduce, or at least hold, the cost of living in check. We promised that we would reduce import duty on diesel which should result in lower electricity rates that are passed on by Caribbean Utilities Company. Now we have not done that this year and that gives me some concern. I know that it is because of budgetary restrictions, but I sincerely hope that next year something can be done in this regard. Now I understand that a legally binding contract is also in force with Cable and Wireless, and I invite the Member responsible to explain the terms and conditions to the public if necessary on television. There is concern, too, about Cable and Wireless, albeit not as much as about Caribbean Utilities Company, but there is concern there. Perhaps he needs to explain things to the public again, just for clarification.

We know that all of these contracts were signed by the previous Government, we have inherited them. The Chairman of the Public Accounts Committee told us that it appears that the rates of Cable and Wireless are excessive, and I believe that if this is so, we need to investigate the matter. It is no good of the Public Accounts Committee doing such good work, and then nothing is done about it. We also need to investigate Cable and Wireless and find out if this is really happening, that we are being overcharged.

I received numerous complaints too, about the Water Company and, in fact, it was the Water Authority, it was not the Cayman Water Company, about the increase in pressure and because of the increase in pressure the PSI is way up and it is causing many, many residents to waste water and if there was some regulation in effect to control the PSI then, perhaps, the bills would not be so high at the end of the month. I know, as far as my residence is concerned, the pressure has increased, it was too low before and I personally was delighted that it had increased, especially in the shower. I understand that in other areas it has increased so much that it is really causing waste, and we do not need this.

I would like to close by saying that I have taken the Motion very, very seriously. I have tried to look at it from all angles. We have a unique situation here in the Cayman Islands with franchises having gone out to companies, Caribbean Utilities Company and Cable and Wireless, they are monopolistic as we have heard, and I tried to investigate and think about the whole matter seriously - would a Public Utilities Commission be of any help in our situation? As I see it, a Public Utilities Commission would only serve the purpose of ensuring that the contracts that have already been signed are honoured and are not abused. It is not like we could do very much more than that, because these contracts already govern the terms and conditions of operations. I believe that function is one of Executive Council's at the moment, to ensure that these terms and conditions are adhered to and that both parties live up to them.

We also campaigned that we would not become more bureaucratic, and I believe that yet another Commission would increase the bureaucracy. It would be a different matter if we could do something more about these companies, but it is all signed, sealed and delivered, it seems, unless the four Executive Council Members can devise a way to get around these contracts and alleviate the problems that we are faced with and, as a result, help the consumer. I do not believe the Public Utilities Commission is going to be able to do it, unless it could have the teeth and the clout. In other words, unless it can in some way overpass the contracts that are already in existence.

So on that note, while I welcome the audit of Caribbean Utilities Company's accounts, and it is going to be an audit from the grass roots level, while I welcome that to make sure that they are not breaking it off in us, I cannot support the Public Utilities Commission at this time but, generally speaking, if it was a different situation that existed in Cayman and that we had not gotten ourselves into this fix of having signed such contracts, then I believe the Commission could have a useful part to play. I shall not be supporting the Motion.

Thank you.

THE SPEAKER: At this time I will call on the Honourable Member for Health and Human Services to make a personal explanation.

PERSONAL EXPLANATION
(Standing Order 31)

HON. W. McKEEVA BUSH: Madam Speaker, because there were certain matters raised about a car I owned, from what was said, Madam Speaker, it think it imperative that I lay on the Table of this Honourable House a copy of a letter from the Manager of First Cayman Bank Limited which sets out in detail my personal business pertaining to the purchase of my automobile. The House will recall earlier in the debate that my personal car, a 1991 used, of course, Lincoln Continental, was raised in the debate and, Madam Speaker, I am going to ask the Sergeant-at-Arms to lay this copy on the Table, to take a copy for each Member of the House, and to have one for you as well, Madam Speaker. Thank you.

This might not be normal and I hope that we will not have aspersions cast to the extent that Members of the House will think it necessary to do this. However, I have always believed in open Government and I had called for a Code of Ethics and Register of Interests before, and I see fit, since rumours can be spread, to do this today. This might not be normal as I have said, however, I think some

doubts could be raised by persons, Madam Speaker, who are twisted in their thinking, and I read for the record of this Honoureble House this letter. It reads:

"September 29, 1993

TO WHOM IT MAY CONCERN

Dear Sirs,

Re: Personal guarantee to First Cayman Bank Ltd. for Mrs. Clara Fay Perdomo

This is to confirm that Mr. William McKeeva Bush has guaranteed a loan in the amount of CI$6,000.00, for his sister Mrs. Clara Fay Perdomo in order to purchase his 1987 Oldsmobile car. This loan is serviced from Mrs. Perdomo's personal resources. The Funds received from Mrs. Perdomo enabled Mr. Bush to clear freight, duties, licence and insurance on his 1991 Lincoln Continental.

In addition we would like to advise that Mr. Bush maintains a loan of CI$15,000.00 for the 1991 Lincoln Continental with this Bank and is being repaid monthly at the rate of CI$350.00 from assignment of salary from The Cayman Islands Government.

Yours faithfully,

Mr. M. Siddiqui,
Deputy Manager".

Madam Speaker, I think it fit to say to this House that since I was 13 1/2 years old I have had to work for myself. Since 1975, when my wife and I were married, we have worked, and worked very hard, to get ourselves a home, set up the small businesses which we own and raise our family, all in the manner by which we were taught by our parents, which is, to work hard, be honest, and be fair in life and that is my motto, Madam Speaker, in my life. That is the only way we know and that is the only way we live.

Some people, in order to attempt to destroy a person, start a rumour and they thrive on that rumour. My life, I can say to this House, is an open book and I can guarantee this country, whether I shout sometimes in this House, that I will always uphold the trust they have in me. Let those, Madam Speaker, who would start and perpetuate these kinds of rumours lay on the Table their business as I have done today. Of course, the Bible says, and we all believe in the Bible, "As a man thinketh, so is he".

I trust, Madam Speaker, those Members on the inside of this House, and those members of the public who like to accuse people wrongly and try to destroy people's life will do as I have done and prove to the world where they got their car, their house, their land, or whatever they have, whether that is in Denmark or Switzerland.

Thank you, Madam Speaker, and I thank the House.

THE SPEAKER: I will now call for the Motion for the adjournment. The Honourable Leader of Government Business.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, in accordance with Standing Order 10(2) I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

THE SPEAKER: The question is that the House do now adjourn until tomorrow morning at 10 o'clock. If there is no debate I shall put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AT 4:33 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 30TH SEPTEMBER, 1993.

THURSDAY
30TH SEPTEMBER 1993
10:14 A.M.

THE SPEAKER: Prayers by the Honourable Elected Member responsible for Agriculture, Communications and Works.

PRAYERS

HON. JOHN B. McLEAN: Let us Pray.

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

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

APOLOGIES

THE SPEAKER: Apologies have been received from the Second Official Member as well as the Honourable Leader of Government Business. The Governor has appointed Mr. Michael Marsden, Acting Solicitor General, to be the Temporary Second Official Member of the Legislature during the substantive holder's absence. The Oath of Office will now be administered to Mr. Marsden by the Clerk. Mr. Marsden, will you please come forward to the Clerk's Table?

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF AFFIRMATION

Mr. Michael Marsden - Acting Solicitor General

HON. MICHAEL MARSDEN: I, Michael Marsden, Acting Solicitor General, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to Law. So help me God.

THE SPEAKER: Please take your seat Honourable Temporary Second Official Member.

QUESTIONS TO HONOURABLE MEMBERS

THE SPEAKER: Questions to Honourable Members. Question No. 159, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 159

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 159: Whether any patients have been turned away at the George Town Hospital during the past eight months because no beds were available?

THE SPEAKER: The Honourable Elected Member for Health and Human

Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. To my knowledge, no patient needing immediate admission has been turned away because beds were unavailable.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if there were any patients other than those who needed immediate admission who may have been turned away from the George Town Hospital?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. Occasionally elective surgeries have had to be rescheduled due to emergencies arising. Patients are normally notified prior to their due admission date and rescheduled at the convenience of the patient.

THE SPEAKER: The next question is No. 160, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 160

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 160: Whether, during the last eight months, the Maternity Ward at the George Town Hospital has been used to accommodate patients, that is, other than maternity patients?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, the Maternity Ward, like all of the other wards, has always been utilised to accommodate patients. This is the purpose of having a ward.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if the demand on the Health Services for admissions has grown to a point where the use of the Maternity Ward for patients other than maternity patients is becoming an increasing situation?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: I understand that from January to August of this year the Maternity Ward has been full to capacity 18 days out of those eight months. Otherwise, it is 65%.

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

MR. GILBERT A. McLEAN: Madam Speaker, just for clarification, did the Honourable Member say that 65% of the January to August time it was not, in effect, occupied?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Yes, Madam Speaker, from January to August, there was a 65% occupancy rate, which means 35% empty.

THE SPEAKER: The next question is No. 161, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 161

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND HUMAN SERVICES

No. 161: Whether, during the last eight months, any patients have been discharged from the Maternity Ward because beds were needed to admit other maternity patients?

THE SPEAKER: The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Thank you, Madam Speaker. To the best of my knowledge, no one who was medically unfit to be discharged from the Maternity Ward has been sent home in order to admit other patients.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. Could the Honourable Member say if there has been patients discharged from the Maternity Ward who have had to return in a very short period of time and it was discovered that part of the problem was that they were discharged somewhat too early?

THE SPEAKER: Honourable Member, I think the Member for Health and Human Services answered that in his reply, that no one that has not been medically fit to be discharged was discharged.

HON. W. McKEEVA BUSH: I think it was answered in the first question, but I can tell him, to make it absolutely clear, Madam Speaker, if I may, that is not so.

THE SPEAKER: Thank you. The next question is No. 162, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 162

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

No. 162: To provide the total number of applications for and nationalities of the following as of 30th June, 1993:

i) Caymanian status;
ii) Permanent residence with the right to work; and
iii) Permanent residence with no right to work.

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, the answer: i) The total number of all applications pending as at the 30th June, 1993, for the Grant of Caymanian status, was 304 consisting of the following nationalities:-

American	44
Barbadian	1
Belizean	5
Bolivian	1
British	32
British dependent TC**	8
Canadian	15
Chilean	1
Colombian	4
Costa Rican	1
Cuban	12
Guyanese	1
Honduran	26
Indian	3
Irish	1
Jamaican	128
Nicaraguan	12
Panamanian	3
St. Lucian	1
Swiss	1
Trinidadian	2
Vincentian	2

**person naturalised

ii) The total number of applications pending as at the 30th June, 1993, for the grant of permanent residence with the right to work was 102 consisting of the following nationalities:-

American	6
Austrian	1
Belizean	1
British	19
Canadian	6
Colombian	1
Cuban	1
French	1
Honduran	9
Indian	2
Jamaican	44
New Zealander	1
Nicaraguan	7
Pakistani	1
Philippino	1
Vincentian	1

iii) The total number of applications pending as at the 30th June, 1993, for the grant of permanent residency without the right to work was 51 consisting of the following nationalities:-

American	27
Belgian	1
British	8
Canadian	7
Finns	1
French	1
Jamaican	4
Philippino	1
Swede	1

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if the category which consists of those persons applying for the grant of Caymanian Status, if the list is inclusive of those with Caymanian connections?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, that is the total.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Regarding the two categories of permanent residence, can the Honourable Member say what would be considered a normal time for processing these types of applications, and if, those applying for permanent residence without the right to work would be processed on a more rapid basis than those with the right to work?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, in practice there is no time laid down for processing either group of applications. The Board regulates its own procedures and deals with applications on an on-going basis. However, they tend to group them on agendas so they do not have them scattered on individual weekly agendas. They will typically schedule a meeting which is predominantly catering to those types of applications. But there is no set time in which the Board consistently will deal with those types of applications. It varies from time to time.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if it is the procedure of the Board to acknowledge applications in these categories when received?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, it is the practice to acknowledge all applications.

THE SPEAKER: The next question is No. 163, standing in the name of the First Elected Member for Bodden Town.

MR. ROY BODDEN: I beg your pardon, Madam Speaker, this question is down to be answered by the First Official Member. However, my recollection is that I submitted it to... can you say, Madam Speaker, if it was referred to this Honourable Member?

THE SPEAKER: I am afraid I am at a loss. I have been informed by the Clerk that this was referred for answering to the Honourable First Official Member.

QUESTION NO. 163

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

No. 163: What procedures are employed to assess the performance of teachers in the school system in the Cayman Islands?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: In the Public School System the Performance Appraisal Procedures are the same as those used for Officers in the rest of the Civil Service. An Annual Performance Appraisal Report is prepared by the teacher's Head of Department (in the High Schools) and passed to the Principal for comment. The teacher is required to review the report and add his/her signature to show that he/she is aware of the contents. The teacher may add any comments that he/she considers relevant to the report.

Once the report is received by the Chief Education Officer it is further commented upon and forwarded to the Secretary of the Public Service Commission, along with the teacher's comments, if any. The Annual Performance Appraisal is used by the Public Service Commission when considering renewal of contracts/temporary Appointments, matters of discipline, promotions and Acting Appointments as well as study leave with pay. The Chief Education Officer will also respond to the report by meeting with those Officers whose reports give cause for concern.

From time to time, the Public Service Commission also sends out letters of commendation to those teachers whose reports are exceptionally good.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if there is any assessment of teachers' classroom performance and managerial skills?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker. Managerial skills, however, are only assessed with respect to those given management responsibilities.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Am I then to understand that as regards the teacher's classroom performance, that the teacher is assessed by someone who stands and watches the teacher teach a lesson, review his lesson plan and perhaps ask brief questions concerning the aims and stated objections in the lesson plan?

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: My understanding is that the Principal of each school, together with the Head of the Department for that particular subject area will, among themselves, determine the means and mechanisms by which their staff will be assessed and staff are informed prior to commencing work how their evaluations will be undertaken.

THE SPEAKER: The next question is No. 164, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 164

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE COMMUNICATIONS AND WORKS

No. 164: To state whether laboratory testing of construction materials for sub-division roads, etcetera, is still being done?

THE SPEAKER: The Honourable Member for Agriculture, Communications and Works.

HON. JOHN B. McLEAN: Madam Speaker, laboratory testing of materials is done on a random basis. However, there has never been a rigid material testing programme on materials used by private developers in subdivisions. In subdivisions, the materials and construction have been visually inspected by Public Works and as time and personnel permit.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say how it is possible, by a visual inspection, to ascertain that roads are constructed up to the strict standards that can only be arrived at by laboratory testing?

THE SPEAKER: The Honourable Member for Agriculture Communications and Works.

HON. JOHN B. McLEAN: I presume that the Director of Public Works Department and his trained personnel would know exactly what to look for with regard to the quality of the road in question. Therefore, they are the authority on the roads and would know exactly what to look for.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if there were any cases where the Public Works Department actually took material from the construction of some of these subdivision roads to the lab to have it tested independently of the developer or contractor?

THE SPEAKER: The Honourable Member for Agriculture, Communications and Works.

HON. JOHN B. McLEAN: Madam Speaker, the answer is yes. It is my understanding that the Public Works Department has utilised the services of a private lab on different occasions for the testing of the material of these subdivisions.

THE SPEAKER: That concludes Question Time for this morning.
We proceed to Other Business. Private Member's Motion No. 8/93 - Public Utilities Commission, continuation of debate thereon.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 8/93
PUBLIC UTILITIES COMMISSION

(Continuation of debate thereon)

THE SPEAKER: The Elected Member for North Side.

MRS. EDNA M. MOYLE: Madam Speaker, I believe that when the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac brought this Motion before this Honourable House it was brought with every good intention. The utility rates in this country are a concern of every politician sitting in this Chamber, and I am certain that if it was possible for each and every one of us to do something to control the prices of these services, we would do so.

The first Resolve of this Motion says: "BE IT THEREFORE RESOLVED that Government consider the appointment of up to three suitably qualified professionals to undertake a financial and operations audit of Caribbean Utilities Company and that this report be laid on the Table of this Honourable House;". This has been undertaken by the Member responsible in his statement to this House. And I have every confidence in this Member that the results of that audit will be reported in full to the Legislative Assembly

of the Cayman Islands. Whatever steps he can legally take at that time will be taken.

Madam Speaker, the second Resolve section says: "AND BE IT THEREFORE RESOLVED that Government consider establishing, by law, a Public Utilities Commission to administer, set and regulate the rates of water, electricity and telephone.". As was pointed out by the Honourable Second Official Member in this Parliament yesterday, we are bound by a franchise with each and every one of these companies offering these services to this country. In my opinion, this should have been taken care of, as was stated in the second recital of this Motion. "AND WHEREAS this franchise has in the recent past been renewed for another 25 years;". I feel these are the things that should have been taken into consideration at that time, when renewing a franchise for a period of 25 years, thereby binding the Government of this country in certain respects.

I would say to the Honourable Member, Madam Speaker, to take note of this Motion and do whatever is legally possible to alleviate the financial burden of the people of this country as far as utility services are concerned.

I give my sympathy to this Motion. But as we are legally bound, and this country, in my opinion, cannot afford to break these franchises, at a tremendous cost to this country. At this time, I would say that I cannot support the Motion but I encourage the Honourable Member to take note of what is contained in this Motion and seek whatever relief he can find for the people of this country.

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

MR. GILBERT A. McLEAN: Madam Speaker, I rise in support of Private Member's Motion No. 8/93, which asks that Government consider the appointment of up to three suitably qualified professionals to undertake a financial and operations audit of Caribbean Utilities Company, and that this Report be Tabled in this House, and that the Government consider establishing by law a Public Utilities Commission to administer, set and regulate the rates of water, electricity and telephone.

We have moved into an age when these small Islands of ours have full utilities in electricity, telephone, and almost completely in water. In all three instances the franchise given by the Government creates a monopoly. There is no competition except for what there may be seen to exist between the Cayman Water Company and the Water Authority.

In any society, including those larger than ours, governments and businesses know that monopolies are not the best form of business, for within a monopoly it is possible to control prices and set prices at what one might wish and, generally, a monopoly can wield influences in a society that other businesses which compete, cannot. When it comes to a public utility, the situation becomes much more serious. This was borne out by what I found to be interesting facts, as presented by the Second Elected Member for Bodden Town yesterday, that in the United States, for example, many years ago there were regulations put in place to regulate and monitor power utility companies. He also read a ruling of a British High Court Judge regarding the relationship between the public and the power utility company. As I listened, what struck me was the serious position or the relationship which exists in these Islands between the companies which produces electricity, telephone and water services to the consuming public in the Cayman Islands. They exist in their own right. They exist and they exert the influence I referred to earlier. I suggest, special consideration is given to them by the Government in the first instance, that is why they have exclusive licences. Even of greater concern is the fact that these licences are for such long period of time.

Madam Speaker, I suggest that these licences should surely not be for 25 years, or a quarter of a century. That type of a situation is unrealistic to life on a whole and, certainly, for life here in these Islands it is not realistic for licences to be granted for these public utilities in a monopolistic fashion, as it is, for such periods of time. When one look at the situation, where other than what is contained in their franchise or licence, there is really no regulatory body in the Cayman Islands. Yesterday, the Second Official Member made a brief statement in this House to the effect that the franchise agreement of the various utilities companies here is made between Government and each of these companies and they are for fixed periods of time and they contain binding terms and conditions. Within these licences are the terms and conditions mechanism for regulating them. But the thing about it is that it is only the Government, and in this case one would have to believe that the Government Executive can activate any action to examine, or to correct, or to go to court for that matter whatever one might consider. It is not the case that there is a separate body, such as, a public utility company whose business and whose functions it is to constantly monitor the affairs of public utilities companies in the Cayman Islands.

The Second Official Member also noted that no third party could have any dealing into these licences or contracts and a third party might conceivably be a power utilities commission. But that, in itself, is objectionable in my opinion. For if we consider the next 25 years in that time governments will come and governments will go. How inclined will governments be in that period of time to do anything such as monitoring or delving into, or questioning, or ordering audits of these companies which would assist the public good and the public's interests?

If we were to look at what has happened in the past, as some reflection of what might happen in the future, there basically has not been any such instances where an audit has been ordered, such as, what the Member for Communications said the Government has now decided to take. The only recollection that I have of any examination, and if I remember correctly, it was at the time when the contracts were being negotiated back in 1977/78 of both Caribbean Utilities Company and Cable and Wireless. At that time two specialists were brought in by Government to this Island and they looked in depth at the operations. In both instances, as I recollect, it was pointed out to the then Member responsible for utilities, that the Cayman Islands Government and its people were not getting as fair a position in the agreement as was reasonable. In fact, Madam

Speaker, I well recall at that time that there was a recommendation that there should be a set up of a power utilities unit within Government which would be responsible for monitoring what was happening in these Islands over where telephone and electrical utilities were concerned.

Madam Speaker, the last licence granted to the electrical company in this country gives it a guarantee of 15% annual profit on its capital investment. How many places in the world and, personally, I do not believe there is any other place in the world where a government of a country would give to an electricity company a guarantee to make 15% profit every year. The whole nature of utilities, is one where it exists for the public to utilise its services. It is not for a year or two or three or four or five, or 20, whatever. Utilities particularly, of electricity and telephone, goes on forever, it goes on into infinity. So as long as there are people in this country and on these Islands there will be a demand and usage of electricity. So, the utility company should have to function similarly, like any other businesses where some years' profit is high, other times profit is lower and so it acts according to the supply and demand.

I argue, on top of that, that this 15% guarantee should be removed from the franchise of this company, or of any public utility company that offers services in this country. It is, in effect, the agreement by the Government that that electricity company can tax the people of this country to the extent that it requires to give itself a 15% return of profit on its capital investment. It is amazing to think that the Government itself cannot tax the people of this country unless it brings a Money Bill into this Honourable House and it is debated, argued over and then a vote taken by the representatives of the people before the Government itself can tax the people. But here is a utility company that has the right written into a franchise. Madam Speaker, the company has recently increased its charges by 2.5%. They say they are increasing it now so that next year they might not have to increase it. That sort of logic... not logic, that sort of argument put forward by the electricity company of this country is ridiculous! And for the Government to accept that argument it is ridiculous. The increase should, in truth and in fact, not have gone into effect because the price of fuel for one thing have dropped.

Again, according to an official report, if I remember correctly, the Member responsible said that, "the Government has no control over the increase in charges but Government can participate in its rate structuring". That is, how much per kilowatt hour they charge per dwelling home and how much they charge say, for example, an hotel. Then of even greater concern is the fact that after the big users of electricity uses so many kilowatt hours of electricity the cost drops. But the homeowner, however much they use they have to pay the full rate.

This whole situation is twisted in this country and it needs to be corrected. If there is one thing I believe that everyone in this country would agree on, is that some controls need to be put on the cost of electricity in this country, and thus, some regulation on what the company (called Caribbean Utilities Company) can do in terms of taxing the people through increased charges. It is not difficult to envisage that if the utility rates in Cayman keep increasing, as they do, that persons that are all the way down on the income earning ladder in this country, even though they may use small quantities of electricity, it can impact on them to the extent that they cannot afford it. For that matter, it is conceivable the way the prices increase for electricity here in these Islands that even those higher up in the income bracket will feel serious financial strain from it. I think that applies across the board right now even with those in the higher income brackets. For only yesterday, I was speaking with a foreign person who owns a condo on the Seven Mile Beach, and was exclaiming about the cost of electricity here on the Island.

Madam Speaker, the request for an audit which has inspired the Member and the Government to call for one, is quite commendable. But, I do not necessarily believe that any audit of the company's finances will show that two and two does not make four. I think that where the picture will emerge, is if, there is an operations audit which will show what efficiencies are taking place within the plant; whether equipment is being utilised to its maximum or whether, indeed, that type of equipment is the best for it. And also, what is going into the capital base whether that rightly and properly should be there. For as long as that capital base expands and more money is spent within that particular segment, then, the larger the profits for the company.

Madam Speaker, the situation of these Islands with its public utilities is one that needs Government's keenest attention particularly, the cost of electricity which affects everyone and every single business. It affects the tourism business; in terms of what they must pay for electricity, in terms of what they must charge their guests in the hotels and other accommodations. It affects the homeowner. Virtually everything in the country operates on electricity. We are looking at a situation of a monopoly of 25 years. Something needs to be done by Government right at this point in time to take hold and take the situation into hand. An audit? Yes, is necessary. I am very glad to see that it is to take place. I would hope that this would be done by professionals of the highest calibre and that they would go into every detail that they could reasonably go into to establish what is the financial position. In addition to that, I do believe that it is necessary for there to be an operations audit.

Madam Speaker, I cannot, for one moment, believe that the Government would not wish to create a Public Utilities Commission. The formation of such a commission would not be one to interfere into the business of the franchise and the contractual agreement which is now in existence between Government and Caribbean Utilities Limited. It would be one, as the Motion says, "...to administer, set and regulate the rates of water, electricity and telephone.", to whatever extent that it could legally do so with the present franchises in place.

Madam Speaker, I am told that in recent weeks there has been one large legal seminar where the very matter of public utilities was discussed at great length. Many learned lawyers were looking at the legal position and responsibility of utility companies to the consuming public. The general consensus was that the governments in various territories, and particularly, commonwealth territories, were not as responsive to the welfare of the public where utility companies were concerned to the extent that they should be.

I was also told that the question about the exclusive franchises and licences of some companies were discussed. And it was felt that where it was not economically sound to have more than one power company operating in the country, that any licence should be highly regulated. Even, in fact, where there were existing contracts that government has an inherent right in carrying out its duty to maintain peace, order and good government, that it could require, and indeed, go to court to have franchises open and renegotiated. For there is one burden we cannot escape, and that is paying our electricity bill. And if that burden becomes too heavy for a population to bear, then, it is the duty of the Government to look into the matter and see whether it does not demand Government taking steps to ensure that there is order and good government by maintaining a balance between business and the consumer (the public).

Madam Speaker, a matter too that I have always wondered about (always, not just at this time) is that in many instances Government has stood a guarantee for the utility company here to borrow millions of dollars. The Government does not own that but the Government has to stand guarantee for it, supposedly. It has happened on more that one occasion. How does one reconcile that situation, where the Government is guaranteeing the borrowing of this company that is making profits which the Government itself is guarantee and the Government has a limited amount of regulatory authority in the whole process? Another matter I have wondered seriously about, is why, over the years, has the Cayman Islands Government put people who are part of Government on the Boards and directorships of Caribbean Utilities Company? In the most recent instance the Member for Health and the Deputy Financial Secretary have been designated to become members.

Madam Speaker, with nothing more than a serious concern, I believe that the Government is ill advised in doing that. For the company operates separately for its own welfare and for its own good within the franchise it has. For people who have policy-making or decision-making influence on Government's position, for them to make Government policy and also to be a part of the policy-making of the company, I see it as a conflict of interest and a conflict to Government. Government cannot then turn around, I believe, squarely and unbiasedly, take a matter evolving from out of the electricity company and objectively examine it where it has to regulate it.

I really do trust that the Government at this point in time will seriously consider that situation. I postulate that if a serious legal opinion is taken on the matter that the legal authorities would have to advise that there are certain inherent elements in it that are not acceptable.

Madam Speaker, one of the things that happens in this country, and elsewhere too, is that where an exclusive franchise or licence which goes over a number of years, is given to a utility company such a licence eliminates competition. It also creates interlocking directorships and cross managerial conflicts of interest. In the whole process of this company, if you take the Caribbean Utilities Company, where there may be directors in that company involved with other businesses within the Cayman Islands, be they banks or whatever, it tends to create a crossover of an interlocking level of persons who have inside information of what is happening in the utility company. What is happening inside their own business and there is, at least, the opportunity that business as it should fairly and competitively operate may not do so. There is danger in it. Business danger. The danger, where Government is concerned, is where Government may not be able to exert its fullest strength in regulating something where its members have been a part of a decision taken by the company to take a particular action. Certainly, where there is information available to directors who interlock or crossover, it is insider information and such information by a small group of people who have grown exceedingly strong because of being privy to that information cannot be in the best interest of the consuming public.

I believe that this Motion has come about at a time when a decision needs to be taken to do something about the situation as it exists in Cayman where there is minimal regulation exercised by Government where public utilities are concerned. The time to do it is now. The opportunity is at hand and I certainly, do recommend it to the present Government.

The fact that there is a financial audit, I believe the Government would be well advised to have an audit which looks at the plant operations and its capital base and what goes into that. I believe that a Public Utilities Commission should now be set up so that the public can be protected in paying for the services of water, electricity and telephone. We are living in the year 1993 and it is a real world and a Public Utilities Commission is a real thing, a real entity that is utilised by most countries of the world to regulate utilities and thus to offer that protection to the public.

Madam Speaker, there are many more areas in considering this matter of the utilities in this country. One of them is noted here, the question of deposits and them being held by the Company forever. It certainly builds up their capital. Where does the consumer come in? If there are power surges that damage accessories in the home or elsewhere, how do the members of the public get compensation? These are some of the things which I believe could be made a part of the functions of a Power Utilities Commission. Certainly, I would not advocate that it would attempt to break any agreements in these contracts which presently exist between Government and the Companies. But I believe it is incumbent upon the Government to say to the companies as regularly as is reasonable, "Let us look at the situation in your company, versus us the people," which is what Government is: Government is a representative of the people, "...to see that a fair and just balance is maintained."

Madam Speaker, I support this Motion in its entirety and I believe not to establish the Public Utilities Commission with whatever function may be prescribed for it will be a serious mistake.

Thank you, Madam Speaker.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:19 A.M.

PROCEEDINGS RESUMED AT 11:41 A.M.

THE SPEAKER: Please be seated.

Debate continues on Private Member's Motion No. 8/93. The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, the Honourable Member on Executive Council, my colleague responsible for Agriculture, Communication and Works, has put forward Government's position. My name, however, has been highlighted in this debate and in recent letters to the press which I would like to deal with. Madam Speaker, there have been problems, from the public's point of view, and certainly, there has been dissatisfaction with Caribbean Utilities' rates and the franchise, ever since there has been a franchise. Attention has been drawn to a 1989 resolution, put forward by myself, calling for a Public Utilities Commission not only to look at Caribbean Utilities Company, but to look at all public utilities. That was defeated.

I heard yesterday, that when one moves across the floor, from being a Backbencher to what they said is an "exalted position", one becomes a different animal. Well, I am still the same McKeeva Bush. I think the whole House and (especially during this Meeting) members of the public realise that I have not changed. What I have to say, because I believe something, I am going to say it regardless of whom it hurts. I have collective responsibilities in this executive position, that is a different matter; but I have not changed concerning what I believe are the high rates of Caribbean Utilities Company. Thank God, that I am now in a better position to find out for myself. Maybe that is what all the hullabaloo is about, this Member being appointed to the Board because they know I will find out and I will do something.

Let us put things in the right perspective. There are complaints, not about the services we get, because as I said in 1989, and I say it whenever I speak on Caribbean Utilities Company... and, Madam Speaker, I do not think it was too often that I spoke on Caribbean Utilities Company. I had occasion to and on those occasions I rose to the matter... that people are concerned and dissatisfied with the rates, not with the services. Everybody agrees, the vast majority, that we do get good services.

The next point, and it seems that they do not like this when we have to defend our position, but it was not this present administration that gave the Caribbean Utilities Company a contract. It was the previous Government and the record must be put right. Madam Speaker, I would love to have seen the Second Member for Cayman Brac in his seat. Perhaps he is hiding out. Nevertheless, I would like to point out to this Honourable House that an audit that was proposed by the Honourable Member for Communications, is not just an audit on books, not just an audit of figures, or two plus two, as Ezzard Miller wrote in the *Caymanian Compass*, and the Second Elected Member for Cayman Brac echoed here in the House. That would be what I would term "Ezzardnomics" and "Gilbertnomics". Nonsense! What we are doing is an audit on everything. How else would we know how the company arrived at their figures for rate increases, or anything else, if Government did not order an audit on everything? So let us put that to rest. This is not an audit to prove that two plus two makes four. This is an audit to determine how they come about that, and that means auditing everything. A complete "look - see" at the situation.

I believe that the Honourable Member for Communications, as was presented to this House and presented to Executive Council, is on the right track. He is doing the right thing. He is going to determine first what is the true position and then he is going to take action thereafter. You just cannot get up willy-nilly and do something. And I think he is on the proper course.

There was another matter which was raised by the Second Elected Member for Cayman Brac and also raised in a letter to the *Caymanian Compass*, by Mr. Ezzard Miller. They said that it is a conflict of interests for Government to appoint me to the Board. The Second Elected Member for Cayman Brac and Little Cayman said, that it is legally inherent, something is legally wrong with it. It is a pity that the Member for Cayman Brac and Little Cayman had not made his thoughts known for the past four years.

Madam Speaker, the Caribbean Utilities franchise with this country calls for three Government Directors. It is that way today, and it has been that way from day one. Let me point out to this Honourable House and to the country that this Member has no shares, and does not intend to get any (cannot afford any), in Caribbean Utilities Company. The conflict would be, I believe, if a Member of Government, not because he is a Member of Government - the franchise requires that, - had shares in Caribbean Utilities Company. I believe that would be a conflict.

Madam Speaker, and Honourable Members, section 13, of the franchise, reads, and I quote:

> "Three seats, at least, on the Board of Directors of the undertakers..." (that is Caribbean Utilities Company) "...shall be filled by persons nominated by the Government. These three directors shall be selected each year by the undertakers in the manner hereinafter set out from a list of six persons to be submitted to the undertakers by the Government prior to the Ordinary General Meeting of the undertakers each year.
>
> The special directors shall be elected by a majority vote of the members of the undertakers voting either in person or by proxy at each such Ordinary General Meeting from the above mentioned list submitted by the Government. Their term of office shall be from the time of election until the next Annual General Meeting of the members of the undertakers and until their successors are elected.
>
> In default in the submission of a list by the Government of the aforesaid, the special directors, for the time being in office, shall be reappointed by the undertakers upon their retrial in terms of the Article

> of Association of the undertakers.".

My appointment, and the appointment of the Honourable Temporary Third Official Member, who is the Deputy Financial Secretary, and the private person, have been within the terms of this franchise. We are not there as directors, per se, of Caribbean Utilities Company where we are bound to vote with them. That is not the way it is going to be. We are there as Government's ears, eyes and the protector of the people. We, on that Board, are to give Government's position on any particular matter. And as I said, to make it absolutely clear, this is not the first time that a Government representative has been on the Board. This has been from the days when they had the first licence. Some who were representatives on the Board then are still there today. It has continued into the last Government. What is this big hullabaloo about? We are there in a regulatory function on behalf of the Government and as representatives of the people. My vote will be the vote of the Government. That is the way it is, and that is the way it is going to be.

Madam Speaker, our job is to make reports to Government on matters affecting Government pertaining to Caribbean Utilities Company, and we are going to do that. However, we have not yet been to a Board meeting, there have been none. But, I want to read from the records of the Public Accounts Committee what Mr. Joseph Imperato had to say to the Public Accounts Committee: "I would like to leave you with two thoughts; for one thing, I would push or urge you to consider this rate review that we talked about. It is really important. I think the rates are going to become more and more disproportionate as expansion occurs and expansion will inevitably occur, this has to be done.". The rate he was talking about, I am going to deal with a little later, that is, the commercial rates as against the rates of private homes. "Secondly, I will draw your attention to the fact that our licence calls for three Government Directors to be on our Board.". I read that section of the franchise just now and I will not go into it. He went on to say, and I quote:

> "...It has been that way since the beginning and it is as we speak. The idea of the three Government Directors was originally for Government to have an eye and ear into the company and to have communications and to know what is going on. To answer the kind of questions, the very questions that you have asked here today", that is the Public Accounts Committee "and that have been asked from time to time over the years. I have been with the company and not one year have I seen that system work.
>
> The Government Directors seem to have no communication or no input back to Government. The Directors come into our meetings, they have access to all the information, our facts, our figures, just like any director of any company, they can come in and they can avail themselves of whatever they have to know, they ask whatever questions might be asked of Government but it never happens and they never communicate back to Government our concerns of some of the things that we want to get across. I would urge you to urge those people who make the decisions in Government to give us three people who will come and participate and come back and report to you, or whomever needs to be reported to, what we are doing and ask the proper questions and involve themselves. The system has been in place, it is just not being used.".

Madam Speaker, this Member and I speak for the other two Members appointed by Government. We are going to avail ourselves of this section 13 of the franchise. I have a duty to the public. My colleagues in Executive Council have entrusted me with this responsibility and I will do it to the best of my ability with a clear conscience. Because I have no shares in Caribbean Utilities Company and I do not even know if there is anything paid to nominees on the Board, but I will do with that what I usually do with anything that I can. I will give it to the poor people, or I will give it to the Church, or I will give it to the Lions Club, or to the Youth Organisations. That has been my position over the years, that is what I am going to continue to do. So, while I am a member of the Board, my objective is to see the country righted and Caribbean Utilities Company righted. I have to be fair. But, I am going to see that the country is righted. Another objective, while I am a member of the Board will be to see a reduction in the cost of electricity. The big hullabaloo about my appointment is because of people like Mr. Ezzard Miller, people like the Second Elected Member of Cayman Brac and Little Cayman, who knows that when I set out to do something, it will be done.

There needs to be a rate reduction and there will be an examination of the difference between what is paid by householders and commercial rates. I believe that this is what the Caribbean Utilities Company wants, as well, and this is what I am going to attempt to accomplish while I am there. But people like Mr. Ezzard Miller, and House Members with the mentality of the Second Elected Member for Cayman Brac, do not want to see it. That is my opinion, and they know that we are going to do it. But they would rather get up to say that the Government has not done anything. I do not know, Madam Speaker, whether a public utilities commission will work. I said in 1989, that I believed it could work. But, I say again, the Honourable Member responsible and Government have agreed to go the route to see where we are at by doing an audit first. I think the Member for Agriculture, Communications and Works is on the right track.

So, Madam Speaker, I do not understand what this nonsense is all about, me being on the Board of Caribbean Utilities Company. From their point of view they must have something to hide or one of their friends must have something to hide that they do not want me to find out. But if there is something there, I will find out and the Cayman Islands will know. If those persons who are so interested about what happens to the public because of the rate structure of Caribbean Utilities Company, why did not Mr. Miller do something about it while he was in Executive Council for the last four years? Why wait until now when he cannot do anything about it, but to attempt to spread rumour?

There seems to be a lot of rumour these days. But, I take

comfort in the fact that the value of a man is not in what he says, not how much a gentleman he says he is, not how much education he says he has, but his genuine actions and honesty to do some good. There has been talk about no checks and balances in our system. One letter today, in the *Caymanian Compass*, talks about it. But there are checks and balances for conflicts of interest. Section 19(g) of our Constitution says:

> "No person shall be qualified to be elected as a Member of Assembly who –
>
> (g) is a party to, or a partner in a firm or a director or a manager of a company which is a party to, any contract with the Government of the Islands for or on account of the public service and has not, in the case of a contested election, caused to be published, at least one month before the day of the poll, a Government Notice setting out the nature of such contract and his interest, or the interest of any such firm or company, therein;".

Section 20 (f) of the Constitution says that an Official Member is in the same position. Section 20(f) basically deals with Official Members, and 20 (3) (f) deals with the seat of an Elected Member:

> "if he becomes a party to any contract with the Government of the Islands for or on account of the public service, or if any firm in which he is a partner or any company of which he is a director or manager becomes a party to any such contract, or if he becomes a partner in a firm or a director or manager of a company which is a party to any such contract.".

So we have provisions for conflict of interest. Further to that, our Standing Orders have provisions for dealing with pecuniary and professional interests. So there are provisions in our system and I do not think that the writer of that letter has any call for concern about this Member today. I am going to do as I have always done - my best.

There is another area which I should point out to this Honourable House. In dealing with those commercial rates, Mr. Joseph Imperato said, and I am again quoting from the Minutes of the Public Accounts Committee: "The second part in the answer of your question is that rates can be reduced to private users as opposed to commercial users immediately because there is a disproportionate sharing of the cost of electricity between the large commercial users and the residential users. We have been trying to push this for several years now and trying to point out to Government that there is a very disproportionate sharing of electricity rates. For example, if there is a major expansion, a major hotel goes in, the commercial user's rates will be about the same but the private user's rates will go up, they will be carrying the cost of that.".

So, Madam Speaker, those people on the outside and Mr. Miller, who were a part of the Executive Council in the last administration, if they wanted to do something about rates, they could have done it. This is what the Chairman is saying, they have been pushing it to Government for the past several years. This Government is on the right track. We are concerned about our people, we realise what the people are going through because we all have to share that cost. So, we are going to do something about it. But that is the type of individual that previous Member is, he could never tell the truth about anything. He has others in this House who appear to be protecting him whenever they can. They must have something in common.

Madam Speaker, I would like to point out to this Honourable House that the situation about this monopoly for 25 years is much worse. They sit there and talk about a 25 year monopoly, but this Government can do nothing much about that. It is much worse because the franchise is open ended. I want to read section 12 of the franchise for Honourable Members:

> "This licence will come into operation on the date hereof and shall run for a period of 25 years with the undertakers having the right after a period of 20 years to enter into negotiations with Government for the renewal of the licence upon the expiry of the said 25 year period. The Government hereby agrees that upon the expiry of the said 25 year period as aforesaid, it will not grant an exclusive licence or franchise to any other person or company for the commercial generation distribution and supply of electricity in the Island of Grand Cayman without first having offered such a licence or franchise or a renewal of this licence to the undertakers on terms no less favourable to the terms offered to such other person or company.".

I wonder if the House understands what this is really saying? I wonder if Mr. Miller and his cohorts understood what this meant when they were in Government? If they think this is easy, they are making a sad mistake. It is not an easy situation. I hope Honourable Members understand what this is saying. Government, at the time of renegotiation, cannot offer any franchise to any company without first having offered such a licence, or franchise, or renewal of this particular licence that I hold in my hand, to the undertakers, Caribbean Utilities Company, on terms no less favourable. And they are saying that it is 15% return on their investment and it is a 25 year licence. So what it is saying is that the Government, and I repeat, the Government of this country, cannot and will not grant an exclusive licence or franchise to any other person or company for the commercial generation, distribution and supply of electricity in the Island of Grand Cayman without first having offered such a licence or franchise or a renewal of this licence (this one has a 15% return on investment and a 25 year licence), to Caribbean Utilities Company on terms no less favourable than the terms offered to such other person or company.

So, what we are looking at is not 25 years, because Caribbean Utilities Company has a tremendous investment in their power plant and they will not give it up easily. This thing here says they have the option, which they will exercise, for a further 25 years. Mr. Ezzard Miller and his cohorts should have done their homework while they were in the position to do it. They should not have left it for this

Government to do, or to attempt to do, and then come back and criticise the Government's appointments to the Board.

I believe that the Executive Council has done their best, are doing the best that we can under this licence, and I believe and give credit to my colleague, the Honourable Member for Agriculture, Communication and Works, for standing firm. He has been busy trying to come to grips with this problem. Members should appreciate this rather than getting off willy-nilly, just because a resolution was passed in 1989, to try to show McKeeva Bush up. Madam Speaker, they can accuse me and they can try to smear my character as much as they want. The people understands where I come from and the people understand what I am trying to do. Anytime my character is being smirched, like the appointment on this Board, because that is what it is all about, I can lay my cards on the table as I did yesterday.

Thank you, Madam Speaker, Government has already said that we cannot accept the terms of this resolution.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I have listened to all of the other Members of this House debating Private Member's Motion No. 8/93, for a Public Utilities Commission. It seems to me that about 95% of the debate has surrounded Caribbean Utilities Company. Madam Speaker, the last resolve section in this Motion reads: "AND BE IT THEREFORE RESOLVED THAT Government consider establishing, by law, a Public Utilities Commission to administer, set and regulate the rates of water, electricity and telephone.". I grant that Caribbean Utilities Company, rightly so, would have been the focus of most of the debate. But I would like to raise a few points outside of the Caribbean Utilities Company's football field, to show, in my estimation, reason why a Public Utilities Commission might be helpful to the people of this country.

First of all, what comes to mind is a disparity which, I do not know, factually, if it has been corrected yet (up until a few months ago this situation was not corrected), and it has to do with the paying public and their water rates. The Cayman Water Company's first operation was on the West Bay Road, since then, the Water Authority has come into existence and there have been various expansion programmes by the Water Authority. The Cayman Water Company has since then, gone into the district of West Bay and provides a service of supplying water. Now, the rates that the Cayman Water Company charges in the district of West Bay are regularised with the rates that the Water Authority charges the public at large. But, to the best of my knowledge, and I have not heard that it has changed, the people on the West Bay Road are still paying a different rate for their water because of, what I may term, an anomaly somewhere along the line.

I remember making mention of this in this Honourable House, using it as an example, sometime very early in this year. I just bring that point to mind, not necessarily to divert attention away from Caribbean Utilities Company, but simply to show that there are other reasons for the existence of a Public Utilities Commission. I do not know, if this problem still exists, who is going to solve it; that is, the problem with the difference in the water rates.

My understanding of a Public Utilities Commission, and the terms of reference under which it could operate, is that it would allow for arbitration in many cases. I listened to all Members speak yesterday, and today regarding this Motion, and no one, but no one, has not said that the people are dissatisfied - they have heard complaints, the people do not have anywhere to turn to. If they believe it, and if this is true, then why not a Public Utilities Commission? I understand what the Second Official Member explained yesterday regarding the legalities of the franchise under which Caribbean Utilities Company operates. I understand from the Government Bench where their hands are tied in certain areas. I also understand that in their going about in the normal fashion with regards to their daily chores as the Executive Branch of Government that they are doing, and will do, their best to deal with the problems that they see with regard to utility rates. But, in my humble opinion, there are many other areas that John Public cannot access anyone, for answers where a Public Utilities Commission could serve.

A Public Utilities Commission, while not being able to go to an operator of a franchise and say, "Look fellows, I do not like what you are charging, you have to do something about it". I know they cannot do that. I know that! But, I envisage that a Public Utilities Commission being able to say, "Gentlemen, if you want to say that you are going to raise your rates by 2.5%, here is what we want to examine. We want to examine the equipment that you are using. We want you to prove the efficiency rating of that equipment. We want you to possibly discuss with us the opportunities that you may have with regards to an alternate fuel you might use which may cost less. Madam Speaker, no one can refute what I am saying about that is not relevant.

So, while I understand the points regarding franchises that the various utility companies might have in effect at this point in time, and where the Government hands are tied. I see many other areas where the public at large could be served by a Public Utilities Commission. It is a pity that the Motion, whether by interpretation or by the words used, was not a little bit more specific in the area that I am mentioning. But, that is not to say that it could not be encompassed by Members of this Honourable House in thinking whether or not to support this Motion. Some people will decide that their stand is based on factors which are on the periphery of, what I consider to be the debate at hand. I understand, it gets to all of us, things happen. But, if we could stop for a second, get ourselves back down to the right order and consider the merits of a Motion such as this, I think it is possible for the Members of this House to lend support.

I am not standing here today to simply say that I have taken a stand to support it because it is brought here by the "twins". I say, that Government can still go about its business dealing with the matters that have been raised here today and still find where a Public Utilities Commission could serve its purpose. I, therefore, support the Motion.

Thank you.

THE SPEAKER: If there is no further debate I will ask the Mover of the Motion, the First Elected Member for Bodden Town, if he would like to reply.

MR. ROY BODDEN: Thank you, Madam Speaker.

Were it not for the fact that there are some few points which I would like to reemphasise, I would be perfectly happy to let the debate wind up on the note left by the Fourth Elected Member for George Town who, in his usual convincing style, hit upon the crux of the matter which, it seemed, escaped the majority of those debating the Motion.

I am glad that Honourable Member saw fit to point out the fact that the Motion does not singularly ask for a regulation of the Caribbean Utilities Company by the establishment of a Public Utilities Commission. But in its last section reads: "AND BE IT THEREFORE RESOLVED THAT Government consider establishing, by law, a Public Utilities Commission to administer, set and regulate the rates of water, electricity and telephone.".

Madam Speaker, in their reply, the Government has concentrated on the inability to do anything about the franchise currently held by Caribbean Utilities Company. But, has not stated the Government's intention to consider some form of regulation of water rates and telephone rates. Therefore, when the Motion is closed and the matter is voted upon, the supporters of this Motion are at a loss. Because they do not know if the Government's position regarding the Caribbean Utilities Company's franchise and the regulation of rates is the Government's position regarding the Water Company, the Water Authority and the Telephone Company.

I would, therefore, ask if, at some subsequent time, the Government would see fit to declare their position as regards to the regulation of the rates of these two companies. Having pointed that glaring inconsistency out, Madam Speaker, let me move on.

I would like to open this part of the exercise with a brief quotation from a book entitled, "The Private Provision of Public Services in Developing Countries", written by Gabriel Roth, and published for the World Bank. Page 109 of that text reads: "In situations where a single distributor obtains a monopoly to supply electricity so that consumers do not have the choice of switching to another supplier, the Government must ensure that prices reflect costs and that consumers are not victimised.". Madam Speaker, I would extend the argument not only to electricity monopolies, but also to those monopolies of telephone and water. It is the Government's responsibility to ensure that consumers are not victimised, or that the consumers are not at a disadvantage.

Interestingly too, in a paper prepared by a prominent Caymanian attorney, Mr. Steve McField, entitled, "The Cayman Islands Needs Public Utility Commission", and, Madam Speaker, I understood from the author that this paper emanates out of his recent participation in a conference in Barbados of Caribbean lawyers, who discussed and dealt with this whole notion of public utility monopolies in Caribbean Territories, with particular interest in the developing territories. Mr. McField, in his paper, had this to say: "A Public Utilities Commission will ensure quality service which will be responsive to the consumer needs and not the other way around. Public Utilities Companies, including Water Companies, should, and must, recognise that the Public Utilities Company, the consumer and the Government comprise a partnership in respect of services.". Earlier, in his introduction, he said that these companies, by their structure and nature, are monopolistic. The paper, Madam Speaker, goes on to say many relevant things which were covered in debate by previous speakers.

I would now like to return to the Public Accounts Committee. There have been attempts by previous speakers to shade a different meaning into what the Public Accounts Committee had to say on page five of its Report, recently tabled. I would like to re-read what it said, for emphasis: "The Committee further recommends that when Government reviews the Licence at the ensuing 5 year interval it lifts the duty exemption on equipment which Cable and Wireless now enjoys and bring it in line with the 10 per cent import duty charged to Caribbean Utilities Co. Ltd.". [Report of the Standing Public Accounts Committee on the 1992 Report of the Auditor General on the Audited Accounts of the Cayman Islands' Government for the year ended 1992] Immediately preceding that, the Public Accounts Committee suggested, and I quote: "It is the opinion of the Committee that a Public Utilities Regulatory body should be established to regulate the telecommunications, electricity and water supply industries.". Madam Speaker, how in the world that could be interpreted to mean anything other than a Public Utilities Commission, escapes this Member.

The Fourth Elected Member for George Town raised a salient point in his argument. There is no place for consumers to turn to seek redress for their grievances, especially, when they have complaints of damages to their amenities caused by power spikes in the case of the power company. There is nobody! There is no clearly demarcated office saying "Public Utilities Commission", or "Consumer Protection Agency", or "Civilian Advisory Board", or anything of that nature where someone can walk in and say, "I would like to investigate into the situation where the motor on my refrigerator has burned up because of what I believe was a power surge...". There is no office to help them prepare a complaint to receive compensation. Yesterday, my colleague, the Second Elected Member for Bodden Town, mentioned the situation with the Water Authority where there was a difference in water pressure which caused inconvenience to customers and sometimes caused wastage if the customer is not aware that this is happening and how to address it. There is no place that a consumer can go. Madam Speaker, we have to take into consideration that many of the consumers are not people like us with a knowledge of, first of all; how to alleviate the problem, and in the second instance; how to go about seeking some form of redress or compensation. I contend that it is the duty of the Government in these cases to take up the cause of these people. The Government is the trustee of the people in these cases.

Of course, I take cognisance of the position and the intention announced by the Honourable Member with responsibility for Agriculture, Communication and Works and of the

audit of the Inspection, and of the steps he has taken. I give that Member credit and my knowledge of him is that I know he is going to do exactly as he says. But, I want to underscore an important point. Let us not continue to fall into the trap of blaming the past Government for something that we now have a moral obligation to try to amend.

Let me put a case for the sake of supposition. Someone had an accident some years ago and knew that as a result of that accident if they did not move to seek medical attention they were going to be left with only partial use of a limb and they let the situation ride. The years passed until it reached a stage where they could not recover the full use of the limb. Would it make any sense to say, "Oh, if only I had done this, if only this was done", or would it not have been better for them to seek immediate relief and have the problem redressed and addressed at the time when such relief would have been beneficial?

So, Madam Speaker, while I agree that there may be some merit to the argument, I do not want to fall into that trap of blaming the past Government. I know that the franchise was discussed and renewed during their tenure of office. But I am saying now, let us see now what we can do about it. The Public Accounts Committee said that the Government should try to do something in the ensuing five year interval when the review of these licences is due.

Madam Speaker, the excuse that nothing can be done for the next 25 years is not good enough. Let me underscore the time frame that we are talking about, it would mean that we would not be able to do anything for seven elections to come if we have elections every four years. It would have to take seven elections before this matter could be addressed, redressed or discussed if we were to take this excuse seriously. I daresay, that at that time, in these hallowed halls, as robust and energetic as the occupants are now, there would be few, if any, of us around.

So must we suffer for that millennium? Or do we owe it to our constituents and our countrymen to see what can be done now? What is wrong with initiating a dialogue now? Certainly the principals of Caribbean Utilities Company, and I am just focusing on that particular company because in the debate that is the company on which most time was spent (I will deal with the others later), certainly the principals are reasonable people. We have treated them reasonably well by guaranteeing them a 15% return on their capital investment. Has any approach been made to them saying, "Gentlemen, we have been receiving perennial complaints from our constituents who, indeed, are the providers of the money which guarantees your 15% investment, let us sit down and see if there is any common ground, what you are prepared to give and what we are prepared to accept." The Government that does that will go down in the history of this country as a good Government. There is nothing that precludes, or forbids, that kind of initiation at this present time.

Now, let us go on to the broader request; the Water Company, the Water Authority and the Telephone Company. Certainly, the Water Authority is still in the expansion stages as, for that matter, the Cayman Water Company. Now is the time for the Government to sit down and deal with these companies. It may well be that the Commission can be so broad, so general, and that there can be so much common ground that we can have one Commission covering all three utilities. Or, it may well be that we have to have one Commission with three different units. But, if we do not begin, how are we going to know what we need? Or, are we going to wait until the problems of the Telephone Company and the Water Company and the Water Authority become as onerous as that of Caribbean Utilities Company and then leave it for the next seven elections and say, "Let those people who will sit in these hallowed halls deal with it then"?

I would like to reiterate, we, the occupants of this Chamber now, at this time, on this day, have the responsibility, we have the moral obligation - and this is a very important point - many of us, certainly those of us who campaigned under the umbrella of the National Team, made a promise, gave a pledge, that we would look into these things. Must we now throw up our hands and say we are impotent because the last Government gave them the franchise and we cannot do anything about it? Or, should we say, "Gentlemen, we realise that there has been an anomaly that, perhaps the last Government was over-generous. But, could we discuss some matters that we believe are of mutual interest, perhaps informally to begin with?" We will see how much common ground exists, and later we may want to get into more formal details, more binding, technical and legal negotiations. Because, let us not forget, if the situation degenerates to the state where people cannot afford to pay electricity, water or telephone rates, and the companies lose consumers, of what economic proposition will it be to be operating in the Cayman Islands? If the rates keep rising, as the complainants say they are, and it becomes more difficult for subscribers to afford these rates, then the alternative is to simply be disconnected from the service. We are a small community, so that will be the worse blow to the utility companies than if they sit down and negotiate reasonable and affordable rates which will allow subscribers to have the service and will ensure that they can pay the rates at the end of the month and further, to have the kind of system and organisation in place that examines their claims regarding compensation for destroyed amenities when they are presented.

Madam Speaker, I know of no clearer situation where the Government should exercise its right, as trustee of the people, to have this request which is national examined. Even if we accept the argument that nothing can be done at the moment with the Caribbean Utilities Company franchise, what about the Water Authority and the Cayman Water Company? Let me mention one point which no one has mentioned before. The Government and the Water Authority are in a slightly different position in that the Water Authority, as a statutory board, is an off-shoot of the Government. So the Government must be careful that it does not get itself into a position where the subscribers deem that its statutory authority, its company, is being unfair and unreasonable and erode, or lose, the confidence of the public, its subscribers, also the trustees to whom the Government has an obligation to look after their interests.

Madam Speaker, the time is now for us to seriously examine. The great United States is a classic example, it is the bastion of capitalism; that country that all other countries of the world want to emulate, to model themselves after, to be like, is the master at encouraging the development of these kinds of commissions. The book that I just quoted, by Gabriel Roth, is ripe with examples of how the United States set up and encourage Public Utilities Commissions.

I believe that all members of the Government, be they in the Civil Service, or be they the elected Members of Government, are honest, intelligent, honourable people, they are people of integrity. But, I also believe that situations exist where people can be co-opted and their positions neutralised. Because some things have been established by tradition, by precedence, and by historical example does not, in all cases, justify, or mean that it is right in every instance. I speak of the appointment of Government Members to the Board of Directors of utility companies. I want to ask, does the franchise agreement call for three Members of the Government, or does it call for three representatives of the Government, because I argue that there is a subtle... Subtle? No! There is a glaring difference between three Members of Government and three representatives of Government.

I understand that the usual practice is that the Government nominates six people from the private sector, or that the Government nominate six people some of whom come from the private sector, and the utility company chooses three of these. I would like to say that one cannot be fully functional and fully effective against certain situations if one sits on the Board of Directors of a company. Because, Madam Speaker, I do not care who says otherwise, the literature bears out that the director of a company, irrespective of who appointed the director, must take the company's line. So the argument that someone can sit on the Board of Directors and represent interests other than the interests of the company falls off the table. We have to be careful that utilities companies and other organisations, do not use these kinds of things as a way of, what the sociologists call, "co-opting", neutralising or eroding the independence and impartiality of certain Members, particularly, Members who have a history of standing up and speaking out against practices. Madam Speaker, what the sociologists call "co-opting" is one of the most brilliant and clever ways of getting rid of your opposition without breaking any laws or without committing any crime. Just think of how easy that is. If I have someone in my company who is forever giving me trouble, questioning me, questioning my decisions as a manager, I would bring them into my office and make them my assistant. What a nice way of neutralising them. Then, I would ask them to relay some of the same decisions to the other staff members that they were complaining were onerous and that they were rebelling against. Very clever.

We have to take cognisance of these things, especially when the people who are expecting us to defend and protect them and take their interests to heart query the efficacy of that. So, the Motion asks that the Government consider the establishment of this Public Utilities Commission, and I am standing by that resolution. I am standing by my position.

I thank those who so ably argued in favour of the Motion. I understand and I respect the position of the Government but I say that a little is not good enough. In this instance, the supporters are asking for more because the public is asking for more. I am saying that now is the time for us to rekindle the fire before the embers are cold. Now is the time for us to see what can be done, particularly in terms of the Water Authority and the Telephone Company. "So many deeds cry out to be done; And always urgently the world rolls on; Time presses, Ten thousand years seems too long; Seize the day, Seize the hour", says a Chinese poem. My position is, that as representatives of the people, the Backbenchers should feel an obligation to support this Motion. The Government, as the trustee of the people, should feel a responsibility to consider to set in motion, to open dialogue about these things.

Madam Speaker, seven elections from now is too much, too many. Twenty-five years from now is too long. The people are crying out now for relief - now, at the end of this month, at this time, in this year. I commend my Motion to Honourable Members and ask that they search their consciences in the name of our constituents and country.

Thank you.

THE SPEAKER: The question before the House is Private Member's Motion No. 8/93, Public Utilities Commission. I shall put the question. Those in favour please say Aye...Those against No.

AYES AND NOES.

THE SPEAKER: The Noes have it.

MR. ROY BODDEN: Madam Speaker, can we have a division?

THE SPEAKER: You certainly may. Madam Clerk.

CLERK:

DIVISION NO. 8/93
PRIVATE MEMBER'S MOTION NO. 8/93
PUBLIC UTILITIES COMMISSION

AYES: 5

Mrs. Berna L. Murphy
Mr. D. Kurt Tibbetts
Mr. Gilbert A. McLean
Mr. Roy Bodden
Mr. Anthony S. Eden

NOES: 9

Hon. J. Lemuel Hurlston
Hon. Michael Marsden
Hon. A. Joel Walton
Hon. W. McKeeva Bush
Hon. John B. McLean
Hon. Truman M. Bodden
Mr. John D. Jefferson, Jr.
Mr. D. Dalmain Ebanks
Dr. Stephenson A. Tomlinson

ABSTENTIONS: 2
Capt. Mabry S. Kirkconnell
Mrs. Edna M. Moyle

ABSENT
Hon. Thomas Jefferson
Mr. G. Haig Bodden

THE SPEAKER: The result of the division is five Ayes, nine Noes, two Abstentions. The Motion has been negatived.

PRIVATE MEMBER'S MOTION NO. 8/93 NEGATIVED BY MAJORITY.

THE SPEAKER: The House will be suspended until 2:30 p.m.

PROCEEDINGS SUSPENDED AT 1:04 P.M.

PROCEEDINGS RESUMED AT 2:32 P.M.

THE SPEAKER: Private Member's Motion No. 9/93. The Second Elected Member for Cayman Brac and Little Cayman.

PRIVATE MEMBER'S MOTION NO. 9/93
TRAINING PROGRAMME FOR CAYMANIANS IN THE WORKPLACE

MR. GILBERT A. McLEAN: I beg to move Private Member's Motion No. 9/93, Training Programme for Caymanians in the Workplace, which reads as follows:

"WHEREAS it is recognised that many jobs in the Cayman Islands are filled by non-Caymanian persons due to lack of qualified Caymanians in various fields;

AND WHEREAS it is a stated Government opinion and general public consensus that Caymanians must be trained wherever possible;

AND WHEREAS there is an increasing need for more qualified and experienced Caymanians to fill jobs created through continued development;

AND WHEREAS there are complaints from Caymanians that training is generally not available as it should be to provide for their learning and upward mobility;

AND WHEREAS section 6(1) of the Immigration Regulations requires employers to provide training and provides a penalty for the absence of such a programme;

AND WHEREAS no conceptual guidelines or system has been prescribed by the Government whereby it can monitor the programmes in workplaces for the training of Caymanians;

BE IT NOW THEREFORE RESOLVED that Government prescribe, by Regulation, and outline details for a national training programme in workplaces including the Civil Service and encompassing measures for reporting, monitoring and evaluating the effectiveness of such training.".

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I beg to second the Motion.

THE SPEAKER: Private Member's Motion No. 9/93, having been duly moved and seconded, is now open for debate. The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Madam Speaker, I would imagine that this Motion would catch the attention of all Members of this Honourable House in a positive manner. It is a Motion which is asking for what I believe most everyone in this House wants and so many people in the public declare is necessary, that is, the training of our own people in the various jobs in the workplace.

It is a fact that there are many, many non-Caymanians in the country, some simply because there are not enough Caymanians to fill the jobs, but in many instances non-Caymanians are in jobs because Caymanians do not have the necessary training, experience or qualification. It is well known that one of the best ways of training is on-the-job training where one might have a qualified and

experienced person in a particular job where an assistant can be in place and there can be a process of training where the qualified person shows the assistant in the job "the ropes", so to speak.

This Motion is not calling for education, as such. It is not saying that we must educate persons in the workplace, for in this case training refers to the instructing and the directing of persons in a particular practice in a particular way. It is the process of teaching someone to perform certain actions in the best manner. The present Immigration Regulations require that there be training programmes in the workplace. This Motion does not envisage a situation where only some categories of persons in the workplace should be trained. It envisages a situation where there is a national programme clearly prescribed where Caymanian persons who are not qualified, or trained to the desired level of efficiency can be trained. Through that training, ultimately, they are able to move upward into the jobs performing to the satisfaction of their employer, and one would expect that as they moved upward there would be a greater enhancement to their earnings.

I would like to refer briefly to the section which deals with the requirement in the Regulations. It is in the section "Training and Recruitment" 6(1) says: "The Board" (referring to the Immigration Board) "may require an applicant for the grant or renewal of a work permit to provide any details of a work programme that he has that is designed to ensure that persons of Caymanian status are provided with the instructions and practical experience necessary to make them fully qualified to carry out the job concerned satisfactorily and as expeditiously as possible.".

Subsection (2) says: "The absence of such a programme or the failure to implement such a programme without reasonable cause constitutes a ground for denying the grant or the renewal of a work permit.". The intention in those two subsections of section 6 of the Immigration Regulation clearly expresses the view that Caymanians must be given the opportunity to be trained. When an employer is applying for a work permit for someone to work for him, other than a Caymanian, he has to show that he has in place a training programme for a Caymanian to be trained so that that work can be ultimately taken on by the Caymanian person.

As it exists there, and as I have read it, it is a wide statement. It is not clear just what it should entail. Should it entail..., and I believe it should, some statement as to the type of practical instructions and the way that it should be handled? A Regulation should state that where the training is necessary it would be both on-the-job, and in instances where it might require more, training at an evening class or even training overseas. But it would have a specific guideline as to what was expected of employers where they have a training programme in place.

As the Motion also asks, the Regulation should encompass some measures for reporting. There should be a means of the employer reporting to the Immigration Board on their training programme, be it on a form designed for that purpose, or whatever is considered and found best in the particular instance.

Detailed prescriptions should also contain a way of monitoring it. Is the Labour Officer, or the Director of Labour to monitor this, or some other Labour Officer? Then it should be more specifically set down in the Regulations. Of course, the process of evaluation, I would see it as the employer giving their honest assessment of how well the person is doing, how much longer they believe they should be trained and, in turn, the appropriate officer in the Immigration Department, or the Labour Office would look at that report and, indeed, assess the effectiveness and evaluate just what was the situation in the particular job.

I have had representations from quite a number of people who have generally said to me, "I am in a particular job, and I believe that I can do the job that the fellow above me is doing, but I do not get a chance to do so. I do not get a chance to try the computer to see how this works". I have had the situation with someone in the banking sector who said to me that they have qualifications, I know what their qualifications are, but they are in a particular job within the organisation and it is very limited in terms of what they get to try to do over and above the duties that they are assigned on the job, which is below that of an immediate step up.

So, Madam Speaker, this Motion is simply asking that some clause, or clauses, be added to better detail what is expected of an employer to provide in terms of training within the work place, and measures for the employer's reporting and monitoring and evaluating the effectiveness of the training and, in turn, the appropriate authority in Government doing the very same. In other words, the guidelines in detail would be good for both parties, including the employee.

This Motion, I would imagine, is non-contentious and I shall wait to see if whether, at the end, this proves to be that way or not. I recommend this Motion to all Honourable Members of the House, Madam Speaker.

THE SPEAKER: (Pause) There seems to be a reluctance for Members to debate Private Member's Motion No. 9/93. The Honourable Member for Health and Human Services.

HON. W. McKEEVA BUSH: Madam Speaker, as I said in the House the other day, I assumed responsibility for labour matters on the 31st of July. Since that time, we have been familiarising ourselves with the functions of the Labour Office, and identifying areas pertaining to labour issues which will receive policy emphasis. The foremost of this emphasis is, indeed, training for Caymanians, not only for new entrants into the labour force, but also retraining of the labour force, who, for one reason or another, have not acquired the necessary skills to enable them to perform to the required levels of our economy.

Any conceptual guidelines, or systems, with regard to national training must realistically relate to our economy and our labour market. We must also strike a fair balance between ensuring that there are fair and consistent opportunities for Caymanians to progress in their chosen professions, and ensuring that such progression is performance based, not nationality based to fill some arbitrary quota of Caymanians in given positions in given firms. It appears, and we all know from complaints and statistics available, that no sector of our economy has any cause to be complacent about its record of developing local employees to their maximum potential.

In this procedure that we have started, enlightened cooperation from the private sector will obviously be vital. The Portfolio takes the view that encouragement is preferable when it comes to getting businesses to assist in the development of their Caymanian staff. We know, and expect, that every Caymanian employee has the responsibility to earn whatever opportunities are made available. We know that our people have that ambition, many of them, and we have seen in the workplace, in banking, where Caymanians have moved from tellers to assistant managers. We have seen other examples; where through given a chance in the workplace to move upward, we have seen Caymanians who have moved from being just a clerk, to trust officers. So there are examples that this can be done.

I believe that there are key areas for partnership between Government and the private sector in connection with training because we realise that there is not enough emphasis on it. This whole matter of training and opportunities for Caymanians, not only for training but opportunity otherwise for promotion, is something that we have already started to act on.

The Motion talks about the Immigration Regulations, and the Regulations do require that an applicant show what training programmes they have in place; where there is none, that is grounds for refusal. I believe that one main area the Government has to be aware of, is the Caymanisation in the workplace where that is possible. So a fair Immigration programme is one of the key areas of partnership between Government and the private sector.

Madam Speaker, Government expenditure for scholarships is in the area of three-quarters of a million dollars; the Civil Service is one-third of a million dollars for training; Community Student Loans, a half-million dollars; and the Community College, $1.4 million. Government is doing their part, we are doing our share. We have to be vigilant. That is where a fair and vigilant Immigration programme has come in. We cannot be fish and fowl, Madam Speaker. When I say that, we cannot expect to take in the whole world and then have a chance for our people. What we must do is see that our people are given the opportunity and they themselves must have the will to move forward. They cannot say, "I am a Caymanian, therefore I must get this or that job". Madam Speaker, some weeks ago someone from a newspaper company interviewed me, and we talked about this need for training and what the Portfolio was doing. That is already public knowledge. So, something is being done. I believe we are on the right track.

Therefore, where Government is doing something, in my humble opinion, there is no need for any Motion to ask Government to do it. Members are at liberty, of course, to voice their opinion. This is one avenue to do it. But they just cannot make the public believe that Government is not doing something when, in fact, we are. We have said it publicly and we are busy doing something on all the matters that I see these Private Members' Motions addressing.

Thank you, Madam Speaker.

THE SPEAKER: The Third Elected Member for George Town.

MRS. BERNA L. THOMPSON MURPHY: Thank you, Madam Speaker.

I would like also to assure Members of the House, and the listening public, that Government is trying to make sure that everything is in place for training in the workplace, and that our people are properly trained. If I did not have faith in the Honourable Member with this, then, I would have to support the Motion. But I am not going to support this Motion, Madam Speaker.

Only one week ago we amended our Constitution with a Bill of Rights. I am not sure how this Motion would fall under our amended Constitution, in that it is calling for a programme for Caymanians in the workplace. On page 9 of our Constitution we have protection from discrimination on grounds of race. Here it says, in section (3): "In this section, 'discriminatory' means affording different treatment to different persons attributable wholly or mainly to their respective descriptions by race, place of origin, political or other opinion, colour, creed or sex.". Here we are saying that there shall be no discrimination, and this Private Member's Motion is calling for Caymanians in the workplace.

I agree that our Caymanians need training. I am happy for Caymanians anytime they are promoted and get an opportunity to improve their education in whatever field they are in. But, this is asking us to discriminate against the people coming in here. They should be qualified, yes, and I believe that our people should be qualified also, but being a Caymanian is not a qualification for a job. I believe that, maybe, a portion of the work permit fee should be earmarked for secondary education because we should not teach our children that they do not have to perform. It should start in the primary stages of their life. If we feel that training should take place, that should begin in the primary schools; teach our children to read and write, reading is very important. If this is being done properly, then they will continue as they move up in the secondary stage of their education. I believe, that our children are smart. Not all Caymanians are dumb, as some would like others to believe, but there is good and bad, and smart and ignorant in any society.

I am not sure how this Motion would work, as the ratio in the work force of Caymanians to expats is in the minority. Training Caymanians to replace the expatriate work force is unrealistic, because we do not have the population to do this. I believe that this Motion is saying to train them, yes! So that they can move up. But, to say that we could replace expatriate labour, is very unrealistic.

Another beauracracy would be established, I believe, if this Motion passes, in that it is asking for regulations encompassing measures for reporting, monitoring and evaluating the effectiveness of such training. Again, you are going to hear that an office has to be established, three or four people will be running this office and all the money that, perhaps, would be put into the training programme is going to administration. Perhaps if this Motion was reworded, and if, the First Elected Member for Bodden Town

would attend our meetings in his duty to his constituents for proper communication; then he could share with the Mover, the Second Elected Member for Cayman Brac and Little Cayman, what we, as a Team, is trying to accomplish with the four Members of Executive Council. But, Madam Speaker, in order to have input into any meeting, you have to attend. I feel it is his duty, if he is a part of our Team, to have input - not a duty to the Team, but a duty to his people - so that proper communication takes place.

Therefore, for the different reasons I have shared with the Members of this House, I cannot support this Motion.

Thank you, Madam Speaker.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

Some years ago it was fashionable and politically attractive to talk about human resource development. Economists, and people who have an interest in development studies, hold up as their models of rapidly progressing societies those countries which are called the "Tigers of Asia". There are usually five included in this group: South Korea, Taiwan, Singapore, Malaysia and Indonesia. It is an agreed principle that the reason why these "Five Tigers", as they are called, are doing so well is because they have been able to capitalise on technical training for large numbers of their populace. These "Five Tigers" are being viewed, more and more, as models for countries of the developing world to emulate.

Just recently I was listening, as I frequently do, to that most informative of radio stations, JBC. I heard one of the commentators wondering what had happened, because in the 1970s some of these countries, which are now recognised as having taken off economically, sent people to study what was going on in Jamaica. The commentator was puzzled over the fact that trends had reversed themselves, and now Jamaica needed to send people to study what was happening in these countries. The commentator postulated that what had happened was this; these countries of Asia had taken greater advantage of technical training, and the availability of that training, not only within their countries but outside of those countries.

When I lived in Canada, the Government of Ontario had special training and retraining programmes for people in certain skills - and, before I go any further, I want to make the distinction between education and training, as what I think this Motion specifically deals with is training, vis a vis education, which means people going to colleges for three and four years. What we are talking about here is training in specific skills for a much shorter period of time. For example, electricians, plumbers, auto mechanics, those kinds of skills, skills in the hospitality industry, bartending, waiting on tables, etcetera.

To revert to my original train of thought, the Government of Ontario set up a special programme because the Government recognised that by far the greater number of people would not be going on to four year colleges and universities. So, they were already in place - special colleges, and special facilities and institutions. What the Government did was go around to the high schools, and vocational and technical high schools, and encouraged young people, and in the work place encouraged older people, to enter some of these training programmes as befitted their aptitude and interests.

Where I lived there were two colleges in close proximity, one called the George Brown College and the other one was Sir Sanford Fleming College. I had occasion, several times, to visit these campuses for professional reasons and I came in contact with many of the students. Some of them, to my surprise, were grandfathers, furthering their skills in carpentry, masonry, electrical work, etcetera. At the beginning, what the Government did to encourage this was to give a stipend so that while the people were learning, they were also earning. This was particularly effective for those people who wanted to undergo retraining, as we say, they were going "cross vocationally", changing from one vocation to the next. This, in societies which are larger than the Cayman Islands, is one way of keeping a balance in the work force. For example, when there is a saturation, a plethora of electricians, people will take training in plumbing or auto mechanics so there is a continuous siphoning off and a balancing, so the economy and the work force remains stable.

There were also students from the developing countries, particularly the countries of Africa. These students came to learn, or to gain greater experience in vocations and professions that they already had. Some of them came primarily for exposure to computers, and this was particularly so in the auto industry, in industries where these people were hired on a strictly technical scale.

Later, I had the opportunity to go to Japan on what the Japanese call a technical scholarship. I met people from all of the developing countries and I learned that the Japanese Government sponsors this type of training at no expense to the host countries. There were people form Mexico, Jamaica, Trinidad, staying at the Kin Shu Centre where I stayed. The courses ranged from six weeks to 18 months, and there were people doing all sorts of courses; surveying technician, auto mechanics, lab technicians, aircraft maintenance technicians. I say that, Madam Speaker, to say that there is a source available for overseas training for these kinds of vocations.

I learned from the radio programme in Jamaica, that the United States Agency for International Development offers these kinds of courses. I interject that to say that we need not think that this kind of training exists, or must exist, purely within, and at the expense of the Cayman Island Government. Because there are other sources available, if we so wish to explore them.

Having made that point, let me return to the Motion being discussed. Is there a formal training programme operated by the Government, or otherwise? Certainly, I know of none. The Government offers some limited training for people within its Departments, but what we are seeking here is something which is on a national scale. Here, Madam Speaker, I see the ideal situation being a marriage of efforts of the Chamber of Commerce and the private sector on one hand, and the Government on the other. I believe that there is scope for that especially, at this time when there is talk of an imbalance in our work force.

When people are realising that the ideal now is to strive for some kind of training to complement the education surge that we are currently on. I believe that there is a need for this, and I have seconded this Motion as a result of my conviction.

I would just like to say that, while I respect the fact that anyone has a right to make suggestions, I have been here, Madam Speaker, for four years now and, to pull a little rank, I do not need any freshman to tell me what my duty is to my constituents. Certainly, there is no clause in the social contract between my constituents and I, which says the greater obligation is for me to attend the meetings of the National Team rather than to try to represent their interests as best as I can articulate them. The true test of my position will come in 1996, if I choose to stand again. Might I say, that I am in touch with my constituents, and they are in touch with me. The consensus of opinion is that they like what I am doing and they like the stance I am taking because they can be assured that whatever I do, from whatever position, in association with whomsoever, their interests are coming first. That is why, Madam Speaker, I have chosen to second this Motion.

Time and events, currently, in this country, should tell us that there is a need for these kinds of programmes. I agree with other Members who have observed that Caymanians are quick to learn and are willing to learn. But, I also am a realist, and being an educator I know that it is impossible for every Caymanian to have the aptitude and ability to handle a four year education. To complicate that fact, there would be an imbalance in our society if all of the people were academically oriented and none had aptitudes for the vocations in the technical field. I quite well recall a book written by the French philosopher and commentator, Rene Dumas, entitled, "False Start in Africa", especially the chapter entitled, "If Your Sister Goes to School Your Next Meal Will be her Fountain Pen". In that chapter Rene Dumas argued that if everyone is academically inclined there will be no one to cook the food. I like to say that there is dignity in labour. I learned that many years ago at the great Mico, from the Principal who instilled in us, his students, that even if your lot was to do a humble and menial job, you had a moral obligation to do that to the best of your ability.

Madam Speaker, that the people to whom this Motion is addressed, that the people for whom we are seeking to have these training programmes established, perform important tasks in our society is beyond question and beyond refuting. The people who are masons, technicians, whether they service outboard motors or automobiles, are, I contend, just as important as those people who manage banks and manage offices and sell cars and teach school, etcetera, because without all of these people the society would not function orderly.

There is an absence of these programmes, if we are to believe what we read. There is an ongoing argument, particularly where Immigration is concerned, it is an argument that is used many times; that we are lagging behind in these kinds of programmes. That is a truism, it is brought out in the very fact that the technical and vocational education that we offer at a secondary level here is limited, and has been limited, for many years. We had a building and trade school started. Where is it? Gone with the wind. It is true that we have amalgamated some courses in the Community College in the hospitality industry and some now in the building industry, but we have to remember that the Community College is still, relatively speaking, a fledgling institution. Then, at the very basic level, what about establishing programmes which are based, for the most part, on experience? Because, when one reaches the level of the Community College it presupposes a certain mastery of other subjects. So that what we are talking about here in this Motion is moving from a practical base, from a very fundamental practical level, where hands-on experience is blended with more theoretical details - on the job training.

Madam Speaker, from experience, these kinds of programmes which are most effective, are those programmes that are so arranged that the trainee spends a part of the time gaining hands-on experience and simultaneously with that they spend the other part of the time studying the theory. So the ideal situation on, for example, a six week programme in basic auto mechanics - mornings would be spent in a work shop pulling the engines down, learning the components, learning to trouble-shoot; the afternoon will be spent studying the theories, looking for the symptoms, learning the characteristics of the various types of engines and learning how to use diagnostic tools. These kinds of programmes, if they are programmes designed to expose the trainee to a basic knowledge, would probably be in the range of six weeks. There could be other more intense programmes lasting for a longer time, moving up to programmes which I saw at the George Brown and the Sir Sanford Fleming College, which lasted for about two years where someone studied to the level of a Master in a particular skill, where after they got the theoretical background, they went on to work for two years, got the practical background and became a Master Craftsman, or Master Technician. The attractive thing about these kinds of programmes is that they can be broken down in stages to accommodate the time, the ability, and the desire of the trainee to pursue the programmes; they are packaged into components. Madam Speaker, I was recently reviewing an education magazine, these programmes are now becoming available in packages where it is possible for people to stay at home, or in a workshop, and participate in this kind of training which emanates from a central base, sometimes miles away.

So, what we are talking about here is not some kind of expensive and farfetched idea. It is not good enough to be self-righteous and say that the Government is doing that, the Government is aware of that, and there is no need for any private Member to bring a Motion to have this addressed. Let us not fall into that kind of situation, because any Private Member's Motion brought here, let me make this point clear, does not arise out of any dream that any private Member had, it is not just thought up outside and brought in here, it is vetted by the Speaker. So, the notion that these Private Member's Motions are designed by dreamers, and designed by people who want to do nothing better than to foment strife, is patently fallacious, Madam Speaker. I do not think that any Member, whatever his position is, be he opposition, or be he one who strayed from the flock, would dare waste the time of the House by doing that.

So, let me say that the Motion comes with all good intentions and I expect that the Government would say, "We will look at this and see the merits in what the Motion is asking us

to do". Here, Madam Speaker, is an opportunity for us to come together with the Chamber of Commerce, because these are the people who are knowledgable in many of these areas and who have the tactics and the contacts to develop these kinds of programmes, and to say to them, "Chamber, this is complementary to your role, to what you have espoused. Let us see if we can have a union and set some common objectives and run some training, perhaps on an experimental basis, to see how it works." Unless we move to do this, we are forever going to have to play catch up and there will always be the argument that Caymanians are lagging behind the foreign nationals.

I want to say something else. While it is true that we should not, and to the best of my knowledge we do not, practice discrimination, let me express it in a Jamaican colloquialism, "Every John Crow think his pickney white". We, in the Cayman Islands, have an obligation to our Caymanian people. We have to see that they get trained first and, as a representative of the people, and as a trustee of their power, I have to say that I insist that Caymanians must be placed first because, nobody knows it better than me, when I lived in Canada, they made it known to me, landed immigrant or no landed immigrant, you come second. What could I do? That is not discrimination, that is only being fair and sensible because there a Canadian goes and tells his Member of Parliament that some little joker from the West Indies got preference over him (and he could trace his ancestry to the 1700s), I daresay that Member of Parliament would be looking for a new constituency after the next election, or looking for a new job. So while we have an obligation to be fair, we also have an obligation to ensure that Caymanians must be first among equals.

Madam Speaker, I support the Motion. I see the need for the establishment for these kinds of programmes, and I say that while the Government has made clear its intentions to look out for Caymanians, and to set up this kind of training, I say it is now time for action and we should begin now. I also say that I do not expect that it is something that the Government must do alone. I see the ideal situation being one where the Government seeks some kind of amalgamation, help and assistance from organisations in the private sector like the Chamber of Commerce. I also throw out, for what it is worth, that further than that, the Government explore international development agencies to see if those Caymanians that are in the technical and vocational fields, and are in a position to benefit from overseas training, so do. I would gladly be of any assistance, as I am still in contact with the Association of Overseas Technical Scholarship in Japan. Other countries in the Caribbean, and throughout the world, avail themselves of these opportunities, Madam Speaker. I think it is something worth exploring because it would take some of the financial pressures off the Government.

I support the Motion, and I hope the Government can look at the Motion favourably. Thank you.

THE SPEAKER: The Honourable Member for Education and Aviation and Culture.

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.

I have listened intently to what the First Elected Member for Bodden Town has said. I hope that when he actually hears some of the things that are being done he will realise that there is a considerable amount of effort being put into training at present, and specifically into the areas that he is referring to.

He mentioned, and I will merely refer to a few of those things, such as, the education and training for plumbers, electricians, auto-mechanics and, the hospitality industry. At present, the major part of technical and vocational training programmes is provided by the Community College through its full-time and part-time programmes. In the part-time programme, a wide variety of courses are offered and, in some cases, in rotation for the hospitality industry and for the trades and technical sectors. I would like if that Member, and the Member moving this Motion, would take note of the extent of these. For example, the Human Resource Management, Food and Beverage Management, Architectural Drawing, Small Engine Repairs, Welding, Air-Conditioning and Refrigeration. The bulk of the training is provided in full-time programmes where Auto-Mechanics, Electricity and Electronics and Carpentry offered by the Technology Department; Front Office Procedures, Food Service, Housekeeping, Food Production, Professional Cookery, Marketing and Sales is offered by the Hospitality Studies Department; Secretarial studies, Insurance, Accounting and Banking are offered by the Business Studies Department.

Every student, with the exception of repeaters, enrolled in a full-time programme is required to complete a period of work experience, or on-the-job training, as part of the course requirement. I would like that to be noted.

The Banking, Insurance and Accounting Industries offer training in these areas in collaboration with the Community College, and their employees are often given time off during the day, and other benefits, to enable them to attend either day or evening classes. So, they have the work experience during the day and they do classes either during the day, when they are let off, or in the evenings.

The Hotel industry does most of its own inservice training, although from time to time individual businesses contract with the Community College to run specialised courses. The Chamber of Commerce, and the Member made reference to that, also runs training, and it is quite an extensive training. This is done either with the Community College or by other individuals who are specifically contracted. I do not know if the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac are members of the Chamber of Commerce, but in just about every report or bulletin that comes out, there are details of the different training courses.

To say that nothing is being offered in the line of training for Individuals in Cayman is a myth. It is, in my view, playing with politics, and this is the lives of teenagers and adults that we are now dealing with. To give some statistics on this, during the 1992/93 academic year, 104 students were enrolled in the full-time programme at the college and this was broken down into Business Studies - 36; Hotel Studies - 31; Technology - 37. In the 1993/94 school year, 141 students are enrolled full-time. In addition, in 1992/93, course registration in the part-time course totalled 1,033. For the Cayman Islands, that is a very substantial amount of persons who are enrolled, and a large part of this is in the technical and vocational training courses.

These are being developed and increased from time to time. Over and above that 1,033 students that are enrolled, were seven further customised contract courses that were offered by the Community College in collaboration with the Chamber of Commerce, Insurance Company, and the Royal Cayman Islands Police. I should mention that enrollment, or registration, in Cayman Brac totalled 112. So, the three Islands are being served.

The new short courses, and these were new courses brought in 1992/93, included Refrigeration and Air-Conditioning, Hydraulics, Welding, Electronics, Customer Service, Running a Small Business and Marketing a Small Restaurant. As I mentioned earlier this includes on-the-job training where these students actually go out and take part in on-the-job training as part of the course.

You know, Madam Speaker, what I find really worrying, is that when you get Motions such as this and the wide-sweeping statements that are made in this House, presumably to hear themselves speak, or for political reasons, the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman were invited to come to the Community College. They did not show up. If they had come (this has been about eight or nine months ago), they would have known all of these courses were going on there. The Motion is misconceived and, to me, there is obviously ignorance of the education system and the training system in this country why we are having these big, broad-sweeping things, that nothing is being done.

Now, I will admit, Madam Speaker, that more can be done. But, with all due respect, the Member who mentioned about abolishing the trade school, our Government started that and the ex-Members, that are now his friends, are the people who stopped it. I did not stop it. Nobody in this part of the Government stopped it. The previous Governments that I was in started it - Mr. Jim Bodden, in fact, to be specific - that and the Hotel Training School. So, if there is any gripe then it must be with the previous Governments over the past eight years, because it cannot be with us in relation to stopping that.

Madam Speaker, it is very easy to stand up in this House with a necktie, in an air-conditioned atmosphere and talk about how there is dignity in labour. That is all well and good. It is a nice saying. But, has that Member ever experienced what hard labour is out there? Think about it. We are getting theories here going out to the public saying, nothing is being done, instead of taking a positive approach in trying to build on what the country has already done. I have named, I guess it must be, 20 different courses, or so, that are being run by the Community College. I am amazed that those two Members do not realise that much about the training and education system, as it now exists.

Madam Speaker, criticism is very simple to come by. It is something that, I guess, is endemic in certain types of politics. If the First Elected Member for Bodden Town has people who will offer scholarships, I am sure that there are people here within the area of training who we can direct them to. But, it cannot be done by bringing Motions like this and just standing up and saying, "I know of some scholarships some place", and leaving the statement like that. We must see some action. What is the action? There is a lot of words. If there are scholarships out there, then I am sure that people within his district, or our districts here, wherever, would be happy to go on them.

The Community College, Madam Speaker, obviously, in my view, can develop further courses. But, the list that I have given (and maybe for the sake of emphasis, I can read that back again further down), is a fairly comprehensive list of vocational and technical studies. But we do find problems. I will admit, Madam Speaker, that there are problems at the Community College. There will always be problems within areas of the system. For example, we ran a block laying course and after about a month many of the students who were in there decided that they could make sufficient money laying blocks (that they were paying to be trained to lay), so they went off the job and went on to building sites. These are problems where we have to try to induce them to see that if they remain with the course they can probably make more, or get a job quicker, when they complete the course.

Madam Speaker, the suggestion put forward by the lady Member for George Town, that we should earmark money for training, is a positive and constructive approach, because I think that if this could be done, and I know there is difficulty within the accounting system that Government operates to earmark specific funds, but I think this is one way that would assist with getting money earmarked for specific industries, whether it is hospitality, or the building industry, or whatever.

I should mention, in relation to scholarships generally, that those who applied, who qualified, got part scholarship and part loans. All of them. So Government is making its efforts there as well. The fees at the Community College are low, they are subsidised. So, this is a way in which we can also help Caymanians and residents to get further trade and vocational skills.

Madam Speaker, this Motion states that, "Government should prescribe, by regulation, and outline details for a national training programme in workplaces including the Civil Service." Well, Madam Speaker, I think that Members in this House know very clearly, and as much as was said during the Constitutional debate, that matters relating to Civil Servants are exempted under the Constitution from the Elected Members of Government and of this House. But Civil Service training is being run. Now I agree more can be done, but the way this is set up, and the Motion is brought on, anyone looking at this and not knowing better, maybe somebody who does not go to the Community College may not know any better (as obviously the two Members moving and seconding this Motion seem to be in that position), would think that nothing is being done on either side. I know on the education side, courses are run and courses are run in other areas. I agree more can be done. But to talk about nothing being done and bringing in a national training programme in workplaces

and not acknowledging what is there, I think, is totally wrong.

The other thing, Madam Speaker, you just cannot prescribe, by regulation, training. They are teachers, they should know that. I would agree that they have not taught in probably one or two decades so they are, obviously, well out of date, but you do not induce people to go and train by passing regulations. You can pass regulations, and you can find it in the Immigration Regulations, in the policies there, until you are blue in the face, but that is not the inducement of getting people to go into training.

It has to be a system of a partnership between the Government and the private sector with strong bodies, such as the Chamber of Commerce, acting as an intervener and assembling the type of programmes that are needed. It would be naive of us to sit here and, if we did not have the Community College, for example, to list 20 or 25 technical or vocational things and say, "there shall be training" and wave our hand. It just does not work that way. What has to be done, instead of trying to push people, trying to push employers all of the time, there has to be some partnership with trying to work together with them and assist them in achieving these things.

Yes, more training is needed, but a lot is being done. Many of those courses, I should not say many, but some of those courses that are run from time to time, Madam Speaker, are run with only small amounts of students in them. But we run them even at a loss to the College to make available for Caymanians the necessary training that we can. We have had to change courses because sometimes there are not sufficient people for them. So, I would say that, I guess a lesson one should learn from teaching is that you just do not push people, you just do not push students to learn, you have to lead them. You have to have some partnership with the private sector and encourage the private sector to set up or to join in the necessary courses that are being run by the Chamber of Commerce or by the Community College.

What about ICCI? They run a lot of courses up there as well. Some of them, not a large amount of them, are technical and vocational, to that extent, but it is a good college, it runs a lot of courses. I will agree that its aim is more that of Bachelor and Master Degrees, so it is aimed a bit differently in some respects than the typical type of English Community College. But they do a lot. Where is the recognition for them? They were the people who ran the Hotel and Training courses and the building courses in the early stages as well, which the present friends of the Mover and the Seconder of this Motion stopped.

You know, Madam Speaker, the failure to acknowledge sometimes some of the good that exist can actually be detrimental and help to destroy such which exists here. I always believe, that we can do more. Yes, more can be done. But, I believe that the Mover and the Seconder of this Motion would have achieved a lot more if they had tried to acknowledge the substantial amount that is now being done and try to build on it. One positive thing was the scholarships that the Member has from Japan. Let us see them. He should not have to come through Government on it. He should be able to go to his district and perhaps place them direct with Japan, even though I think that is a long distance, perhaps, or maybe expensive, to send people on short courses, I do not know. But this would be a positive move in relation to it.

While, Madam Speaker, I know that what is being raised relates to technical and vocational training. I would like to take this opportunity to just say some of the technical and vocational courses that are also run in the High School, I appreciate this is obliquely related, it is not a Community College-type of short course I am talking about here. But, at the John Gray High School we have Building, Electrical Engineering, Technical Drawing, Woodwork, Information Technology, Bookkeeping, Office Procedures, Typewriting, Work Experience, Food and Nutrition, Clothing and Textiles, Home Management, Child Care, Commercial Studies, Food Studies, Graphical and Material Studies, Motor Vehicle Studies, Needle Craft, Rural Science, Textiles and Art. The very school, Madam Speaker, the High School itself, is teaching a lot of the vocational and technical subjects. Now, you do not have within the school the extent of work experience, naturally, that one has in the Community College because they are different institutions. I merely give this to show that it is not as if the Education System does not recognise that there are people who are in the technical and vocational fields in the Islands, and a lot has been done towards improving this from years gone by.

The aspects relating to the Civil Service, while I did not come equipped with details of training that has run, I am sure that the Honourable First Official Member can get these and, perhaps, submit them to the Members that they can see that something is also being done in that area.

Madam Speaker, this Motion is, in my view, a Motion that is ill-conceived, because it is beginning on the foundation that nothing is being done, and that the public out there is basically saying that no training is being carried out, and that because there is no vocational and technical training this is the reason why those positions are not filled by Caymanians. We do have Caymanians out there with good training and the recognition of them has got to be important to others or, I should say, younger Caymanians coming into the work place. If, Madam Speaker, Members of this House do not know what is being offered, or do not take the time to find out what the Community College, for example, is offering, then we are really getting into a sorrowful state.

So, while there is dignity in labour, I accept that, I believe there is also dignity in acknowledging the hard work of persons who have assisted and put the system of technical and vocational training where it is at this stage. I would hope that the next time an offer (invitation) to come to the Community College is given, especially to the Second Elected Member for Cayman Brac and Little Cayman and the First Elected Member for Bodden Town, that they come there and look at the facilities we have, talk to the teachers there, talk to the students there, and see what is going on. This is not the first time, Madam Speaker, this thing is coming up. In fact, there are questions on this. Every six months, this thing comes up about technical and vocational training. Instead of taking a positive approach and trying to encourage those who are in there, trying to help to develop a system which has a good basis, it is not as if we do not have a lot of vocational and technical training in this Island, we do have it, and really acknowledge those who have put in the hard work. Rather than coming here and spending time to explain something which could so easily be found out by attending, or going

across to the Community College to look at the technical side of the school, or whatever.

It is the same problem we face with questions. So much time is wasted by Government Members trying to put together information on matters such as this, which should be public knowledge, that time could be put towards more positive things. So, I would say to the Members, go and see what it out there, appreciate what is out there. I agree that we can do more. I accept that, but this is not the way this Motion is geared. The Motion is geared that we must prescribe regulations to make people learn. I mean, that just does not work, there has got to be a partnership with the private sector and the Government. There has to be positive statements sent back from this Legislative Assembly to encourage places like, ICCI and the Community College to do more - to encourage Caymanians to go to them, rather than saying nothing exists.

So, I would, say Madam Speaker, the Motion is really ill-conceived, and it is really time that those two Members acknowledge the good work that is being done in the area of vocational and technical training. Thank you.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 4:07 P.M.

PROCEEDINGS RESUMED AT 4:25 P.M.

THE SPEAKER: Please be seated.

Debate continues on Private Member's Motion No. 9/93. The Second Elected Member for George Town.

DR. STEPHENSON A. TOMLINSON: Madam Speaker, thank you for giving me the privilege to participate in this debate on Private Member's Motion No. 9/93. It seems like I always get up towards the end of the day. Just last night someone said they wait to hear me, because after they have heard me it makes them sleep so much better, they just have such a beautiful night's rest. So, I shall not deprive the public of that opportunity tonight. I notice, though, that there is just a few minutes left before 4:30, so I may not be able to finish my contribution to the debate.

I noticed that we have been dealing with a number of Motions that are thought very provocative, tantalizing, and, certainly, stimulating in certain instances and the one before us has already been debated to some extent. The Member for Education has explained to us the many things that are being done in the field of education to promote learning and to educate Caymanians and anyone living in this country so that they can become productive people in the work force. We know that we have a very good public school system which is augmented by the private school system, that we have the Community College, which is very good, and ICCI. All of these together, along with some other institutions, have helped to educate us, and allow us to take our rightful places in the community.

I notice, however, that this Motion deals with training programmes in the work place, whether that be in the private or in the Civil Service. I do not believe that one of us would hesitate to say that this form of investment is one of the most valuable investments that could be made in the future for our people. We know that many, many people do say exactly what is in these recitals. Many people do feel that it is very difficult for them to move upward, to be promoted, in their particular workplace, because there is no training programme in place to allow upward mobility and, therefore, they find themselves stuck in the particular post that they took initially.

Personally, I would like to see a greater effort on the part of the private sector to ensure that there are training programmes in place. I know, as we have heard, that efforts are being made in this direction. But, it is my personal belief that more effort can be made in this regard. As we campaigned last year, this is one of the things that we dealt with and what I contend is that over the last nine months things have changed, to some extent, because of the efforts made by the new Government. But there are still needs out there, everything is not rosy just because of efforts we have been making over the past nine months. There is a need to encourage proper training programmes, to put the pressure on private firms, to insist that these private firms do train our people so that they can graduate into the upper categories of work and become executives and, eventually, manage the various companies.

My first obligation, Madam Speaker, is to the constituents, as, I am sure, every representative in this House feels, but my duty is to the constituents of George Town. I know that there are many, many complaints about the lack of training programmes in the workplace. Some people are even trained to do various jobs and feel that they are being unfairly kept down also, which is a different problem altogether.

We have dealt with a number of Motions here and so far none of them has been passed in the House. I noticed one that we dealt with, the minimum wage, I would like to say, categorically, that...

THE SPEAKER: Honourable Member, I am afraid that is irrelevant and you cannot deal with that at the moment, it is not before the House - just Training Programme for Caymanians in the Work Place, not Minimum Wage.

DR. STEPHENSON A. TOMLINSON: The point I was going to make, Madam Speaker, is that all of these, I believe, the public would like to see implemented. They would like to make sure that there is a minimum wage and, if you are going to listen to the public, I believe just as they would like that, they would like to see that we

do something about ensuring that there are proper training programmes in the workplace.

There is a cost factor involved here. We know that if a company is going to engage in a training programme that it does cost to train people. But as far as I am concerned, that should not be a deterrent. Investment in training our people we know will pay great dividends in the future. Therefore, if we consider the long term, the cost should not come into question and that should be factored in by the respective companies. In Regulations some things can be worked out where Government subsidy is needed, then it will have to be provided. But that, too, can be looked at.

If we are to maintain social harmony in our Islands we have to ensure that Caymanians get their fair share. We all agree to that statement, I am sure, for Caymanians to shoulder responsibilities and be productive they must be trained. So many Caymanians are said to be unemployable, for whatever reason, that is the situation, a number are said to be unemployable. The Government of the day has announced that it will be doing what it can even on this issue. I know that much has been done over the past months to get our people trained; to make sure that the school system is much more effective, to make sure that vocational training is in place. But I still feel that as far as the private sector, in particular, is concerned, private firms in particular, that there is need to do more in this regard. If it takes Government to put the pressure on to see that there are effective training programmes in place, then let us do it.

MOMENT OF INTERRUPTION

THE SPEAKER: Honourable Member it is now past 4:30. I doubt if you will conclude your speech tonight.

DR. STEPHENSON A. TOMLINSON: No, I will not be able to.

THE SPEAKER: I will ask for a Motion for the adjournment. The Honourable First Official Member.

ADJOURNMENT

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to move that the House do now adjourn until 10:00 tomorrow morning.

THE SPEAKER: The question is that the House do now adjourn until 10:00 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, 1ST OCTOBER, 1993.

FRIDAY
1ST OCTOBER, 1993
10:07 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 of the Legislative Assembly are resumed.

Presentation of Papers and Reports. The Honourable Elected Member responsible for Education and Culture and Aviation.

PRESENTATION OF PAPERS AND REPORTS

COMMUNITY COLLEGE OF THE CAYMAN ISLANDS CERTIFICATE AND REPORT OF THE AUDITOR GENERAL FOR THE YEAR ENDING 31ST DECEMBER, 1992

HON. TRUMAN M. BODDEN: Thank you, Madam Speaker.

As required under section 11(6) of the Community College of the Cayman Islands Law, 1987, I am pleased to table the 1992 Financial Statements of the Community College.

THE SPEAKER: So ordered.

HON. TRUMAN M. BODDEN: At this time I would like to take the opportunity to comment on some of the achievements of the College during the last academic year. One important development was the completion of the hook-up with the University of the West Indies through UWIDITE. So far, Public Works Department and some doctors and nurses have participated in teleconferences and some teachers are registered for advanced teaching diplomas. Subject to Planning approval a UWIDITE Centre will be constructed on the College Campus. This allows teaching to be done through satellite and television.

Another significant development was in registration for programmes and courses. Full-time registration in Grand Cayman increased from 94 to 104 with an additional 115 persons enrolled in accounting and banking courses offered. Part-time course registration increased from 898 in 1991, to 1,033 in 1992. Not included in these figures are the seven customised contract courses that were offered by the College in collaboration with the Cayman Islands Chamber of Commerce, International Risk Management and the Royal Cayman Islands Police. In Cayman Brac, course registration increased from 89 in 1991, to 112 in 1992.

A third area is the examinations and examination results. The College continues to enter students for a wide variety of external examinations such as City and Guilds, Pitman, University of Cambridge 'O' Levels, the Educational Institute of the American Hotel and Motel Association, the Association of Accounting Technicians, and the Chartered Institute of Bankers. The pass rate in these examinations are as follows:

City and Guilds	3.6 per cent
Pitmans - Elementary	64.6 per cent

Pitmans - Intermediate	41.8 per cent
Pitmans - Advanced	50.0 per cent
Cambridge "O" Levels grades A, B and C	44.2 per cent
Educational Institute	48.1 per cent
Association of Accounting Technicians	
Preliminary	79.0 per cent
Intermediate	20.0 per cent
Final	33.3 per cent
Chartered Institute of Bankers	
Preliminary	68.4 per cent
Final	55.2 per cent
Associateship of the Chartered Institute of Bankers	42.9 per cent

These results are very encouraging and in many cases, for some of those subjects, the pass rate was above the national pass rate.

The final area that I should like to comment on is the finances of the College. As expected, the College relies very heavily on the Cayman Islands Government for a significant portion of its revenue. During the year the amount of money collected as fees or income increased by 17 per cent over the amount collected in 1991, and collections were about 18 per cent of the 1992 operating costs of the College. This is remarkable because of our policy to keep tuition fees as low and as affordable as possible.

In closing, I would like to comment on the Board of Governors, the Principal and staff of the College as to the efficiency of operation of the institution and for their achievements in 1992. Thank you.

PUBLIC SERVICE PENSIONS BOARD REPORT, 1992

THE SPEAKER: The Honourable Temporary Third Official Member responsible for Finance and Development.

HON. JOEL WALTON: Thank you, Madam Speaker.
I beg to lay on the Table of this Honourable House the Public Service Pensions Board Report for the year ended 31st December, 1992.

THE SPEAKER: So ordered.
Would the Honourable Member please give the copy to the Serjeant to lay on the Table? Thank you. The Honourable Temporary Third Official Member.

HON. JOEL WALTON: Thank you, Madam Speaker.
This being the very first Report of the Board, I wish to take a few minutes to briefly comment on the progress of the Board to date. The Public Service Pensions Board was established by Executive Council on the 21st of February, 1992, under the Pensions Amendment Law, 1991, which came into effect on the 1st of January 1992. At that time, in an effort to separate the contributions of participants in the Fund from the coffers of Central Government, a Pensions Contribution Reserve totalling CI$3,373,300 was transferred from Central Government to the Pensions Fund in April of 1992.

The duties and responsibilities of the Public Service Pensions Board are set out in the Law. These included:

1) Receiving into the Public Service Pension Fund all sums due to it.
2) The payment from the Fund of pensions and other benefits due under this Law.
3) Payment from the Fund of expenses necessary for the administration of the Fund.
4) The investment of the Fund in accordance with the provisions of the Law.
5) Accounting for all monies paid or invested under the Law.
6) Causing a periodic Actuarial Review of the Fund pursuant to section 31 of the Law.

In fact, an Actuarial Review is currently ongoing.

7) Sale of investments as necessary to meet immediate liabilities needs and for re-investment.

Madam Speaker, the Fund at the 31st of December, 1992, stood at CI$6,244,556 including accrued interest. This amount is totally invested in term deposits with the local commercial banks and maintains an average return of approximately four and seven eights per cent on behalf of the planned beneficiaries.

Net assets available for benefits at the end of 1991, as mentioned earlier was CI$3,373,300, were improved upon by total employer/employee contributions of CI$2,871,766 and investment income of CI$244,806, representing the total additions to the Fund due in 1992. During the year there were no payments of benefits and funds to beneficiaries as the Fund has not yet been deemed self-sustaining by an actuary and this is not anticipated in the short term. Additionally, there were no deductions from the Fund for administrative expenses which were, in fact, borne by the Currency Board.

Madam Speaker, the Manager of the Currency Board has also been appointed as the Chief Administrative Officer of the Fund and is responsible for its day-to-day operations and investment activities under the direction of the Board.

In closing, Madam Speaker, I wish to acknowledge the hard work and dedication of Mrs. Jewel Evans-McLaughlin, the Chief Administrative Officer, and her staff who ensure that the Fund is being efficiently managed on a daily basis. In addition, the Board wishes to acknowledge the contribution of the Honourable Thomas Jefferson who served as Chairman until March 31st, 1992, and who was instrumental in the establishment of the Fund.

Thank you, Madam Speaker.

THE SPEAKER: Thank you, Honourable Member.
We now go to the next item on the Order Paper, Questions to Honourable Members. Question No. 165, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 165

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING

NO. 165: If the dredging operations in Cayman Brac and at The Shores have been completed and whether the pending application has been decided upon, or if other applications have been submitted?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Thank you, Madam Speaker. The dredging operation in Cayman Brac involving the creation of a navigable channel in Dick Sessinger Bay is still going on. The Costal Works licence for the Shores Project was issued on 3rd September, 1993. The project has not yet commenced. The dredging application for the Heron Harbour project is still pending as the applicant has not yet provided additional information agreed upon. No new applications for dredging have been submitted.

SUPPLEMENTARY:

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

MR. GILBERT A. McLEAN: Could the Honourable Member give any indication to the House as to why the dredging in Cayman Brac has not been completed, and to what extent it may not have been completed? Is there a shortage of funds, or just what is the status?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I am a little unsure that I can give the technical reasons why it is still going on. I certainly can say that no information has come to me to suggest that there is a lack of funds which is holding up the project's completion.

THE SPEAKER: The next question is No. 166, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 166

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING

NO. 166: What progress has been made with the review of the 10-Year Tourism Plan?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: The 10-Year Tourism Development Plan is still currently under review by the Government. The plan has been used also by the Planning Department to assist them during the process of preparing an overall Development Plan for the Cayman Islands.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Could the Honourable Member tell the House of any particular part of this Tourism Plan that is objectionable to the present Government?

THE SPEAKER: Honourable Member, I do not think I will allow that question because the Member has said that the plan is still currently under review.

MR. GILBERT A. McLEAN: Madam Speaker, a supplementary.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Honourable Member say why is it that the Planning Department is using the Tourism Plan which has not found approval by Government in reaching its planning conclusions?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I think the answer is that some areas of the Tourism Development Plan lends itself to consideration by the Cantral Planning Authority in their exercise which they have been carrying out for the last nine or 10 months, that is, going around district by district to receive input from people of the various districts as to how they see the Islands developing.

THE SPEAKER: The next question is No. 167, standing in the name of The Second Elected Member for Cayman Brac and Little Cayman.

QUESTION NO. 167

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM ENVIRONMENT AND PLANNING

No. 167: What steps are being taken to establish the old Bluff roads and the rights-of-way leading from the public road to the foot of the Bluff, in particular that Bluff road which passes over Block 108D, Parcel 34?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, no steps are being taken in this regard as the Portfolio is not aware of any formal and specific request demonstrating the necessity for this to be done.

SUPPLEMENTARIES:

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Honourable Member elaborate as to what he specifically means by no formal request for this to be done? What is to be done? Is it the re-establishment of the old bluff roads or is it the establishment of a road over Block 108D Parcel 34?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, the question is, "What steps are being taken to establish the old Bluff Road and the right-of-way leading from the public road to the foot of the Bluff, in particular that Bluff Road which passes over Block 108D Parcel 34". We have no formal requests to take any steps about that at all. I have never seen one.

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

MR. GILBERT A. McLEAN: Could the Honourable Member say if any steps at all have been taken to establish any of the old Bluff Roads which was the subject of a Motion passed unanimously in this House that was to be done almost a year and a half or two years ago?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: Madam Speaker, I do not know of this Motion receiving unanimous approval. I accept the comment made by the Second Elected Member for Cayman Brac and Little Cayman. I do know that this particular difficulty, land dispute, I should say, was the subject of a court case and that court case, as I understand it, is up for appeal. So I am not going to try to interfere, from a Government point of view, with a subject that is before the Court. I have no formal request to do so.

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

MR. GILBERT A. McLEAN: It is on the records of this House that this House unanimously passed a request for establishing all of the old Bluff roads in Cayman Brac, including this one. Could the Honourable Member give an indication whether his Portfolio would follow up on the decision of this House to look at re-establishing the old Bluff roads and any in particular where there may be a request?

THE SPEAKER: The Honourable Member for Tourism, Environment and Planning.

HON. THOMAS C. JEFFERSON: I have no difficulty in looking up to see what the Private Member's Motion did say, what the agreement was and whether the Government should move forward. I hasten to say that the Government can only move forward if the Court case is complete, and the appellate process of it is completed.

THE SPEAKER: The next Question is No. 168, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 168

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 168: What are the plans for the improvement of the physical structure of the George Hicks High School?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: The plans for the improvement of the physical structure of George Hicks High School are as follows:

PHASE 1 (to be completed September 1994) -

Upgrading of Electrical Mains, new classrooms for Technical Drawing, Woodwork, Jewelry/Craft, two multi-purpose Labs, Needlework room, Physics/Electronics Lab, Chemistry Lab.

Additionally, the following improvements to the school are being recommended: Improve one of the two existing General Science Labs and use the other as a general classroom; Adapt the two Technology workshops for use as Information Technology Labs; Convert the two Home Economics Labs into general classrooms, and use the Needlework Room as a planning area for staff; and Improve washroom facilities.

PHASE 2

New Library, Physical Education changing and storage rooms, expansion/replacement of Administration Block and three Art Rooms.

An intensive programme of maintenance was carried out at the school during the summer, and it is expected that three small projects, the resurfacing of the car park, the carpeting of the Music Rooms and the screening of the canteen area, will be done by the end of the year.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if in these improvement plans there is any intention to air-condition the Hall at the school?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, I do not have the detail plans before me so I cannot really answer that. I can find out and let the Member know.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what the total cost will be of the improvement plans as was just stated.

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Yes. In Phase I, the total is $1,684,000. That is broken down into:

Technical Block	- $ 588,750
Home Economic Block	- $ 547,250
Science Block	- $ 495,000
Adaptations to existing buildings:	
General Science I and II, Technical Block, Home Economics, classroom and washroom	- $ 253,000
Phase II, is $1,587,000 broken down into:	
Library	- $ 750,000
Physical Education	- $ 312,000
Administration	- $ 75,000
Art	- $ 450,000

What I have asked for is that the estimates and the drawings be looked at again by Public Works to see where savings can be made in relation to the plans that have been put up.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I wonder if the Honourable Member could say if Phase II of the improvement plan will be coming immediately after Phase I is completed, or exactly how is this going to be done?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, I would like to move with it immediately after Phase I. If the Honourable Member will support me and we have sufficient money, or if all Honourable Members of the House will support me, then I will move on reasonably quickly with it.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Would the Honourable Member give an undertaking that while these improvements are being done some investigation be done into the possibility of having the School Hall air-conditioned as well?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: For all I know it may well be in the plans. I just cannot remember. If it is not in there, Madam Speaker, I would have to get a costing and come back to Members, including that Member of the House, with it.

THE SPEAKER: The next question is No. 169, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 169

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 169: What extra curricular activities are available to children at the George Hicks and John Gray High Schools?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, the extra curricular activities available at the George Hicks School are as follows:

Spanish Club	Recorder Club
Choir	Steel Band
Cricket	Brass Band
Library Club	First Aid
Netball	Math Club
Aerobic	

These activities are offered one of three afternoons each week (Monday to Wednesday) during the lunch hour or before school.

At the John Gray High School, the following extra curricular activities are offered –

Football	Duke of Edinburgh Awards
Squash	Key Club
Athletics	Drama
Basketball	Steel Pan
Netball	Jazz & Pop
Gymnastics	Computer Club
Volleyball	Business Club
Softball	Debating Club
Trampoline	Focus (Religious Group)
Badminton	Art Club
Swimming	Spanish Club
Dance	

Not all the sports activities go on every week, but are related to House or League Competitions that vary across the terms. In addition, extra curricular lessons or prep in most CXC subjects are offered to Year 11 students.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say what percentage of these schools' populations are involved in extra curricular activities?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: That question, I guess, is like some of the other ones that we get, the amount of time it would take to count them up over the year. All I can really say, Madam Speaker, is that a substantial number of students do take advantage of these very extensive extra curricular activities at both of the schools.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, supplementary. Are these activities conducted on a formalised basis, that is, is a record kept of the names of the participants and their attendance? Or is it strictly on a voluntary and informal basis?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BOODEN: Madam Speaker, I understand that a record is kept.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Then Madam Speaker, I ask, why is it so difficult to have an idea of the percentage of the school's population participating in these activities?

THE SPEAKER: Honourable Member, it is to be expected that this will take some time and you cannot expect an answer this morning. The Member could, of course, give an undertaking that sometime in the future the information can be supplied.

MR. ROY BODDEN: I would request that that be done, Madam Speaker.

THE SPEAKER: Thank you.
The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, so be it.

THE SPEAKER: The next question is No. 170, standing in the name of the First Elected Member for Bodden Town.

QUESTION NO. 170

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION AND CULTURE AND AVIATION

No. 170: What foreign languages are being taught at the George Hicks High School, the John Gray High School and the Community College?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Spanish is the only foreign language currently being taught at the George Hicks High School, the John Gray High School, the Cayman Brac High School, and the Community College.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. What facilities exist for the teaching of conversational Spanish?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: Madam Speaker, teachers and classrooms.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Is there a Language Laboratory at any of these institutions which teach Spanish?

THE SPEAKER: The Honourable Member for Education and Culture and Aviation.

HON. TRUMAN M. BODDEN: No, Madam Speaker.

THE SPEAKER: That concludes Question Time for this morning. We will proceed to other Business. Private Member's Motion No. 9/93, Training Programme for Caymanians in the Workplace.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 9/93
TRAINING PROGRAMME FOR CAYMANIANS IN THE WORKPLACE

(Continuation of debate thereon)

THE SPEAKER: The Second Elected Member for George Town continuing the debate.

DR. STEPHENSON A. TOMLINSON: Thank you, Madam Speaker.
Yesterday afternoon I was in the process of dealing with how educational opportunities have improved over the last few decades in the Cayman Islands. I do not believe that anyone would disagree with that. I can remember back in the early 60s when I was in high school, there were not the opportunities that are available now.

The Member for Education has outlined in great detail the courses that are available at the High Schools and at the Community College, and how they are so relevant to the various occupations that people will eventually end up doing upon completion of these courses. I think, too, he said there is an ongoing programme where persons employed in the workplace are allowed to get theoretical training in the afternoons and evenings at the Community College and, visa versa, persons who are in the Community College during the days, often are allowed periods of time to get hands-on experience in the work place. So, there is no doubt that there is emphasis on training. Government has, in fact, been doing this throughout the years and it seems like this effort has been continued over the last few months.

I have considered the Motion and I even have had more time to consider it overnight. I question why the Motion was brought at this time, and I would like to be absolutely certain that it is not an attempt to show up Government. To me that is a possibility and I do not believe that Motions should be brought to the House if we know that our Government is diligently seeking to address problems.

I know that there is ongoing debate with the various utility companies and I know that many of these matters are being addressed at this present time. One has to give the Government a chance to see what will be the outcome of these discussions. Every effort is being made to ensure that our people are trained in these various institutions.

But, when one takes a look at the last part of the Motion which says:

> "AND WHEREAS no conceptual guidelines or system has been prescribed by the Government whereby it can monitor the programmes in workplaces for the training of Caymanians;
>
> BE IT NOW THEREFORE RESOLVED THAT Government prescribe, by Regulation, and outline details for a national training programme in workplaces including the Civil Service and encompassing measures for reporting, monitoring and evaluating the effectiveness of such training.".

This, in my opinion, is not dealing with what is going on in the Community College, ICCI, or in the High School. This is dealing with what is going on in the workplace. It refers to, I am sure, what is going on in Government in the Civil Service regarding training its employees and the various private firms throughout the Island. We know that some of the private firms have encouraged their employees to make use of the courses that are offered at the Community College, and some do offer some training at the workplace. But, I feel sure, and I believe I mentioned this yesterday, that more can be done in the private sector in this regard. Now, whether it is up to Government to put the pressure on, to regulate this and insist that this be done in the private sector, is debatable.

We know that the Immigration Department, the Immigration Regulations, etcetera, do insist or encourage employers to have some training programmes in place so that their employees can eventually move upward and gradually replace some of the executives that are working in our midst, with the hope that eventually Caymanians will occupy executive positions and be able to run these companies. That is going on. It is, in my opinion, a very desirable thing. Not only that, I personally do feel that it is Government's responsible to do everything, including stimulating and encouraging, and doing whatever is in Government's means, even if it means legislation, to insist that there are programmes in place in the workplace. I would especially like to think that this would be very possible in the larger companies, the Hospitality Industry, the large hotels and the banks. It is very possible that they could do more than they are doing and cope with this form of legislation.

There is a question of small companies. I do not believe that it will be possible or cost effective for every small company in the country to have a training programme in place and I do not believe that the Regulations or the Law would force everybody. But the larger companies could certainly help more than they are doing in training our people.

There is always the question of the unemployable. I do not believe it is the responsibility of any private organisation to train these people. I believe it is Government's responsibility to do whatever it can do to encourage these people to get the necessary training and skills so that they, too, can become productive citizens.

I believe that Government is doing this. As a matter of fact, the Member for Labour did say in a news report recently that he is also addressing this problem. So, most of these things, at the present time, are being addressed. They are being looked into by the present Government Members and I would like to give them some more time to do whatever they can to make sure that things are done properly. If they do not perform to our satisfaction, then at that point it may be necessary to bring Motions forward to see that it is done. But after all, they have taken over the reigns just 10 months now. We know that they are addressing so many of these issues that have come forward in these Private Member's Motions. So, I would like to give them some time and I believe that if they continue to work as hard as they have been doing, that most of these things will become a reality.

I would just like to close by saying that there obviously is virtue in this Motion, lots of merit in the Motion, we all desire that there be training programmes in place in the workplace so that Caymanians can be well trained. And that is exactly what Government is trying to do - to get our people trained - and to encourage employers to do just that. Whether there should be a law or regulations to insist that they do, like I said, that is debatable. We would have to consider the effect that it would have on the private sector before taking such drastic measures. But it is necessary to do what is reasonable to ensure that our people are trained. I am leaving it to the Executive Council to continue the good work that they are doing and I wish them every bit of luck in the work that lies before them.

Madam Speaker, I would like to say that I cannot support any move that attempts to show-up Government, to make it appear that the Government is inactive and doing virtually nothing. If that is the purpose of this Motion, then I cannot support it. But as far as the Motion is concerned, the recital here in the resolution, especially the last one which talks about programmes in the workplace, I think there is merit in the Motion and I would ask that the Members of Executive Council definitely take the Motion into serious consideration and continue to ensure that it is implemented. Thank you.

THE SPEAKER: The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. This Private Member's Motion, No. 9/93, regarding Training Programme for Caymanians in the Workplace, has in its Whereas sections, to my mind, a fairly clear outline of what it is attempting to achieve.

I am not one that subscribes to seeing beyond a Motion and I have no reason to personally believe that the intention of the Motion is to dress down the Government of the day or anything like that. I personally do not think that is good responsible representation. But, to my mind, if Government, and I am sure that they are - I am not afraid to say that - I am quite sure that Government is working within reasonable parameters to deal with the various problems that they have come to find since taking office. I do not have any problem in that because I honestly believe that.

But, what I am not so sure that I can come to grips with here is, if there is a Motion and if Government is already in the works of doing something along the same lines as the Motion, if Government is doing that it must mean that there is some merit to the Motion. To my mind, Government could continue what they are doing and if the Motion has merits because it is parallel to what they are doing, then it can be absorbed - end of the story. Members have done what they feel is right, and Government is on its way doing what it has to do.

The last Whereas section in this Motion reads: "AND WHEREAS no conceptual guidelines or system has been prescribed by the Government whereby it can monitor the programmes in workplaces for the training of Caymanians;". My understanding of the word "Government" in this Motion is not the Government of today, or the Government of yesterday, or before. It is simply Government. I do not think for a second that it is blaming any Member that is in this House. At least that is not the way that I see it. But through the years in Immigration Policies and also, I think, either the Regulations or the Law, there have been stipulations regarding training in the workplace when people have applied for work permits for their employees. I know, factually, that there are people who get these letters and I have been asked, "Well, we applied for this work permit, we understand that it is not renewed because there is supposed to be a training programme", and there are many people who, while they understand what the word "training" means, they do not physically have a clue with regards to how this training programme should be implemented.

The Member for Education, in his contribution, outlined the many things which the Government is doing with regards to training at various levels in the schools and the Community College. I think that is good and I believe that there is merit to the thought that the training that is available in the public school system, at all levels, can be married to what this motion is trying to achieve in order to make it work. These people who do not know what kind of training policy to implement within their workplace, some of them, are saying; "I have six employees, and two of them are on work permits" (and I am just using this as an example), "and I cannot believe that Government expects me to hire two more Caymanians to start up underneath the two work permits that I have so that they can learn what the two people who are holding the work permits are doing." This is the type of misconception that, in my estimation, abounds. This Whereas section in dealing with that comes down to the resolve section which reads: "BE IT NOW THEREFORE RESOLVED THAT Government prescribe, by Regulation, and outline details for a national training programme in workplaces including the Civil Service and encompassing measures for reporting, monitoring and evaluating the effectiveness of such training.".

Madam Speaker, if I chose today to do so, I believe that I could stand up in this Honourable House and find very complicated things in this resolve section. I could make it out that it would almost be a tenable situation if this is to be achieved. But, my understanding of the resolve section is not the complicated way one might want to interpret it, but simply that the idea behind this Motion is that while Government is doing whatever it is doing, it is simply to have, by regulation, some guidelines for the various sectors of the private sector where people know exactly what is required of them and which way they need to go in order to satisfy what Government thinks is a reasonable direction to train Caymanians.

I am not, for one minute, thinking that if a person has two employees and one of them is on a work permit that a regulation would be put in place that says a third employee has to be hired just to organise training to fill the place where the one permit is needed. I think it is obvious that is not practical. I just use that example. I think the Second Elected Member for George Town alluded to the point also. I do not think that is the intention of the Motion.

But, Madam Speaker, maybe I cannot speak for others, but I can speak for myself. In dealing with this and other Motions, I certainly am not making any attempts to dress down the Government for falling down on their job. If there is that reasoning I guess others will have to deal with it because I do not have any room for that at this point in time. I simply would like to see us do what is right and get on with what we know we have to do to make this country a little bit better off.

If we were to deal with the Motion with regards to the training of Caymanians, I see much scope for Government if simple and fairly general regulations are put in place. I see much scope for Government with the services that they offer at training levels being able to say to employers, "This is the position, this is what you have, this is where you have work permits", and not necessarily at all professional levels

either, Madam Speaker, because I know there are certain levels where it would take five years, maybe more for individuals, even if that person has the ability to be able to anywhere near qualify - not talking yet about experience - to fill some of these posts.

So it is not something that people should be frightened of, in my opinion. It is not something that people should misinterpret and figure that the Government is going to clamp down now and the screws are going to be put in. It is, to my mind, something that would simply lead to the work force of the indigenous population of this country being brought up to a higher standard while employers still have their businesses running. I think that is the basic purpose of the Motion. At least that is the way that I interpret what the Motion is attempting to achieve.

Although the Motion speaks about a national training programme in the workplaces, I see much room for on-the-job training which is, as we all know, the practical side of it. At various levels in the larger industries such as the hotel industry, the banking industry, the construction industry, there is the theoretical side where, if Government and the private sector were in sync, programmes could be worked out where employees could be working in the workplace. Time would be allowed for specific programmes in specific areas that they could also learn the theoretical aspects of the jobs they are being hired for.

The other thing, Madam Speaker, below a certain, I would say (for want of a better term), "middle-management" level, there is always, especially in those larger industries, room for individuals who apply themselves properly to be upgraded in their posts. I think this would be a very good way to allow these individuals to be able to be equipped to move up the ladder in the various categories of employment that they fall under.

So, in essence, while there may be some wondering about the Motion, I simply reiterate that my interpretation of this Motion is that there is a basic and genuine attempt to seek steps by the Government to allow for a more cohesive operation between employers and employees and Central Government to simply uplift our Caymanians who, so far, while some do well for themselves, there are many others whom I sincerely believe, with a little bit more streamlined operation and guidance in their various fields, could do better and fill many gaps in the workplace.

Madam Speaker, there are a couple of recitals in this Motion. One of them says: "AND WHEREAS it is a stated Government opinion and general public consensus that Caymanians must be trained wherever possible;". I see that as simply a fact. I believe that the Government feels that way. But if we go a little bit further in the Whereas section, it says: "AND WHEREAS there is an increasing need for more qualified and experienced Caymanians to fill jobs created through continued development;". I also consider that to be a fact. Regardless of how we look at it, whether we look at it from a relative position or not, I think that is a fact. Whether development is at a rate of 10 per cent per annum, or it is at a rate of 2 per cent per annum, the fact remains that there is, and always will be, an increased need for more qualified and experienced Caymanians. So, if we use those as the ground rules and we accept that that is the situation, and that is what we would like to achieve, then I personally do not see any problem with Government being able to deal with this Motion and taking positive steps to see certain things come to fruition.

I want to just reiterate again that my interpretation of Government prescribing, by regulations, the details for a National Training Programme in the Workplace is not necessarily one which is going to cause rise to more beauracracy, or cause rise to hardships for small businesses, because I am sure that if the Government went about creating regulations they would do so in a diligent fashion and they would find out all the facts that they need to lay on the Table to prescribe regulations which are fair and just to all concerned and the right things would be achieved.

So, I would just like to say that the Motion, as I read it, I think the intention is to achieve some good for Caymanians in the work force and I support the Motion as I have read it.

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

CAPT. MABRY S. KIRKCONNELL: Thank you, Madam Speaker. I rise to make my contribution on Private Member's Motion No. 9/93, Training Programmes for Caymanians in the Workplace. There has been much debate and a lot of information has emanated from this debate, for which I am very grateful. I am extremely pleased to hear of all the programmes that are now in place within the different schools, the High School, the Community College and ICCI.

I support the fact that we need to equip our Caymanian people to be able to take their rightful place in society and to get the better paying jobs. As we have done very well, I think, in encouraging people into the nursing and the teaching professions, we have not done that well in encouraging skilled personnel, such as carpenters, masons, mechanics, and all the others to truly become qualified and to take their place. Still, when these, journeymen, as they are called in the outside world are needed, we often have to resort to getting them on work permits from outside the territory. If a better training programme is established, this would not be necessary and the larger number of people coming here on work permits would be reduced. I realise that we will always require outside help and I am very grateful for all the assistance that has been given to this country by those coming in with expertise.

Madam Speaker, we are doing much to train the generation coming up but we already have a large number in the work force that are stagnant within their profession. They are not moving up. I have looked long and careful at this Motion. I would accept this as being something that could be complementary to all the very substantial efforts being made by the present Executive Council to improve our position.

As I read in the resolve section: "Be it now therefore resolved that Government prescribe, by Regulation, and outline details for a national training programme in workplaces

including the Civil Service and encompassing measures for reporting, monitoring and evaluating the effectiveness of such training;" it comes to my mind, immediately, that we are asking our Government in their wisdom to prescribe what they feel is necessary. They will be establishing the regulations and they will be complementing the programme that they have now in force within the work force.

I think it was the Honourable Member responsible for Education that said it would be improper for this regulation to encompass the Civil Service. Maybe the Honourable Mover of this Motion would agree to the deletion of Civil Service, if that is improper, but I think that what we are really saying here today is that we are asking the Executive Council, the Government of the day, to help the country by prescribing a programme which would not necessarily establish more beauracracy but help those who need help in bettering their position. It would increase their earning capacity and it would eliminate some of the social problems within the country.

So, I want to make my position extremely clear. I am most appreciative for all that has been accomplished by this Government and by previous Governments in developing the Cayman Islands, and I am in complete agreement that the Member now responsible for Labour is doing all within his power, authority and his human restrictions to make a mark on society and to help everyone. But I do feel that, maybe, certain amendments could be made to this Regulation where it could be acceptable and it would be beneficial to the community as a whole, to the three Islands. We have the same identical problem in Cayman Brac. We have many people that are now calling themselves craftsmen that have not had the training but because of the high cost of living they are not willing to accept a lower scale of wage. Therefore, it becomes necessary to import those that are better qualified to do the job leaving the Caymanian, sometimes, to do a job that earns a smaller wage.

So, Madam Speaker, I will support this Motion feeling that it will complement the efforts of our Executive Council and not be going contrary to all the major efforts they are making. Thank you.

THE SPEAKER: If there is no further debate, I will...the Fourth Elected Member for West Bay.

MR. D. DALMAIN EBANKS: Thank you, Madam Speaker. This Motion that is now being debated has its merits. I am sure that every Member in this Honourable House will agree that training of Caymanians in job places, at the Community College, at the High School, or wherever it may be, is a very important and essential issue. The training of Caymanians to hold better and higher positions on their jobs will mean a rise in , and a boost of the economy. By that move living would be much better in our Islands.

That is what everyone wants to see; an increase in better living, freer movements of life, more homes and a happier family. This is why I say that the Motion has its merits. But, Madam Speaker, that alone is not enough to pass it.

The Mover and the Seconder of this Motion, in their deliberations, said that nothing was being done by Government to help that situation by training Caymanians. It seemed to me that everything seems to be in confusion in the line of training on or for jobs. Madam Speaker, to convince and get one to support and follow you in whatever you want done, you must first get your part done right. This did not seem to happen with the Members. Some way or the other they got their wires crossed.

After hearing the Member for Education deliver such a strong convincing speech, one does not have to wonder what to do. Madam Speaker, to have so many Caymanians training in such a short period of time is something that gives pleasure to hear, should be encouraged and helped as much as one can.

I feel that Government is doing all that they can, as fast as they can. So let us give them the chance and the time that is needed to fulfill this programme. I know that everyone loves to see things work fast but a condition like we have with so many things to work on, I do not see where Government can move much faster. What I would like to say is let everybody pull together and help them along as best we can and that will be a better and more convincing way of helping Caymanians.

Madam Speaker, I cannot support the Motion, but I hope that everything is done in the way that they are helping the country, not just to tear it down. Thank you, very much.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker. I rise to offer my contribution to Private Member's Motion No. 9/93, Training Programme for Caymanians in the Workplace. Madam Speaker, during the last political campaign of 1992, this was one of the burning issues, as far as I was concerned, and it is still a very important issue to me today, that is, seeing Caymanians being trained so that they can take their rightful place in society, be it in the banking industry, the insurance industry or in the tourism industry.

One of the things that I advocated during the campaign, and am pleased to know that our Government is moving ahead with, is plans to establish such a facility. That is, I believe, the one area in our society that more emphasis needs to be placed on - training in the skilled areas, the technical trades, such as plumbers, electricians, carpenters, that type of skilled employment. I believe, and I will be pushing for this, along with our Government to see to it that a proper Trades School is established in our country, because unless that is done, we will always have a great demand for foreign expertise in this area.

These individuals that have these required skills make a very decent living in this country. From experience I also know that the best plumbers and the best electricians are in very high demand and if you can find a plumber or an electrician to take care of a matter for you, you are very

fortunate indeed.

I also believe that more needs to be done in the professional community, that is, the banks and the insurance companies, and also in the hospitality industry. I am aware that there are plans and there are programmes being implemented by the present Government to ensure that our Caymanians in these areas do get their rightful place as far as training and promotions are concerned.

I am the type of individual that when I see our Caymanians moving up, being prosperous and doing very well, it makes me feel good as an individual. I have always contended that as long as our people feel that they are getting their fair share of opportunities in this country and they can continue to earn a decent living, we will continue to be known for our stability, our friendliness and our Caymanian way of life.

But, Madam Speaker, if our people are not given those opportunities then we will probably go the same direction that many of our Caribbean neighbours have gone, where there is antagonism towards expats coming in for investment purposes, for visits, or for any other reason. We cannot afford to allow that kind of attitude to ever creep into this country. I have every confidence in our present Government because it consists of men and women who have a genuine interest and concern for Caymanians.

The past Member for Labour, the Honourable Member for Tourism, shares that concern. While he had the subject he started certain movements as far as training is concerned. I am very confident, and I am pleased to hear that the present Member for Health is continuing with the movement of seeing to it that our people are well trained. I also believe that the present Immigration Law will have a lot to do with this training because in that Law, there are provisions and requirements that if a Caymanian can be identified, not if, in most instances a Caymanian must be identified to understudy someone who is being brought in on a work permit so that eventually we have a situation where the Caymanian is qualified and eventually moves up so that the demand for a work permit for someone from the outside can be eliminated.

What I believe is part of the problem is that a lot of our foreign nationals that come here, because of the environment in which we live and work - it is such an open, honest, safe environment - that a lot of them, once they get here, really have no great desire to return to wherever they came from. I believe that it is important for us, as a Government, to remind our foreign nationals and our businesses here and, Madam Speaker, there will always be a need for foreign expertise to be brought in, but it is also to their best interest if they can find a Caymanian in those areas that they are qualified to fill those positions. I know, in particular, the professional industries, banking and insurance, that if they have to bring in somebody from the outside in most cases they will have to pay them much more than they would be in a position to, maybe, attract a local Caymanian with the same qualifications. In most cases he or she has a housing allowance, a car allowance in a lot of instances, plus the work permit fee. Today, especially for professionals, it is not very cheap indeed. So, it makes sense to identify local Caymanians who have the potential to be trained, or those with training, who are qualified to be promoted to these positions.

Madam Speaker, I have every confidence in the present Government and we are working towards the training and promotion of Caymanians. This Motion is unnecessary, even though it has been brought with genuine concern and interest for our people, I believe that because of the movement that is already in place with respect to the training of Caymanians. So, I will not be supporting the Motion but I will be looking very carefully and following the progress of training in this country as far as Caymanians are concerned.

Thank you, very much.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:34 A.M.

PROCEEDINGS RESUMED AT 11:54 A.M.

THE SPEAKER: Please be seated.

Debate continues on Private Member's Motion No. 9/93. If there is no further debate I will ask the Mover of the Motion if he would like to exercise his right to reply.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. I believe it is only fair and reasonable that I should try, as the Mover of this Motion, to redirect the minds of a majority of the Members in this House to what is clearly written down in this Motion in plain English, for I am not certain that anyone tried. Perhaps this was the case on the part of most Members, to distort what is in this Motion. It could have been done more so than what has happened here since yesterday.

Madam Speaker, the accusations about why Motions are brought here continues as it has since the first Private Member's Motion was moved a few days ago. It is my obligation to answer some of the wild accusations and suggestions stated by different Members.

First of all, Madam Speaker, I would like to reply to the suggestion from two Members, the Second Elected Member for George Town and the Third Elected Member for West Bay, regarding what they believe may be an effort to show up this Government. What I have to say to that is, neither I nor the Seconder of this Motion have to do one thing in the world to show up this Government. This Government is showing up itself. It is showing up itself, and if we confine it alone to the Private Member's Motion so far, by voting down four well thought out, pertinent Motions without really giving anything but the most flimsy reasons for doing so, including voting down the opportunity of this country for having a Public Utilities Commission.

So, I do not have to do anything whatsoever to show this Government up, it is showing up itself and everybody is looking on, including myself.

Madam Speaker, this Motion is about the Immigration Law, it is about Immigration Regulations and it is about something that is contained in section 6 of the Immigration Regulations, that is, the training of Caymanians. How the Member for Education, and all those persons he obviously instructed to take off behind what he had to say, could get into this matter about the training at the George Hicks High School, the John Gray High School the Community College of the Cayman Islands and ICCI absolutely baffles me.

The Member who is now also assigned the matter of Labour and, apparently, Immigration too, the "Minister for All Services", he is also doing something about training. He is doing something about everything, but the only thing that I really see that he is doing is stopping most things that have been ongoing. He got up and he read off a statement in which he spoke about a training system which relates to our Labour Market. Well, I am talking about nothing less, or nothing different. He talks about something being performance based and not nationality based. Madam Speaker, obviously, it has absolutely escaped him that I am talking about training our own people so that they are better equipped in their job. That is what this Motion is about.

As for nationality based, I can only practically, sensibly and realistically, talk about training Caymanians. I cannot talk about training Americans, Canadians, Jamaicans, Chileans or Colombians who might be in this country, I have to talk about training Caymanians. So that nationality, although it is said it is not one, is the nationality I am talking about. Where there may be other nationalities in this country, working on work permits, one could logically assume that they are in certain jobs here because there is no Caymanian capable of performing that particular job. That should be the premise under which non-Caymanians are here working.

I am sure that he, that is the Member for Labour and Training and Immigration, misses the point when he says training must be performance based and not nationality based, for it has to be, it relates directly to performance on the job, in the workplace - not in the Community College or in ICCI but in the workplace. If that is a welding shop down in the swamp, or if it is a mechanic shop wherever, it is in the workplace and it relates to work performance on the job.

That Member also talked about giving encouragement as being preferable in training Caymanian staff. Well, it would seem awfully simplistic that one of the things that has to be done is to encourage our own people to be motivated to learn to acquire the skills and the knowledge of the job they are performing. So, again, I do not know what that was supposed to mean.

Then he went on to read about a partnership between Government and the private sector. That is what this Motion is talking about. The partnership came about between the private sector and the Government when these Regulations were written and section 6(1) was put in. It established the partnership. What I am trying to say to that Member, which he obviously does not understand, is that he should refine the terms of the partnership and detail it so that he might understand and the employers might understand what is required of them.

Then he went on to say that Government has provided CI$.75 million for training, and so on. I know that Government has always provided certain money for training. I totally support that and the only thing that I would like to see is that if it is at all possible to put more money into training here internally and externally. I use the term 'training here' in its widest sense because when someone is being sent abroad to get a degree, then you say they are in training, but they are actually being educated in the fundamental knowledge of that subject. So, I do not have any problem with that whatsoever. In fact, I have always supported that.

Again, I know that he said that because someone claims to be a Caymanian does not mean that he can get a particular job. Certainly not. That is why, again, this Motion is here asking him and his colleagues to understand that one of the ways of Caymanians having more to offer than the claim of being a Caymanian is through training them. He fails to understand it. As for his talking about his interview in the newspaper, he says he is going to train the unemployables but he misses the point that the employables that are on the job need job experience and on-the-job training. Is it any wonder why this country is in such a serious state of flux and uncertainty?

He is the one who has this ongoing movement for training. The Government is already doing it, he is already doing it. Well, I can tell him, and I can tell any Member of that Government Executive and their supporters, that part of training is the actual physical instructing on the job. I argue that you can have a person with a Master's Degree or a PhD., come into a work situation and not know what to do procedurally within the business. He can be an accountant, he can be whatever. They have to be trained as to the processes and so on. That is the definition and the premise of training which this Motion directs attention to.

Madam Speaker, one Member spoke of this Motion as being discriminatory, that is, referring only to Caymanians. I have already stated that they are the only people that I would even conceive about bringing a Motion here for to see that they were trained. The other nationalities in this country, one would assume, come here with a certain level of training that is why they are working here. If they do not have the training that they would like, their country must be responsible for that. We, in the Cayman Islands, must be responsible for our own people - Caymanians.

Now, I would like to refer briefly and to quote the Member for Education and his statement talking about sweeping statements of my own and the First Elected Member for Bodden Town. As I said a few moments ago, I fail to understand how on earth this speech he gave related to this Motion. I categorically deny that at any point in my presentation of this Motion, when I moved it, having been so authorised to do, did I say that nothing is being done for training. It is a falsehood. I have no recollection of the

First Member for Bodden Town saying that. I know I did not say such a thing.

I would like to deal with some of the points put forward by the Member for Education. On the front page of the *Caymanian Compass* of Wednesday, the 28th of April, 1993, there is a picture and under it, it says, "MLAs Mr. Tony Eden and Mrs. Berna Murphy talk with culinary arts teacher, Graham Taylor, after a luncheon at the Community College cooked and served by students in the Hospitality Department". The first paragraph of this begins: "Members of the Legislative Assembly seemed duly impressed by the work going on at the Community College after a visit on Tuesday (27th April) morning. Led by the ExCo Member for Education, Mr. Truman Bodden, MLAs on the visit were Mrs. Berna Thompson Murphy and Mr. Kurt Tibbetts from George Town, Mr. Tony Eden from Bodden Town, and Mr. Gilbert McLean from Cayman Brac and Little Cayman. The party was joined by Acting Governor, Mr. Lemuel Hurlston, for lunch.".

Madam Speaker, you know what the Member for Education said here yesterday? I would like to read it: "You know, Madam Speaker, what I find really worrying, is that when you get Motions such as this, the wide-sweeping statements that are made in this House, presumably to hear themselves speak, or for political reasons, the First Elected Member for Bodden Town and the Second Elected Member for Cayman Brac and Little Cayman were invited to come to the Community College. They did not show up.". He did not just say it once, he said it twice. I quote: "I would hope that the next time an invitation to come to the Community College is given, especially to the Second Elected Member for Cayman Brac and the First Elected Member for Bodden Town, that they come there and look at the facilities we have and talk to the teachers there, talk to the students there...". (*Hansard*, 30th September, 1993)

Madam Speaker, I do not believe for one minute that the Member did not remember that I was there. For I sat next to him and watched him knock off half a roasted chicken with little almond seeds on it and have some daiquiris, like I did. I believe he deliberately made that statement here, as he said, for political reasons where it is false. The people who were not there were the majority of his National Team Members, that is who was not there. Why did he not say that?

To say that I did not visit that College and that I do not know what is going on there is also false. Since that, I have gone there on two occasions to talk with the Principal about certain courses and night classes, one or two of which I would like to attend myself. I also visited their library to look at a book that I saw there on my first visit. The Principal was even good enough to help me acquire a book that I was seeking. I hope by letting out that knowledge or information it does not in any way jeopardise the Principal's job.

Madam Speaker, the Member went on and on attempting to show that this Motion is something that it is not. I would have thought that everyone here in this House had the ability to read straight-forward English and to understand and comprehend what it was saying. But obviously not. When he was not stabbing at me, he was stabbing at the First Elected Member for Bodden Town. To the extent that he said: "Madam Speaker, it is very easy to stand up in this House with a necktie, with an air-conditioned atmosphere and talk about there is dignity in labour. That is all well and good. It is a nice saying but, has that Member ever experienced what hard labour is out there?". (*Hansard* 30th September, 1993) Since the Member has already spoken and he cannot reply, I can say what I know of that Member's experience with hard labour. I know that Member came from a family that was not rich by any means. Neither of his parents had a shop that gave them steady a income. They were very hard-working people. I know that the First Elected Member for Bodden Town, like myself, when he was going to college had to mix several troughs of cement. Certainly, the First Elected Member for Bodden Town, too, knows what it is, with his Master's Degree and all, to go and work on construction sites when he was hounded out of the Education system - we know by whom.

Why do we have to go to get some special funds to raise money for training? Money is already there for training and training is ongoing. I know that. I know that the Civil Service has certain training courses that are run. I understand that under this present Government, whose first effort was to fire 7.5 per cent of the Service, they are making lots of changes and spin-arounds with the Training Unit there now. So I know. I used to be the Government Training Officer. I know that there is training in the Civil Service. But there is nothing objectionable, I argue, about this Motion asking that a national training programme be in workplaces including the Civil Service. The Motion is not speaking at all about the Civil Service and their in-house training programmes. They offer courses with certain skills within it. But surely there is nothing wrong for the Honourable First Elected Member to go back to his office and speak to the Principal Secretary for Personnel, and express the concerns of Elected Members, of the people he heard here where they could possibly put in place a system of more supervision and direct reporting of what Caymanian Civil Servants are doing to get experience where they are in a subordinate position to a non-Caymanian. What is so frightening about that? For me to say that there is no training going on, how false! How false!

I am not asking in this Motion, nor is the First Elected Member for Bodden Town asking, as the Member for Education says, to prescribe people to train. Oh no. It is simply a prescribed guideline for employers so that they will know what is required of them when the Government assesses whether or not they have a training programme and whether it is satisfactory to them, on which the Immigration Board will judge and decide whether to grant these persons a work permit or not.

I believe that a majority of Caymanians working in every job that might be around the place here, where they are looking forward to some promotion or mobility upward, would like to learn more about it, and it is a question of them getting a chance. There are many. I do not know about the rest of these Members, if people do not say anything to them in their day-to-day activities, but they sure do to me, they certainly do to me. I hear many stories about them not getting a chance.

Of course the Member for Education also talked about the partnership of this private sector. I wish him well on that. I am sure there is one in place. Everything else seems to be so I am sure that is in place. Then he went on to say that it was so wrong that the First Elected Member for

Bodden Town and myself were not recognising the hard work and the efforts of people who have got the Education System to where it is. Of course I have acknowledged it, always have, always will. He talked about the Community College and so on. Of course I recognise the hard work of the former Member for Education, Mr. Benson Ebanks (Member's laughter) in his effort to get the Community College and his effort to get, for the first time, an Education Programme for the Cayman Islands, his efforts to get a national education examination and his introduction of the CXC Examination, which the Member, since November, has systematically been trying to disrupt and destroy. I recognise the efforts of all those people who have brought education in this country to where it is.

The last thing I would like to speak about, is what the Member for Education had to say when he made the statement that, and I quote: "It is the same problem we face with questions. So much time is wasted by Government Members trying to put together information on matters such as this which should be public knowledge. That time could be put towards more positive things.". (*Hansard*, 30th September, 1993) It just happens that it is only myself and the First Elected Member for Bodden Town that ask questions in this House anymore, it seems, generally speaking, except for one difference this meeting. I believe that the Government of the day, including that Member, would simply silence us as well and there would be no questions asked here. That seems to be what is suggested here - it is a waste of time. Not to me. It is a fundamental right of Members to ask questions of the Government. It is through that that the public at large is brought into the picture and learns about what is going on. It is through Question Time that Members are kept on their toes because they know that the Members who are not in the Executive are scrutinising what they are doing and asking them to account for their activity or inactivity. So it is very fundamental. As far as I am concerned, the Standing Business Committee could easily double the questions for both myself and the First Elected Member for Bodden Town so that these questions could be answered, even right now, in the House, before the House is adjourned until the next meeting. Normally on the days when Members ask questions, if all the Members asked questions, there would be 12 or 15 questions on the Order Paper, now there are only six. I wish it to be known, Madam Speaker, that I do not believe in going to "shoo-shoo" with any particular Member and they tell me something that they might be doing or tell me something and believe that the rest of the public should know it. Anything that relates to public matters is not just for my information, it is for the information of the country.

Madam Speaker, more specifically to the Motion which is before the House at this time, as was briefly mentioned earlier, this Motion relates to the Immigration Regulations, that is all it is. It relates to the Immigration Regulations. In the Immigration Regulations it says, "that employers must train". In the Immigration Regulations it says, "that an employer's application for a work permit may be refused if he does not have a training programme in place". Now, the question arises, what training programme should he have in place? What requirements, as Government sees it, as these goodly gentlemen would be able to decide?

I know right now of an American who is working in a particular job here, it is a technical job. About three weeks ago I had occasion to speak with him and he said, "I am leaving, I am not going to get another work permit." I asked him, "Why is that? Who will do what you are doing?" He said, "I do not really know." He said he has been here four years and I imagine he was given two year periods in each instance, he said he had had two work permits. The last time that he received something from the Immigration Board it said that this would be the last permit he would be getting, he would have to train a Caymanian for his job. So, he says, "We have tried to get a Caymanian who can do the job that I am doing." So I said to him, "What you do is quite technical." Because what the person does is computer work in designing buildings, trusses, this that and the other. So I said, "I cannot tell you that you will be given a permit, but I think that your employer, the owner of this business, should write to the Board, pointing out that you have not been able to find a Caymanian suitably qualified which would require some maths and a bit of physics and things of that nature, that you have not found one." He said, "I really do not understand what they really require of me in training the person." I said, "Well, I would imagine they mean that you have to teach him the computer. What do you do?" He said, "I supervise the workshop here and I work on the computer and I design these things", and so on. I said, "Well, it must mean that you would have to teach someone these particular things", and I said, "I am sure the Board does not expect that in two weeks or six months someone would necessarily learn it straight off, there would have to be some kind of a time frame." But this is the type of thing this Motion is trying to address. He must train a Caymanian, he must have a training programme to train a Caymanian.

What this Motion is saying, Madam Speaker, does not have anything to do with ICCI, the Community College and all of that. That kind of education everyone is free to get and I hope that as many as possible could get it. The type of training that is expected of an employer is training in the workplace - W-O-R-K-P-L-A-C-E. Now, the Community College could only be a workplace for the lecturers and teachers there, I would think. We would not necessarily want to train them because they are supposed to be trained, and they are doing the training. It is the training in the workplace.

I did not ask in this Motion that a lobby be drawn up demanding employers that they have to force an employee, like someone here said that they have to train and they have to spend this money and so on. I said put it in the Regulation that is already there. If the Government does not want to see the training of Caymanians, apparently they have a problem with it, then I suggest they take out section 6 (1), (2), (3) and (4). Remove it. But as long as they are putting that onus on an employer to train a Caymanian, give him an outline of what you want him to do, what he is expected to show to the Immigration Board when he next applies for a work permit. The statement here is general in section 6(1), where it continues to say: "The Board may require an applicant for the grant or renewal of a work permit to provide details of any programme that he has that is designed to ensure that persons of Caymanian status be provided with the instructions and practical experience necessary to make them fully qualified to carry out the job concerned satisfactorily and as expeditiously as possible.".

Madam Speaker, I am by no means a lawyer and I do not claim to be. I can claim to be a teacher, as the Member for Education said, myself and the First Elected Member for

Bodden Town, although two decades not teaching. I do not know why that bothers him because I do not claim to be a lawyer and I make that clear. But, I have a few suggestions of things and ways that in these Regulations it could be put in by a lawyer. I will try to get across a thought. If there is in a workplace a Caymanian who is doing a particular job and there is a wish to train him to acquire the skills of someone working above him who has skills he does not have, one would have to set up or design some particular programme for doing it. That could be, (1) that a regulation could say, for example, there will be at least one and a half hours each week given to instruction and practical experience necessary to make a Caymanian fully qualified to carry on the job. If you take a five day week, for 15 minutes a day the employee will have an opportunity to have hands-on, whether it is with the computer, whether it is a person doing welding, that the Caymanian employee has the actual opportunity to use the acetylene torch to cut a piece of metal. That would be on-the-job training in the workplace.

I believe also in these regulations that it should say that the employer shall keep a record on a prescribed form, which could be designed and put in here, concerning the instances of training, and they would have to submit these forms to the Labour Office or the Immigration Board, say quarterly. In other words, a form could be designed and added on to this that the employer shows over a period of three or four months, whatever the case may be, each day John did 15 minutes of this, 15 minutes on the next day and so on. In a column, or a section, the employer could put in his assessment of the employee, "He shows good skill for this particular work", or, "he does not seem suited for this", or, "he is not seeming to learn to the extent that the person should". Additionally, the employer would be given the opportunity to put down there, if it was the case, "John never shows up on Monday because he drinks too hard over the weekend and really he does not show himself to be the kind of person for this particular job, he is not showing enough initiative and responsibility". So that when these reports are sent in to the Immigration Board, they have an ongoing report of what is happening in that particular workplace. So when the employer applies for the renewal of the work permit for the non-Caymanian, they know that this (Caymanian) employee is really not pulling his weight so it is only sensible a work permit be issued to the man. That is what this Motion is talking about. The Government simply does not understand.

I believe there should have been something in the Regulations that would say that the Labour Office and the Immigration Board would examine the report forms from the employers, analyse the information and advise the employers of their observations. And, if they felt it was necessary they could inform the employer, "Look, we believe that you could do this additionally", and the employer would know. I believe something could be in the regulations which would say all employers who employ people on work permits should give, at the time they apply, information (again it could be on the form - it is the quickest way) of their training programme, as it says already in the Regulations, and what they have set up.

I wonder if the people in the Government know that every form for an application for a work permit has on it, "What training programme do you have in place?" I wonder if they know. So from day one, be it whichever business, be it whichever employer, they would immediately send in on the form, "I have 8 or 10 employees, three of which are people on work permits, and my programme is this, and I figure with what Caymanians I have, in a three or four year period I would have at least two able to move up to the position that these occupy."

Madam Speaker, this Motion is so straight forward that anyone, except those who do not wish to see what it is asking for, would see. As for the Government talking that they are already doing this and they are already doing that, well, let them tell me then what they have done about instances where employers may come up against a situation of finding their work permits refused. What are the requirements that have been set down? What are the guidelines that have been set down that the employers would need to know to decide whether they are doing what Government envisages them to do or not? There is nothing. That is why this Motion is here.

So, there is no need to make the Government look bad, it would be a shame to try to do that, because they are doing enough of that themselves. They are doing that themselves, by the mere refusal of this Motion. Look bad? I would never want to add to that situation.

Madam Speaker, I say, again, that this Motion asks for something which needs to be done. That is a glaring problem. Unless it is done, the Government cannot expect an employer to know what to do when it comes to meeting their obligations under the Immigration Regulations. They are putting the employer at a disadvantage. They are putting a penalty on the employer, they are putting a penalty on the Caymanian employees who have no guidelines or knowledge of what the Government is trying to do for them. If the Government is doing so much and wishes to do so much for the people, then they can make an outstanding effort by accepting this Motion and giving directives to the people who have employees on work permits and who have to provide a training programme by prescribing in the Immigration Regulations what is expected of them so that they are not up against penalties when they really do not know what to do. The Caymanian people, whom they declare they love so well, would also know what to expect and it would not be the case that each Caymanian who finds themselves in an unhappy situation, where training is concerned, would know too what parameters exist in the workplace, not at the Community College, or ICCI, or any of those places.

Madam Speaker, I have said enough on this and I am sure that, except for those who do not wish to understand, they will understand what I am saying in regards to this Motion.

THE SPEAKER: The question before the House is Private Member's Motion No. 9/93. Those in favour please say Aye...Those against No.

AYES AND NOES.

THE SPEAKER: The Noes have it.

MR. GILBERT A. McLEAN: Madam Speaker, could we have a Division please?

THE SPEAKER: Madam Clerk, would you please take the Division?

CLERK:

DIVISION NO. 9/93

AYES: 4
Mr. D Kurt Tibbetts
Capt. Mabry Kirkconnell
Mr. Gilbert A McLean
Mr. Roy Bodden

NOES: 13
Hon. J. Lemuel Hurlston
Hon. Michael Marsden
Hon. A. Joel Walton
Hon. W. McKeeva Bush
Hon. Thomas C. Jefferson
Hon. John B. McLean
Hon. Truman M. Bodden
Mr. D. Dalmain Ebanks
Dr. Stephenson A Tomlinson
Mrs. Berna L Murphy
Mr. Anthony S Eden
Mr. G. Haig Bodden
Mrs. Edna Moyle

ABSENT:
John D. Jefferson

THE SPEAKER: The result of the Division, 4 Ayes, 13 Noes. The Motion has been negatived.

PRIVATE MEMBER'S MOTION NO. 9/93 NEGATIVED.

THE SPEAKER: The House will suspend until 2:15 P.M.

PROCEEDINGS SUSPENDED AT 12:48 P.M.

PROCEEDINGS RESUMED AT 2:16 P.M.

THE SPEAKER: Please be seated.
Continuation of Private Member's Motion. The Fourth Elected Member for George Town.

PRIVATE MEMBER'S MOTION NO. 6/93
IMMIGRATION POLICY ON MAXIMUM WORK PERMIT EMPLOYMENT PERIOD AND SECURITY OF TENURE FOR NON-CAYMANIANS WITH OVER 15 YEARS' RESIDENCE

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. I beg to move Private Member's Motion No. 6/93 entitled Immigration Policy on Maximum Work Permit Employment Period and Security of Tenure for Non-Caymanians with Over 15 Years' Residence.

This Motion reads as follows:

WHEREAS the matter of a prescribed maximum period of employment by work permit is highly topical, particularly at the present time;

AND WHEREAS there are many non-Caymanians who have been employed on work permits and have been resident in these Islands for over 15 years;

AND WHEREAS the condition of over-employment poses a major social, legal and economic concern for the Cayman Islands in regard to immigration;

AND WHEREAS the situation has reached a position where a fair, practical and just resolution needs to be found for both Caymanians and non-Caymanians;

AND WHEREAS the condition, if left unresolved, poses the possibility of uncontrolled reaction which could generate negative results for these Islands;

BE IT NOW THEREFORE RESOLVED THAT Government set a maximum employment period for work permit holders with a provision for extension in certain circumstances;

AND BE IT NOW THEREFORE FURTHER RESOLVED THAT Government take steps to examine all those cases of individuals, their spouses and dependants who have resided in these Islands for 10 years and over and who wish to be considered for permanent residence with the right to work be so considered; and, where it is found that such persons meet the requirements of the Immigration Law, Regulations and Policy Directives then in effect, that they be granted such permanent residence; and that thereafter requests for permanent residence be restricted to those individuals who apply for permanent residence in the normal manner under the existing Law;

AND BE IT NOW THEREFORE FURTHER RESOLVED THAT Government, in a one time "sweep up" exercise, invite all those individuals, spouses and dependants who have resided in the Islands for 15 years and over to apply for consideration for the grant of permanent residence with the right to work and, unless there is good cause to do otherwise, grant such permanent residence and that at the end of this exercise the opportunity to apply be withdrawn from this category of persons.

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Madam Speaker, I respectfully beg to second the Motion.

THE SPEAKER: Private Member's Motion No. 6/93, having been duly moved and seconded, is open for debate. The Fourth Elected Member for George Town.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker. Before I get into the meat of my contribution, I would just like to say that it is my firm belief that this Motion is as important to the people of this country as any other issue that we might consider as a pressing one.

I am going to ask the Honourable Members of this House to treat this Motion in the manner in which it comes. This Motion is not dealing with any situation that has occurred very recently. This Motion deals with a situation that was obvious to many from years ago and by this time has become so acute that, in my opinion, we need to address the situation otherwise we may be faced with situations on a national level that we may find much difficulty in solving.

Madam Speaker, I would like to quote a couple of sections with regard to the Immigration Law, and subsequent amendments and directives. Under the Immigration Interim Arrangement Direction, in section 4(1) reads:

"The Board must, upon request, grant permission to remain permanently in the Islands to a person who has been normally resident in the Islands for a total period of at least 15 years unless the Board is satisfied that there are extraordinary circumstances justifying not doing so.

(2) The Board must, upon request, subject to clause 3 of these Directions, give a person granted permission to remain permanently in the Islands in accordance with subclause (1), permission, in accordance with section 24(1) of the Immigration Law, to engage in a gainful occupation.".

So, Madam Speaker, having read this, one might wonder why, if it is already prescribed in the Law, that part of the resolve section of the Motion literally says the same thing.

In answer to a Parliamentary Question which reads, "To ask the Honourable Member to provide the total number of applications for and nationalities of the following as of June 30, 1993, (i) Caymanian status.... The answer, "(i) The total number of all applications pending as at the 30th June, 1993, for the grant of Caymanian status, was 304". Part (ii) of the question was asking the number of applications for permanent residence with the right to work. The answer to that was 102. Part (iii) of the question was the number of applications pending for permanent residence with no right to work, the answer to that was 51. A total of 457 applications.

As I go on to prove my point with this section of the Motion, let me make it clear from the outset that it is not within me, nor is it an attempt on my part to prove any failings of any department or of any office within the Civil Service, or of the Elected Arm of Government. No where am I attempting to show-up anyone. But, while I fully understand that this situation is one that is politically very sensitive, I also understand that it is not one that is easy to deal with. The fact is that at this point in time, I feel that it must be dealt with. The points that I just made with regards to section 4 of the Immigration Interim Arrangement Direction, and showing the large number of applications pending, is simply proof that if we allowed the situation to continue the way that it has been for many years, I respectfully submit, Madam Speaker, it is going to blow up in our faces.

With regards to the large number of pending applications for Caymanian Status which, as of June 30th, was 304, Madam Speaker, I believe that there would have been a larger number of applications but for the fact that many people are convinced that it is a waste of time. The mood of this Motion is not dealing with status, because that is even more sensitive. I am taking the stand point that if we, as a country, are not quite sure what the ramifications are going to be and how we should deal with issuing Caymanian Status, then, at least, let us examine the possibility of allowing these people what everyone has been talking about for many years. Which is, basically, security of tenure.

I do not presuppose that the Motion is worded perfectly and I am not here trying to say that there are not sensible arguments which may be put against certain sections of the Motion. But, in my view, the Motion is worded in such a way that it attacks the areas that are most critical. I will touch on a few of those areas.

Let me take the one which seems to have caused the most concern immediately. That is, the first resolve section which reads: "BE IT NOW THEREFORE RESOLVED THAT Government set a maximum employment period for work permit holders with a provision for extension in certain

circumstances;". Lest that be misunderstood, let me explain what is trying to be achieved. That resolve section of the Motion is generic to the point where it does not suggest a specific time period of employment for work permit holders. Simply because, in my opinion, there are various categories which if we were to set one specific time period, that that time period would satisfy all categories properly. So, while it does state that it is asking for Government to set a maximum employment period, it is not saying that that period has to be one specific period for all. In other words, I know that at certain professional levels it is ludicrous to believe that we could entice a foreign national to come to Cayman to work for a firm doing certain skilled crafts for a period of one or two years. I understand that. I am not suggesting that that is what it should be. But, the last part of that resolve section says, "with a provision for extension in certain circumstances". That is in there also to say that if there is a specific period of time granted for an employee who is on a work permit, and the employer can prove that while that specific period has lapsed there is no replacement for that individual who is Caymanian or living on the Island, then there is no reason why that work permit should not be extended. So I just make that point to make it clear that this section of the Motion is not trying to cramp anyone's style or hold up progress in any way.

The purpose of that section of the Motion, to set a maximum period, is simply to regularise the various areas and to ensure that there is continued leaning toward the training of Caymanians to fill these posts once Caymanians are available. That is the whole purpose of that section.

As I move on, I would just like to deal with a few real examples that I have personally experienced in the very recent past. There was a young lady who had a problem and she came to the George Town MLA's office, which the Members for the District of George Town man. She did not just speak to myself, she spoke to all of us. Her problem was this. She had been on this Island living constantly for 21 years, she was 26 years old. This is just a few months ago. Natural justice did not allow for the Department of Immigration to say, "Young lady, you have to leave", because she had nowhere to go. But, when she came to us it was to seek some kind of assistance because she was going to court to be charged with overstaying on this Island. Now, if that is not something that we should be able to laugh at, then I would like you all to tell me. That is not an isolated incident, Madam Speaker, I subscribe to that.

It is not a fault of a people. It is not something that the various agencies in this country have purposely set out to cause to happen. It is just something that has caught up with us. Everyone was hoping that it would not be the case, but, sad to say, it is the case. I know of another incident. The other Members for the District of George Town also know about the case this young lady who was born of a Caymanian mother, not born in the Cayman Islands, but born of a Caymanian mother. She has been here to the tune of something like 23 years. She has not had a job for four years because when she goes to apply for a job, the moment the prospective employer hears that she needs a work permit he says, "Sorry, I cannot help you.". The prospects of making an application for a work permit for the type of job that she can fill is too much of a hassle for them, so they cannot help her.

I have seen documented evidence of 13 places that she has gone to seeking employment, and she has been here for 23 years. She has four children, born of a Caymanian father, and she cannot get a job. She has to go into the Immigration Department every six months, or whatever, and beg someone to stamp her passport so she can remain here. She also has nowhere to go. Again, Madam Speaker, I know that this is no one person's doing. Let us not even think of it in that fashion. But the fact is that there are situations like this that do exist. And, again, while the exact number of years and the number of children and the descendants may not all fit in the same category, as a basic principle, there are many cases like that.

The other angle of it is that there are people who fall in that category who are on our list for Social Services. If it is left like it is, they will forever be on that list. Madam Speaker, there is also another side of the coin. There are many good people who rub shoulders with us on a daily basis, some of them are our dear friends. You will hear lines of argument such as, "You know, I would love to buy a piece of land, I have been here for 12 years. I would love to be able to build my house to raise my family who is also here but I do not know what is going to happen in February when my application for the renewal of my work permit goes in. I have been ready now for about three years but I am so afraid to go into that expense and then find out that I have to leave". That is a real fear!

There is also the other school of thought in tandem there, which says that if there are many people like that on this Island, and I subscribe to this Honourable House that there are hundreds of these people - literally hundreds and hundreds - if there are that many people who live here with that thought process, it must be holding back the local economy. I also think that is real. In addition to that, many of these people who have been here for many years, live in the manner in which I am going to describe right now. They live below their means. In other words they live sub-standard, for one reason only, because they want to save as much as possible to send back home. That is real. It is my belief that if there was a mechanism in place where Government could rightfully and dutifully process these people who have been here for many years, not by Caymanian status, I am not talking about that now, but allowing them that basic security of tenure, then I do not think those people would think like that.

We all know, factually, that the economy in which we live is not self-sufficient. I daresay that it cannot be sustained only by the indigenous population of these Islands. I am not suggesting that there is anything wrong with that, but that is the fact. I am not saying that we want it to be like that but, still, it is a fact.

Madam Speaker, if we look around, the many families that are all known to each other in these Islands, I venture to say that there are very few who would be able to stand up and be counted and say that after all of these many years that they have no one anywhere near in their family, whether by marriage or whatever other way who does not have some outside connection. I firmly believe that those families that would be able to say that are few and far apart. The point there is that integration, which some people have had great fears about, and I understand that fear, but the integration that those people may be fearful of has already

taken place. There is no question in my mind about it. Whether that is bad or good is not what I am debating about today. But I say that it is taking place. I also say that if we wish to make the best of that situation then all and sundry in a certain category in this country should feel as if they are a part of this country to the extent that we can allow them in a comfortable fashion.

If we were to be able to surround the Cayman Islands so that no one could leave today, and we were in a position to go through every single physical body that existed here then we could throw away whom we please, knowing that this one is no good or that one is not doing the country any good, this one is a crook and this one has come down here to teach our young ones to do robberies and stuff like that, but we cannot do that. I promise you that I wish that we could. That is not an exercise that we could make a reality. So, while there will be fears in us making attempts to make this situation right, a few people may slip through the net. I accept that, but because of that I do not believe that we should say that we are not going to do it.

The sweep up exercise that the last resolve section speaks about, and I would just like to read that section again: "AND BE IT NOW THEREFORE FURTHER RESOLVED THAT Government, in a one time "sweep up" exercise, invite all those individuals, spouses and dependants who have resided in the Islands for 15 years and over to apply for consideration for the grant of permanent residence with the right to work..." Madam Speaker this is where the important section that I want to point out is: "...and, unless there is good cause to do otherwise, grant such permanent residence and that at the end of this exercise the opportunity to apply be withdrawn from this category of persons:".

Unless there is good cause to do otherwise. In other words, Madam Speaker, if there is an application from an individual under this sweep up exercise, and that individual was found or known to be in what we might call an undesirable category, well, we simply refuse the application. So it is not to say that we are going out to sweep it up and in the process of getting the goggle eyes, you are going to kill 200 fish that are less than a half inch long. That is not necessarily the case.

In my short time as an elected representative for the District of George Town, and as we take turns to man the George Town MLA's Office in the evenings, I daresay that on the average for a week, there are at least six different individuals whose problem is of the nature that we are trying to deal with in this Motion here today. The problems vary, the degree of the problems vary but the basic one ingredient that is constant is insecurity. That is the problem.

Madam Speaker, I subscribe to the fact that if a person is uncomfortable that person cannot be as productive as that person can be. That person cannot be as good a citizen as he or she can be. That person will not be as caring as he or she can be. There is no real reason why we should not do this for I also believe that if we, at a national level, do not believe that we should do this, then we should tell them they have to go. That is my belief.

I am not widely travelled because I do not like to fly but I read a fair amount and I have never heard of anywhere that a person is normally resident in a country in excess of 20 years and there is no position for that individual to take in that country with regards to any type of legal hold which allows them to reside permanently.

So, with those opening arguments, I would ask the Members of this Honourable House to search in their minds, use their own experiences, or examples, and examine the Motion carefully. I do trust that I have been able to explain the reasoning behind the Motion and I would ask them to accept it in the light in which it comes. It is simply a genuine attempt to address the problem that this country is faced with that we cannot sweep under the carpet. I trust that the Government is able to see the Motion for what it is. I want to categorically state, so that there is no misunderstanding, that I bring this Motion out of a genuine desire to cure an ill. This Motion has nothing whatsoever to do with the Government of the day and its ability to function. I simply ask that we use this as an avenue to cure a problem that otherwise might hang us. So I hope the Members can find it within themselves to support it.

Thank you.

THE SPEAKER: The Honourable First Official Member.

HON. J. LEMUEL HURLSTON: Madam Speaker, I rise to speak on Government's behalf on Private Member's Motion No. 6/93. Two weeks from today will mark the first Anniversary of the coming into effect of the new Immigration Law on the 15th October, 1992. Since then some new Regulations were promulgated in December and recently the Government announced that it was in the process of reviewing the Directives, or Directions as they are called, to the Board which Council is required to do under the Law. But that in the meantime all existing Directions continue to be applicable and continue to operate.

The House is aware of the history surrounding Immigration and its development. The Select Committee that studied the subject over three years prior to 1992 considered the matter in some depth and it is true to say that the topic of security of tenure featured prominently in that review. In taking representations from professional groups and associations, and members of the public on the matter, various alternative proposals were offered to the Committee. The Committee noted many of them, considered some of them, and in the final analysis the Committee concluded that it is more detrimental than helpful to be too specific in regulating something that is as migratory in nature as persons who are controlled by Immigration.

The Committee concluded, therefore, that discretion in these things, at the end of the day, is the only practical way to go. However, the Committee went as far as to accept that there was a need to offer some alternative and encouragement to those persons who had resided in these Islands for many years. Accordingly, the Committee drafted a direction which it offered to the Government, recommending that persons who were in all other respects eligible and who had resided in these Islands for 20 years or more be encouraged to make application for permanent residence with a conditional right to work.

That direction was made to Government and Government, on the 17th November, 1992, which was quite close to the date of the General Election, if not the date of the General Election, issued the Immigration Interim Directions that the Honourable Fourth Elected Member for George Town referred to, and I will not read it into the record for the second time. But the direction that he read relating to that matter, in fact, was more generous than the Select Committee had suggested. You might recall that the Committee had suggested that the directions should apply to those persons who had been resident in the Islands for 20 years or more. The Direction, at the end of the day, brought that down to a period of 15 years so that, indeed, more people would have been eligible.

The result, however, is that not too many people appeared to have taken advantage of the invitation and the opportunity, for reasons that I do not wish to speculate about and the House is aware from the statistics given in an answer to a Parliamentary Question a few days ago the number of applications that were pending under that particular category as at June. The truth is that the Immigration Board has been working its way through a tremendous amount of backlog and since June, the date of those statistics, the Board has, in fact, successfully gone through a good number of those pending applications.

This business of security of tenure, Madam Speaker, is a very contentious one because it creates a group of people who have the right to remain here permanently and possibly the right to work in certain limited occupational groups and it creates a category of persons who may become content, for the time being, with this because they may accept this as the best option for the present time. But it creates a category of people who, at some point in the future, are going to want yet that little bit more security because some security is better than none. But at the end of the day these are persons who are going to ultimately be looking for maximum security.

The Committee also agonised over the problem of dealing with children that are born to these families and how we could possibly build in some kind of security of tenure for the dependants of these groups of people. As we have heard, it gets even more complicated when these individuals intermarry with a variety of foreign nationals and grandchildren then come into the picture as well.

Madam Speaker, when we took the last population census, there were in excess of 100 different nationalities of people residing in these Islands. We know for a fact that it is that multi-cultural background that has made many of our industries highly successful. The truth is that there is no simple solution to this dilemma. We, as a country, opted some years ago, 20 years ago in fact, to regulate Immigration with domestic legislation whilst retaining nationality from the British Nationality Act. That has left us with a complication where we have the right to regulate locally those persons who can come and live and work among us, but we do not have the ability to regulate locally those persons who qualify for British Dependent Territory citizenship. The guidelines and rules for that are laid down by the British Government.

Once a person is eligible for nationality we then have a group of people who have the nationality of the Island but who may not necessarily have all the rights and privileges of a Caymanian. So that is another complication that we knowingly went into. You may recall, Madam Speaker, that under the former legislation we had complications brought on by virtue of eligible and non-eligible countries, which we deleted from the new Law, and there were persons who were adversely affected by that. Many of those persons took the long route of applying for permanent residency to free themselves of Immigration restriction, residing here for five years or more, then applying for naturalisation and then subsequently applying for Caymanian status. Many of these persons went through that route because that was the only alternative that they saw open to them.

Going back even earlier than that, Madam Speaker, there were persons living in these Islands for many years, 40, 50 years who thought they were Caymanians but in truth and in fact, upon examining their papers they were shocked to learn that they were in fact not Caymanians. It is not because the Government has not tried to help these people, but quite often these are people who say, "I do not want to travel. I do not have any need for a passport. I have lived here all my life and everybody knows who I am. I am happy, just leave me alone." There are others who get ill and find that there is an urgent need to travel, present a request for travel documents only to find out that they are technically not entitled to them. So although opportunities may be made available to people quite often persons do not avail themselves of the opportunity, they do not get themselves legally sorted out and, of course, when things go wrong they blame someone - usually the Government. My office gets its fair share of blame.

So we are dealing historically with a group of people, Madam Speaker, who enter and take up residency in the Island. They are content with whatever security is offered to them for the time being but they are ultimately seeking maximum security of tenure not only for themselves but for their families as well. That is not an unreasonable expectation.

The best estimate that we have is that somewhere around 350 persons currently residing on the Island, have been residing here for 20 or more years and are still under some sort of Immigration restriction. That number, of course, relates somewhat closely to the number of applications that are pending for the grant of Caymanian status. But the two are not closely related. There are many persons who are residing here who have no desire or intention of applying for Caymanian status.

The Honourable Member speaking to his Motion said that he had a reason why he included the third Resolve section to the Motion even though he acknowledged that it was a repetition of a provision that already exists in the Direction which he read. I might have dozed off at the time but it slipped me as to exactly what his point was why he felt it necessary to repeat in that third Resolve something that is already in existence. So I would invite him, I could crave his indulgence when he is winding up the debate if he could just reinforce that particular explanation for me again.

He did mention that the first Resolve was intended to establish a maximum period as a mechanism for encouraging and motivating the Caymanisation of jobs filled by persons on work permits. The Law at the moment, Madam Speaker, provides that work permits may be granted for a period

up to a maximum of three years presently and the roll-over policy, that we use to hear so much talk about under former administrations, that policy had its advantages but by and large, it had many disadvantages as well. For some time now we have been operating without a formal roll-over policy. Largely for many of the reasons that the Honourable Member himself, pointed to. It is a very difficult thing to set and apply to all categories of workers.

The Select Committee, you may recall, Madam Speaker, also looked at this in some detail and concluded that it would be inappropriate in the current circumstances to attempt to fix maximum periods and it was the view then, that some degree of flexibility and discretion needs to be left to the Board to determine those cases and, indeed, the Member has acknowledged that in his Motion by making suggestion that a provision be made for extension in certain circumstances. So discretion with extensions amounts, at the end of the day, almost to discretion as now appertains.

The difficulties, Madam Speaker, that the Government has in acquiescing to the Motion is that to agree that the Motion in its present form would be to preempt, to some degree, the outcome of the review which is currently ongoing, of all Directions to the Board not just the Directions that regulate security of tenure, but all Directions to the Board are currently being reviewed. To preempt the outcome of that review by agreeing to security of tenure is not an appealing one, particularly as some security of tenure presently exists for those persons who have been residing in the Islands for 15 years or more.

I trust that the Honourable Member will accept that this goes beyond politics. This is a matter that touches on the non-Caymanian population, many of whom have made substantial contributions to the development of this society and for which the Government is keenly cognisant and aware of. It is an issue that one has to address comprehensively and compassionately but it has to be addressed in the context of other related policy directions as well. It is not an isolated matter that one can address in its entirety without impacting upon other related problems.

The Government will, therefore, ask for patience as it settles down to the task of comprehensively reviewing and issuing an amended form of Directions to the Board incorporating such ideas as the new Government themselves have. Recognising that this is an important matter, the Government wishes me to state that every priority is going to be attached to the earliest possible completion of this review so that we can get on with the business of regulating those whom we wish to have live and work and to remain with us permanently.

Thank you.

THE SPEAKER: Proceedings will be suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:18 P.M.

PROCEEDINGS RESUMED AT 3:37 P.M.

THE SPEAKER: Please be seated.
Debate continues on Private Member's Motion 6/93. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Every person residing in the Cayman Islands, today, is the beneficiary of a special privilege, that is, the number among the witnesses of a turning point in the history of our country. As often happens to those who witness this kind of change, the locus of faith has shifted from the purely material to the search for an ideal. That ideal is the situation in this country where we can incorporate those people who are non-Caymanians with those of us who consider ourselves established Caymanians who have been entrenched here for generations.

This kind of ideal, while seemingly elusive to us in the Cayman Islands for some time, is not unknown or farfetched in other countries and other societies built, for a large part, as we have been built - on immigrant labour and people who come to these shores for whatever reasons other than to seek employment.

I listened very carefully to the Mover and also to the Honourable Member replying for the Government. Both gave persuasive arguments. I have to say at the beginning, however, that my sympathy and my support lies emphatically and categorically with the Mover of this Motion. I crave the Chair's indulgence to dwell upon two points made by these Members, points that I think are similar if not identical. The Mover spoke about integration, and the Honourable Member mentioned in his contribution multi-culturalism. It is my observation that these are the key terms which this Motion is dwelling upon, and which we are talking about. What the Motion is asking for is some systematic acceptable attempt at integration and at a level of multi-culturalism which is acceptable.

In doing some research for this Motion I came upon three examples of countries which at some stage in their development were faced with the identical problem that we are faced with now. I would like to very briefly explain how they dealt with and how they continue to deal with these kinds of problems.

The United States, a country which from the beginning was built by immigrants, almost for immigrants, indeed, the famous Statue of Liberty which was a gift from the French when the United States declared their independence from Britain, bears an inscription which reads: "Give me your tired, your poor, your huddled masses." Madam Speaker, the United States prides itself, and is described as the "melting pot", the premise being that it has taken people from various nations of the world, different cultures, different traditions, different mores and put them, figuratively, into a huge boiling cauldron. The end product is, of course, an American. So that whether one originated from Italy, Poland, Czechoslovakia or Israel, the United States'

tradition dictates that one is first an American and then after that whatever one chooses to be. Indeed, Madam Speaker, the very national motto "E Pluribus Unum", as I understand it, "Out of Many, One", presupposes this type of situation.

Then to the north, Madam Speaker, is a country that I have been fortunate and blessed by having the limited experience of being a landed immigrant for a brief period - Canada. They call themselves the "Vertical Mosaic", meaning that Canadian society is a mosaic made up of many different nationalities. One of the perennial problems that Canada faces is that it is such a geographically vast country and yet it is so sparsely populated. Part of that reason is because large tracks and areas to the north are inhospitable, being mainly comprised of tundra. But, certainly in pockets and belts to the south, east, and west there is scope still to accommodate large numbers of people. They have always had a liberal immigration policy.

The third model which throws some light on this type of integration and multi-culturalism, is one that, I argue, bears most similarities to the Caymanian situation in more respects than one - the Swiss model of restricted citizenship and intense screening of immigrants and work permit holders. There are similarities because Switzerland, like the Cayman Islands is a world reknown financial centre. Switzerland, like the Cayman Islands, is small compared to many of the other nations of Europe. Also, like the Cayman Islands it has a vibrant economy and a sound banking tradition and has, for ages, been attractive to immigrants from adjacent areas because of its tradition for political stability. Also, Madam Speaker, not insignificantly, like the Cayman Islands, it has restricted citizenship. I would like to say that the practices and the policies of the Swiss Cantonal Governments, because Switzerland is a Federation of Canton, has been very successful in alleviating some of the troubling situations plaguing other countries which have large numbers of immigrants.

For example, West Germany and France, because of some of the tight restrictions that they have - one comes to mind, if a woman acquires Swiss citizenship through marriage to a Swiss national, and her husband dies, or if she is divorced from the Swiss national and chooses to marry an outsider, a foreign national, she loses her Swiss citizenship. Certainly, it cannot be transferred to someone who is from outside the country. Children born of such a marriage do not automatically acquire Swiss citizenship. So, in some respects it is like our country.

But, to come back to the Motion at hand and the Caymanian situation, Madam Speaker, I would like to put it this way and express it figuratively. We have been courting long enough. It is now time for a marriage. Not a marriage of convenience because in many instances we have been courting for 15 years and more. So, we know each other, we know with whom we are dealing. I would like to say that the perception that foreign nationals are a threat to the Cayman Islands and Caymanians because they take away our jobs is, in many respects, more perceived than real. The employment statistics tell us that Caymanians are far outnumbered, that is, in comparison to foreign nationals in the work force. Common sense should also tell us that if these people, for whatever reason, were to leave, our country would close down because it would be mathematically impossible for the 6,000 or so people in the Cayman Islands' work force to continue to do their job plus hold a job for the 16,000 or 18,000 foreign nationals. It is time for us to effect some kind of integration, some kind of, to express it and put it figuratively, "marriage" which is based on a mutuality of interests, based on trust, based on mutual respect so that our country can continue to prosper.

I ask, how in the world is it possible to be living in one place for 20 years and be charged with overstaying? How in the world is it possible to have two and three generations and still be stateless? Even the Palestinians are gaining a state now. I believe that this Motion is a step in the right direction and, like the Mover said, it is not an attempt to blame anyone. It is not an attempt to play politics, it is not an attempt to castigate. It is, rather, an attempt to seize the bull by the horns before it is too late.

Let us forget about who was supposed to have done whatever and pretend that this is a problem that has just been placed before this Parliament to be solved. Let us give it our fullest attention and treat it with the sincerity and openness that it deserves.

Madam Speaker, I am one of the representatives of the largest growing constituency in this country. From election to election the Voter's List in the constituency of Bodden Town increases significantly. Some of it by established Caymanians but a significant percentage by non-Caymanians who have been residing in these Islands and who have been living in the constituency long enough to be able to qualify to vote. In 1990, in one of my chores as a representative, I traversed my constituency and did an informal survey of some of these people who have been here for 20 years and more. I did not spend a lot of time and I targeted areas which are known and obvious areas for these kinds of people, a sub-division of Northward, up near where I live, Belford Estates, and some other areas. In the space of three afternoons, a total of about five hours, I had 20 families who had been here for 20 years, there was one family who had been here more than 20 years, and some less, without permanent residence (I am not even talking about Caymanian status, because the Motion does not address that), who had to have regular renewals of work permits.

Every one of these families, Madam Speaker, either owned the house or apartment they were living in or owned land - because that was one of the criterion I laid down. I said, "I do not want to know your private business, and I am not concerned with any monies you may have in the bank, but, I wish to know if you are domiciled here or have any intention to be domiciled here so I wish to know if you own (a) a house, (b) an apartment or (c) a business." I did not ask anything about a mortgage on the home because that was irrelevant. Every one of those 20 families, some of them spoke to me quite candidly and one burst into tears because, up until that time, they had been living with the fear that any day their permits could be refused and they could be asked to leave.

Madam Speaker, it is not farfetched to say that kind of situation is like living in a totalitarian society where one fears a knock on the door in the middle of the night or the arrival of the security police or a letter in the mail summoning one to the Internal Security Office. I imagine that is a dreadful

fear, Madam Speaker. I compared that to my situation when I lived in Canada. The process was easy and simple. The criteria were set. If one met this criterion, they were encouraged to apply because they would like them to be incorporated, to be acculturated, to be integrated into their society so that they could feel like they were a part of them. Why? Because to be otherwise, one would be a burden of the State on welfare because they would not have the ability to get a job, or you are underground.

So, Madam Speaker, I underscore the point that it is time we deal with this situation. It is time we come to grips with this relationship, as I chose, figuratively, to describe it. It is time we exhibit some maturity. It is an acceptable fact that certain sectors of this society are based on work permit employees and immigrants from outside of the Caribbean. Every Caymanian family knows at least one, if I am to use the term, "expatriate" whom they think is a "good guy" or a good person, and whom they think should be allowed to work here unmolested. Every Caymanian family knows at least one. If you speak with them, and if you question them, they would have no objection to giving these people some kind of security of tenure.

The work permit holders and the would-be immigrants themselves, for the most part, if one speaks to them, that is all they wish because the people in my constituency, to whom I earlier referred, told me, "Sir, that is all we want. To be able to understand that we have some kind of security of tenure which does not have to be Caymanian status.".

Madam Speaker, this might seem hard to believe, but some of those people told me that they had applied for permanent residency two and three times. I am going to make it my duty, beginning over the weekend, because I still have the list and I still know the persons whom I visited in 1990, I am going to go back to every one of them and it will be interesting to know how many of them, if any, have had a change in their position with regard to their being granted a security of tenure or not granted a security of tenure. I would venture to say that little, if anything, has changed.

Sometimes I am hard pressed to understand the logic of a situation in which, for example, as was the case with one of my young constituents, her mother has status by virtue of the fact that she has been married to a Caymanian, her father is a Caymanian, and the young lady herself had status until she was 18 years of age but lost it because she did not apply prior to that age and now has to be working on a work permit. Madam Speaker, I hope that these kinds of situations can be resolved, firstly, and then the kind of situation for which the Motion seeks to address I hope that those will be resolved because this now is, perhaps, the more glaring situation where non-Caymanians with over 15 years' residency and with good records, not only good police records, but good work and performance records in our society, are living in fear because they do not have security of tenure.

I wish to make a point, Madam Speaker, to which, because of its importance, I will return. The longer we wait, the greater the problems we are going to have because more of these people will become eligible. What are we running away from? Is it a situation where we wish to give consideration to the parents and not the children or grandchildren, in the cases where there are three generations? Or is it the kind of situation where we want to adopt the 'ostrich syndrome' and pretend that the problem does not exist? As a youngster growing up, my mother often told me when I tried to avoid doing my chores that procrastination is the thief of time. The longer we wait the greater the problem becomes. Still it cries out for a solution.

The resolution that the Government take steps to examine these cases of the individuals, their spouses and their dependants, is a step in the right direction for it will allow us to clear up, once and for all, the position of where these people stand with regards to security of tenure. I subscribe to the doctrine laid down by the Mover of this Motion, where if we do not wish these people to be here, and if we are not prepared to give them some kind of security of tenure, let us tell them now and give them the option of making arrangements to go elsewhere or to return from whence they came, if, indeed, they can return now after all these years have elapsed.

But if that is the route we chose to go, and certainly I am not an advocate of that, let us realise that we are going to be depriving ourselves of the high standard of living of which we so frequently love to boast we have. Because it is, as my colleague, the Third Elected Member for Bodden Town has said on some occasions, we in this country who have reversed a situation that we had some years ago where Caymanians went abroad and repatriated their earnings to Cayman. Now the situation is reversed where people come here from abroad and repatriate their earnings to the countries from which they came. If we cannot or if we refuse to accommodate these people they are going to bundle up their belongings and return. We are going to have to close banks, we are going to have to close offices, we may even have to close some schools. Then where will we be? Madam Speaker, if it is not wrong in any other sense, it is morally wrong for us to keep people hanging on for 15 years and over, drawing them along on strings without seeking to address the problem.

Madam Speaker, the answer to Parliamentary Question No. 162, posed by this Member, gives us some scope of the problem with which we are faced. I do not need to repeat the question, nor the answer, but just to say that the numbers are in the hundreds and whether we have to temporarily increase the staff complement of the relevant office dealing with these applications or whether we have to extend the working hours, it is incumbent that we do something. Can you imagine, Madam Speaker, soon it will be Christmas and many of these people will be in the exact same position that they were in last December; not knowing whether they have the security of tenure or not?

Madam Speaker, let me say what else is detrimental about that. There is absolutely no encouragement or incentive for these people to invest their monies and their resources into the development and expansion of the Caymanian economy. Like immigrants the world over, many of them came here because they viewed this as a land where they could improve their economic prospects. But if the situation arises where they cannot feel confident, where they do not feel at home, where every now and then there is a current of unwelcome, then these people will simply take their savings, take their monies earned, keep them liquid so that they can easily, when the necessity arises (if it arises), travel. That may be the reason why our economy is

feeling a stifling pinch right now.

Apartments are not selling at the rate they were some years ago. Houses are not being built at the rate they were some years ago. Could it possibly be that it is because many of these people that have been here for 15 years or more do not feel that confidence, that sense of belonging, that sense that someone may want them to stay here, so that they are moved to say, "You know what? I have $50,000 saved, I think I am going to invest this in a piece of land or put this up in some stock in a business, or use this as a down payment for an apartment."? Developers are complaining. I look, Madam Speaker, and it reminds me sometimes (albeit on a smaller scale) of Quebec, when I lived in Canada. On almost every block there is a "For Sale" sign, an erosion of confidence. In Quebec at that time it was as a result of a political move and French nationalism. In our case, we do not have that kind of political problem. Our move is just that there is a sluggishness or a reluctance to integrate these people into the mainstream of Caymanian society.

I, Madam Speaker, am a proud Caymanian. I take pride in the fact that it is becoming obvious in the country today, the level of mixture, miscegenation with outside people. For, being observant I can see that we are, indeed, becoming a handsome nation. If one were to go to some of the social gathering places, it is obvious, Madam Speaker, we have people of all shades and hues. The young ladies are pretty and attractive. That, I contend, is not the result of xenophobia, insularity and inbreeding, but the result of mixture, miscegenation. We could not have arrived at such a position.

So, if one were to take it on the purely physical human-nature aspect, what this Motion is calling for makes sense. These people are already here. Many of them have established families whose children have grown with Caymanian children, who sit side-by-side with Caymanians daily at school and on weekends at Sunday School and church, have become bosom friends. Must we now break this up and break it off? What is the reason? What purpose will it serve? Who will benefit? Certainly, Madam Speaker, not the Caymanian society. Certainly, Madam Speaker, not the Caymanian economy.

We spent three years reviewing what was then called The Caymanian Protection Law. I was reminded by a previous speaker that the first anniversary of the new Law will be sometime soon, the 17th of October. It will soon be one year since we have had what is now called The Immigration Law. And yet, we still have this problem and I am not convinced that we have moved fast enough to solve the problem to alleviate the existing situation. I underscore that my position is not to blame or to attempt to blame any political directorate, be it past or present. I merely make the point that it is incumbent upon us, as representatives of the people, as the people's elected legislators and the Government to deal with this problem. If it needs some public relations, if it needs some selling to our constituents, then let us arrive at a point where we can take a sensible approach and do that because that is what I have to literally do in my constituency on a daily basis. I have to try to let my constituents, those who are established Caymanians, understand that the people who live amidst and among us are not ogres, they are not devils running around with horns, but for the most part they are honest, law abiding, conscientious people who just would like a chance to earn a decent livelihood and come to be accepted and to live their lives among, between and with us.

Madam Speaker, it is my understanding that in some of the service clubs, were it not for the foreign nationals, were it not for those members who are here on the work permits, some of these clubs, certainly the officer corps of the club and the managerial structure of the club, would not be able to function. No, Madam Speaker, this situation must not be allowed to continue much longer. It serves no one any good.

In the Select Committee, when reviewing the Caymanian Protection Law, recommendations were made from that time that persons living in the Islands for 15 to 20 years be given the option of permanent residence with the right to work. Further, Madam Speaker, Members were generally in agreement with this recommendation and agreed that the qualification for such phasing in be 20 years residency, agreed that the Chief Immigration Officer obtain for the Committee the best estimate of all persons residing in the Islands for the past 15 and 20 years and once this information was available the Committee would make its decision. I can vividly recall the extent of that discussion because I was a proponent of this gesture then, and I am still a proponent of this gesture. It was suggested that to cushion the shock there be a sliding scale, a phasing in, so that we would not have to accommodate all of these applicants at the same time. We would take from the top end and each year we would work toward the bottom end, the cut off point being 10 years at which time it was suggested that the door be closed and locked, meaning that the situation would change. That ability to apply for this kind of security of tenure would cease to exist. I contend that not only is this reasonable, it would seem fair. And, that it be well publicised so that those people coming after would know and realise that they could not become eligible for these kinds of considerations because the rules have changed.

It is recognised that in trying to integrate these people who have been here for 15 years and over we would now have to consider, in some cases, second and third generations. We are up against a moral dilemma in that if we extend security of tenure to the first generation, but do not make some provision for the following generation, then we are not solving the problem. We are, rather, postponing it. Hence, the necessity to arrive at the point of which model we are going to try to use, whether it be a melting pot, or whether it be a mosaic. I contend that it would be wrong, according to my conception of morality and natural justice, to say to a man and his wife, "You can have security of tenure, but we are not promising or guaranteeing or extending this to your offspring", because then, Madam Speaker, you are forcing these people to make a hard decision. It would not only be unfair, but it would be traumatising and it would be a kind of psychological torture.

But we have to begin somewhere, and we should begin by trying to ascertain the precise number of people who fall into this category and then we have to decide exactly what the ground rules are going to be and try our best to accommodate them.

MOMENT OF INTERRUPTION

THE SPEAKER: Honourable Member, it is now 4:30 P.M., the Moment of Interruption. Will you be finished shortly?

MR. ROY BODDEN: No, Madam Speaker.

THE SPEAKER: The Honourable Leader of Government Business.

SUSPENSION OF STANDING ORDER 10 (2)

HON. THOMAS C. JEFFERSON: I sense, Madam Speaker, there is the consensus that I move, under Standing Order 83, the suspension of Standing Order 10 (2) to allow the debate to continue until completion.

THE SPEAKER: The question before the House is suspension of Standing Order 10 (2) in order that the debate on Private Member's Motion No. 6/93, be completed. If there is no debate, I shall put the question. Those in favour please say Aye...Those against No.

AYES AND NOES.

THE SPEAKER: The Ayes have it. Standing Order 10(2) is suspended.

AGREED: STANDING ORDER 10(2) SUSPENDED IN ORDER FOR THE DEBATE ON PRIVATE MEMBER'S MOTION NO. 6/93 TO BE COMPLETED.

THE SPEAKER: Debate will continue on Private Member's Motion 6/93. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Before we took the break for the moving of Standing Orders in order to allow the debate to continue, I was making the point that it is necessary for us to arrive at some kind of yardstick, some kind of mechanism so that we might be able to ascertain as precisely as is possible what kind of numbers we are taking about.

Quite often the complaint of people who apply for what I term 'security of tenure' or permanent residence with the right to work, is that they have to spend unduly long periods of time in suspense before they are able to know the exact status of their applications. Some of the people who have spoken to me express puzzlement and disappointment over the fact that they have, for all intents and purposes, met the criterion, submitted applications but have been refused. The problem, as it has been related to me, is confounded by the fact that, quite often, these people do not know the grounds under which they have been refused and consequently are in no better position when the time comes for them to reapply. I wish there were some things we could do to alleviate these types of situations.

I have to admit that in the examples given I am confining myself for the most part to members in my constituency. But as I understand it, and as I move about I have met people outside of the Bodden Town constituency that express these same kinds of problems.

Madam Speaker, many people are waiting, many people expected that there would be a sweep-up exercise as this Motion calls for. They are still waiting and I cannot see what the fear is. I cannot see what purpose delaying the gesture will solve and I am saying, that now, at this time, and given our economic situation, some fresh approach, as is called for in this Motion, can only be in the best interest of our society and our continued economic progress. While on this note let me not forget to say that sometimes Caymanians are victimised by some of these failures to regularise this situation. Madam Speaker, I have had situations where Caymanian spouses have come to me seeking my support and help because their mate or, their husband who is working on a work permit, has been refused an extension or a renewal and, indeed, have been given notice to leave the country. Whether that is by design or by accident, that is morally wrong and I am saying that unless steps are taken, steps for which this Motion is calling, and if these kinds of situations are allowed to continue, we are doing our country and our countrymen a great disservice and disfavour.

Madam Speaker, what is wrong with having this sweep-up exercise? What is wrong with encouraging those persons who have been here for 15 years and over to apply for consideration for the grant of permanent residence with the right to work? In speaking to some of my constituents many of them did not realise that this was something for which they could apply. I had to encourage many of them because many were under the impression that it was Caymanian status or else. I told some of them it may be easier for you to apply for permanent residence with a right to work.

I remember, Madam Speaker, one particular instance with a family in Northward whom I encouraged to apply for this permanent residency with a right to work. When the head of the family applied, his application was refused. The gentleman came to my house about eight o'clock one evening, literally in tears, shattered, torn to pieces asking me what was he to do then. Well, he still held his work permit, that had not expired. So I told him that was not the end of the world, that he should merely continue since he had a work permit, his status in the country was legal and that he should wait until such time as he was eligible to apply again and reapply. He asked me then if he should change his application and apply for Caymanian status, to which I suggested to him that he should reapply for the same permanent residence with the right to work.

Madam Speaker, I do not believe that is an isolated case and I

relate it merely to show that there is almost a daily state of frustration on the part of some of these people. I had another incident where a gentleman cycled to my work place in a similar situation, to tell me that he was in a quandary because his wife had died a year or so ago, he had applied for permanent residence with the right to work and his application was refused. His work permit was up for renewal and he had submitted the work permit application but he did not know whether he should pack up, try to sell his house here in the Cayman Islands, put his business in order and return to his country of origin, or what, after spending 21 years here. I know the gentleman. He is a respected worker in the construction industry working for some of the largest construction companies here and working for many people, some prominent and some humble, in the house building trade. These kinds of situations cry out for us to remedy, cry out for us to rectify and here we have a Motion which is suggesting that we do just that.

Madam Speaker, the ball is in our court. This is not politics now, this is completely apolitical. This is life. This is the very existence of the Caymanian society. For the ability or the inability for us to grasp this problem and to come up with a satisfactory solution which will determine whether we continue to live in a state of flux or whether we transform ourselves into an orderly society where all and sundry can feel that they have a stake or a vested interest in the development and when they close their door, roll down the shutters at night and turn down the air-conditioning they can go to sleep with a broad smile that says, "You know, I only have to worry about the spiritual things because the temporal things are taken care of, and I feel good".

If we do not seize this opportunity, if we let this momentum escape, we are going to be faced with a situation where it is an "us against them", and, Madam Speaker, I do not need to tell you that "us" cannot win because (1) we are outnumbered, and (2) we do not even have the economic power. All we have, is the political power and need I say that politics a country does not make - he who controls the purse strings, he who is poised to capitalise on the economic situation, is more ably placed. So this is all the more reason why we should adopt the Resolutions of this Motion and announce this marriage, this integration, this attempt at multi-culturalism, this attempt to let those people who have been here for 15 years and over know that we will accept them if they are prepared to abide by our Laws, by our morals and by the standards that we have set.

My own position is that one has to understand that I am a Caymanian from many generations of proud and blue-blooded Bodden Towners. But, Madam Speaker, I also, by my own volition, at one stage in my life immigrated to another country. So I can appreciate the position that those people are in. While I advocate that we make some attempt to sweep them up, to integrate them, to incorporate them into the main stream of our society, I am certainly not advocating any sell out. So my position is quite clearly and categorically that I am prepared to accept a situation where in Cayman a Caymanian must be as the Latin say, "primus inter pares", that is, where the Caymanian is first among equals. I believe this is the model that we should seek to develop. So that, in keeping with our already renowned economic prosperity and political stability, we can solve this problem once and for all so that there will be no need for the editorial pages of the newspapers to be filled up with letters castigating "paper-Caymanians", or people expressing destructive sentiments saying that these people can go home or that people should go home, or Cayman for Caymanians, or whatever else could be deemed as destructive or negative.

Let me say, because earlier in this Sitting we had examples of that, those of us who are taking my line are also trying to make provision so that Caymanians are not forever at the back because we will have nothing to fear if we make provisions as we are making for the education and training of Caymanians. We will not have to worry and that, again, I would like to claim is a fear that we need to allay among our people. We do not have to worry about these people from outside who wish security of tenure, who wish to have work permits, who wish to have permanent residence here. If we, as established Caymanians, avail ourselves of the opportunity to become trained, to become educated, to hold jobs that call for certain kinds of qualifications and, especially, if the Government and the private sector realise this and will treat us, as Caymanians, fairly and be impartial and encouraging to us when we get qualified and trained, then, Madam Speaker, that is the basis on which this marriage should be made. That is the basis on which this integration should begin. That is the basis, that is the presumption upon which this Motion is laid.

Madam Speaker, there is much work to be done. We hear of complaints about the tardiness in the processing and the refusals. But we also hear of complaints in the negligence and the obstinacy to give Caymanians a fair shake. Both parties must work. The security of tenure must be based on a mutuality of interest. It must be based on the fact that both parties respect each other, trust each other, and are open and honest with each other. That is why, Madam Speaker, I figuratively referred to it as a marriage. For if we fail in any of these categories we will end up on the rocks.

THE SPEAKER: Honourable Member, I am afraid that the tape has run out and has to be changed. Proceedings will be suspended for 5 minutes.

PROCEEDINGS SUSPENDED AT 4:55 P.M.

PROCEEDINGS RESUMED AT 5:05 P.M.

THE SPEAKER: Please be seated.
Debate continues, the Second Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.
Madam Speaker, just at the point of the break to change the tape I was laying the proposition that we cannot afford to miss this opportunity to set things right in this respect because it will serve no purpose. It will benefit no one. I was a little taken aback to hear Government's reluctance, indeed, refusal, to accept this Motion. Seeing, Madam Speaker, that what the Motion calls for was expressed as the desire of all of us who worked on the Select Committee reviewing the Caymanian Protection Law and seeing that as elected representatives of the people - and here I include those people who are elected to the Executive Council as the people's elected representatives - it is our duty and our responsibility to lead the country into the situation where we can have amicable relations where we can effect this kind of security of tenure so that our society is better off. In bringing this Motion, Madam Speaker, we have done our duty. We can only continue to implore that the situation be given cognisance and hope that sooner, rather than later, it will be taken into hand.

Madam Speaker, I consider that I have made my point. I hope that I do not have to listen to accusations of forcing a situation for the sake of politics, or that I have been pontificating but, rather, that I have highlighted a problem which I see begging resolution. Thank you.

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

MR. GILBERT A. McLEAN: Madam Speaker, as I rise to speak on this Motion I can only ponder the state of affairs of this country, that the Standing Orders of this House were suspended that this debate could go on past the normal hour this Friday evening, because the Government wishes this singularly important matter to be dealt with this evening - in effect to limit debate thereon - and to treat this matter which is the one that will make or break this country, not in the long run but in the short run. I reflect, too, on the fact that the Executive Council has appointed itself to, in effect, investigate itself in relationship to the matter of Immigration and the matter of what is going wrong, or not being done, or, supposedly the vast number of complaints the Government has been getting over the question of Immigration.

Madam Speaker, this country is at a crossroads. It is at a crossroads of a "them against us" situation created by successive Governments right up until now that have not addressed the matter of the number of non-Caymanians among us, the lesser number of Caymanians in this country. The country is in a state of uncertainty because the only thing that there is a lot of is the wild statements made by various Members of the Elected Government.

One of the problems in this country is that the thousands of people in the Cayman Islands working on work permits and residing in this country do not know where or when it will end. There is no policy now in place with regards to the tenure of people who are not Caymanian living in this country. Prior to these times, people who came here knew that they came for a maximum period of five years, which was called a roll-over period. Only about a week ago I had occasion to have a woman ask me, not a national of this country, if she will be leaving now. This year would be the last year that she had before the five years would be up and she was asking me to confirm that she would have to leave when the five year period was up. I told her that to the best of my knowledge no such roll-over period was in effect anymore. In fact, I could not even factually tell her whether what was called the "1C" type of permit, which allowed a person to be here for two years, was still in effect. The only thing that I could tell her was that there was eminent uncertainty and no one really seemed to know what was going on.

Madam Speaker, people have come to the Cayman Islands mostly because we had conditions here which allowed them to earn a living, where they could earn some money, where they could find employment that they could not find in their own country. The majority of people in this country did not come here to help us build this country. That is my firm belief. They came here for the same reasons that scores of Caymanian men went to the United States - to find employment. Some acquired United States' citizenship, some stayed on and others simply worked as long as work was available or until conditions changed in these Islands that they did not have to go to sea anymore and work as seamen. So the people who came here did not come here to help us build this Island, generally speaking, I believe that to be a general fact. However, they came and many of them have been here for many years; 10 years, 15 years, 18 years or 20 years. No one in an official capacity has made it known to these persons that they should ever keep in mind that they may not be given permission to continue to work and that they would have to leave, after they have acquired land, after they have acquired savings, after they have acquired a home, or after, in some instances, they have had children born here on this soil and they, in effect, accept Cayman as their home.

During the time of the Select Committee on Immigration, which took four years to examine and to determine what would be the best course of action, this matter of determining how long people would be allowed to stay and work in the first instance or what would be done about people who are here for considerable lengths of time was a matter that was discussed many days and many hours. It was put off in some instances from one day, and other matters were dealt with so that there could be full or as large a membership in the Select Committee as possible to discuss this matter. I remember many hearty arguments, as such, between the First Elected Member for Bodden Town and the former Member for Education, where the First Elected Member for Bodden Town was saying that there should be some security of tenure, something should be done, and the former Member taking a much harder view in line on the situation. I took certain positions on the matter as well, believing that there should be in place a roll-over period, or time, as it was called, or, in other words, there should have been a maximum period of time set so that anyone coming to the Cayman Islands to be employed in any category of work would know that there was a ceiling of time. So before they left their home country to come here they would have put their lives in order to the extent that it needed to be, for them to have a sojourn in the Cayman Islands for what I visualise was a reasonable and equitable time of five years, as it had been in effect, and as people had become used to it.

Now there are numerous instances of people complaining of

victimisation by not having their permits renewed, of not having them renewed, certainly. Others who are saying that they would like to continue to work on in this country and until this moment in time nothing has been done to remove this state of uncertainty.

Madam Speaker, this is not a problem that is going to go away. I suppose it will go away if those people were told, "You go away, leave, get out of here, we do not want you anymore." But then what would be happening is that there would be 11,000-odd jobs that would not be filled - 11,000 jobs. Now where would the Caymanians come from to fill those jobs? Businesses would have to close down overnight. Everything that we now know, expect, enjoy, and take for granted would instantaneously be disrupted. Similarly, I imagine, as the earthquake in India caused a disastrous effect in the lives of people, it could be equated to that. So, if we do not want to take that position to tell the people, "Get out, get away", then we have to find a means of integrating these persons among us for we are going to need them indefinitely.

As I look at the first Whereas in this Motion which says that, "the matter of a prescribed maximum period of employment by work permit is highly topical, particularly at the present time;", it surely is. I believe, as of now, the 1st of October, 1993, as I did on the 27th of January, 1992, when I said in the Select Committee (as the Minutes show on page 9), and I read: "Mr. Gilbert McLean recommended that Clause 30(5) be retained, but that a provision be inserted to provide that the Board in exceptional circumstances and in its discretion extend a roll-over period beyond five years (in order for a Caymanian to fill a job).". Madam Speaker, if there is in this country a clear cut decision so that the people who come here know that there is a roll-over period, it immediately dispenses the uncertainty about how long a person must plan for in their life and what they will be doing. Everyone will know that they are looking at half a decade in being here. No problem, as such, unless a problem should occur with them, or they are no longer needed for the job, or whatever, but five years. With life there are always exceptions and that there would definitely be cases where a person who is working in this country on a work permit would need to work beyond that period of five years. But each case would be judged on its own merits. That difficulty, that uncertainty, would then be removed. No evil would be done to the person coming here to work. In fact, the evil being done now is the fact that no one knows what is what, or what to expect.

There has been a tremendous outcry in the papers about this matter of a roll-over period. I believe that there should be a roll-over but there must be exceptions to the policy where a situation demands it to be otherwise. It is as simple as that. This would create a situation where the Government would be on a firm footing and their Immigration policy would, indeed, be effective. Everyone would know the five year period would give a person the opportunity to train a Caymanian, where a Caymanian was available, in the work place to do the job that they were doing. It would give the population time to grow and persons to become of age to get into the work force and it would take into account the slow growth of the Caymanian population.

Madam Speaker, back in January 1992, I also held with some other Members who were progressive in their outlook and who wished to see the uncertainty change and took into account that there were Caymanians coming into the work force and they should rightly take their places. I quote again what I said from the Minutes of the Select Committee. I quote: "Mr. Gilbert McLean recommended that this is a suitable clause of the Bill in which to place a provision for training programmes. He recommended that the Bill emphasise an understudy system for Caymanians by way of providing that 'wherever non-Caymanians are hired there is a means of understudy for a Caymanian to fill that post'.". Surely, I am not standing here late this evening saying something new. It is nothing new to the Motion I brought earlier either.

Recommendations were made in that Select Committee on Immigration to correct a lot of the problems that now exist. One being the matter of allowing people who had been in this country 15 years and over to apply for consideration of permanent residence. Anyone who looks at the newspapers in the latter part of 1992, and the early part of 1993, saw hundreds of photographs in the papers of persons in this country who were applying to the Immigration Board to be considered for Caymanian status or permanent residence. These Minutes will show that there was a general consensus in that Select Committee that it would be done as a one time exercise. It was called a "sweep up" and the then Government, the Government of 1992, through the proper Official issued a statement to that effect that this was being done and people began to apply. Now, rather than that following through and the situation being dealt with, what happened when the new Government came into Office? The first thing they did to help the situation of certainty was to put an immediate stop to all the considerations of these people at that time. The country is still in that state of uncertainty, if anything, now more uncertain.

The second recital says that; "There are many non-Caymanians who have been employed on work permits and have been resident in these Islands for over 15 years;". That is a fact. There is no doubt about it. Further the recital in this Motion goes on to show and to state factually that; "The situation has reached a position where a fair, practical and just resolution needs to be found for both Caymanians and non-Caymanians;". The Mover and the Seconder of this Motion obviously have taken time to look at this situation, and I totally agree with them. It has to be fair, it has to be practical and it has to be just, for the benefit of both Caymanians and non-Caymanians. There are hundreds of Caymanian men and women who are married to non-Caymanians. How long does one have to be married to their spouse and that spouse continues to wonder, "I am married to this man or this woman but I might as well be in a foreign country because all that I am hearing and seeing the newspaper carrying is the wild statements that are being made, saying that there is really no place for me"? We have to reach a position of common sense to deal with this matter. Does one spouse have to think less of who is a normal, or who is a foreign spouse of his Caymanian spouse or must he/she think less of the foreign spouse? Why we do not get real? Why we do not stop the idiocy that has been going on for so long? It was as bad until the Select Committee removed the restriction that only people from a few countries of the world were considered to be suitable people to live here and that a person could be married to someone from all the other

countries for a hundred years and they could not even apply for Caymanian status because they were not, first, of a particular nationality. Supposedly that was in there to stop communists from coming into the Cayman Islands.

Madam Speaker, our situation here of over employment, even though the economy is not buoyant like it was, there is still a situation of over employment and the social difficulties stemming from a lack of decision on our Immigration matters or the matter of people other than Caymanians living in this country and it continues to create social and legal concerns.

I remember when the Cost of Living Index came about and, I do not claim to be a mathematician, but I was made to understand that, and I understood to the best of my ability, a year was chosen as the base year and henceforth from that point in time the cost of living will be calculated onwards. Well we need to have a base year. We need to begin somewhere and this Motion is saying to the Government, "Begin, do something about it." This Motion is, in effect, guaranteeing two votes and support to the Government upon its acceptance and I can guarantee them a third additional. So true is the recital that says: "AND WHEREAS the condition, if left unresolved, poses the possibility of uncontrolled reaction which could generate negative results for these Islands;". It is generating it. I have been told by different people that the non-Caymanian population here, the business sector particularly, is expressing concern that they are not wanted here. Now, let me say that while I do not have the wealth of some of the merchants in this country, I am glad to know that we have them and I am glad to know many of them, most of them, are Caymanians. My biggest beef with them is that they sell their goods too expensive. But I would like to know that they are there, that they have money and that money is in their control and it is here in these Islands. But they have that money that circulates by offering goods and services here within the local setting. They are not living abroad and bringing more money in, they, in effect, are causing the money to circulate because of the goods and services they are offering.

Now for us to survive, for the development to continue, and the high standard of living that everyone likes so much, we had better create a situation that is going to encourage those people who are coming here additionally and who have money like some of our merchants and, in some instances, much more, they who are coming here to invest, we had better fix that situation and stop what is happening now. That is my message to Government.

I have heard directly from a few of such people who said to me in some instances, "I think I am going to sell, or put my condominium up for sale, or I do not feel comfortable about what is happening now". The "what is happening now" is the thing that is being addressed in this Motion. The Government does not believe so because they have an answer for everything. But the best decision that can be arrived at on this question of Immigration lies among 18 Members here and not just four geniuses, the best result lies among 18.

Now, what is this Motion asking the Government to do? It is asking the Government to set a maximum employment period for work permit holders with a provision for extension in certain circumstances. There can be no doubt that there will be certain reaction to that, as already there is, and I would not even for one minute call the name of that sacred chamber that it all activated from. But that is the decision, undoubtedly, that the Government needs to bring this situation to a base from which it can work. I am not saying make it retroactive. No, no. But make it known to the persons who are here now on work permits and so on, "People, the policy is, work permits are issued for a period of five years. In that time employers must seek to find persons within the country who can do the job that you do and employers will know that is part of their duty". If this cannot be done, if one cannot be found, then the employers will know that there are exceptions to the rule and they can apply by making their case to the Immigration Board and the Immigration Board, we will assume, having enough reason and intelligence and so on, would say, "Yes this is an exception. This person will have to stay with you for, maybe, another five years." But we would begin to deal with the matter once and for all.

The other thing that this Motion is asking for is that "the Government take steps to examine all those cases of individuals, their spouses and dependents who have resided in these Islands for 10 years and over." There are many such people. I would assume that there has to be some information statistically available right now within the Immigration Department or within the Manpower Unit or wherever, to show that there are people who have been living here now for a decade. It is asking Government to take steps to examine the cases of these individuals. What would they examine? I would imagine that they would look at who these individuals are, what skills they have and the nationalities in keeping with spreading the nationalities and not having so high a percentage of one particular nationality. I imagine that they would look at the situation locally and say, "We have some people in this particular field, therefore, we may not need to have these people in this particular category we should have Caymanians available". All of these things, I would imagine, would come into effect.

The Motion goes on to say that if these people wish to be considered for permanent residence with the right to work it be so considered. Madam Speaker, jobs are growing in this country, our population is not growing with it and one of the things that is made piercingly clear in the Tourism Study (that is not accepted by Government), is the fact that we cannot provide the number of bodies to work in the jobs that are required to make this country remain what it is and to grow and to develop. When the consideration is completed and when it is found that such persons meet the requirements of the Immigration Law, the Regulations and the Policy Directives, then, in effect, that they be granted such permanent residence. One must bear in mind that we are not talking about increasing the expatriate population, the people are already here and have been here for 10 years and over. So it is saying look at them and decide who, amongst them of those wishing to be considered, do we believe it is necessary to allow to give permanent residence to with the right to work - one step, a one time shot. If there are 1,000, 2,000, or however many of them, apply and it is determined that in taking into account the Law, the Regulations and the Directives that only 1,500 out of that should be so granted, then the other 500 will be told, "Your application has been examined and we found that you do not fit into the requirements and the considerations for permanent residence with the right to work. You will be offered the

opportunity to continue working on a work permit within a five year period when, as you know, it is a roll-over period and at that time you may well be required then to return to your home of residence." You have created a situation of certainty so everyone knows what to expect. Those who did not make it will know that at least they have received a five year period; I can earn some more money and that at the end of that time it is possible that I may have to return. It is a creation of certainty replacing the uncertainty that is in this country now.

The Mover and the Seconder of this Motion did not leave it wide open because it goes on to state that after that requests for permanent residence be restricted to those individuals who apply for permanent residence in the normal manner under the existing Law. So, in effect, what it is saying is take the steps, deal with the situation one time and for all. After that, people who come here and want to reside and want to have permanent residence will have to go through the normal process. It will not be any sweep-up and it will not be any take care of those who are here. They will have to follow, step by step, the process for permanent residence with the right to work, which is, if I remember correctly, after having permanent residence for being here for two years they may apply to ask for consideration of "with the right to work". Mostly it is, as I recall, within the professions or some areas of skill that is needed in the Island. Of course, there is also the requirement that a person must have substantial sums of money invested, or be able to invest and to prove that they really do not need to work. So that is what would kick in and that would be the way it would be thereafter.

The other Resolve is asking the Government to do what everyone agreed to in the Select Committee. There are only four people who are not around now when this was accepted, "That it be resolved that Government in "a one time, sweep-up exercise, invite all those individuals, spouses and dependants who have resided in the Islands for 15 years and over to apply for consideration for the grant of permanent residence with the right to work." They are here working now in the majority. They have been here for over 15 years and, if I recall, since the situation here that we are going into the night debating, I did not have the opportunity to look it up, but I think if I remember correctly in the Select Committee the Chief Immigration Officer gave us a list of people, something like 208 or there about who had been here 15 years and over, the number of 208 sticks in my mind, that the Immigration Department was aware of and it was among those persons. That was one of the documents before the Committee which caused some attention to focus on this situation. Of course in that situation are those persons who may also have had spouses or children that were not necessarily reflected in those numbers. But all the Motion is doing is asking for the right thing to be done. Again, a one time sweep-up of all of these people who are now here residing and working. Such persons, unless there is good cause to do otherwise, would be granted permanent residence with the right to work and at the end of this exercise the opportunity to apply be withdrawn from this category of persons. So if there was 200, 400, or however many, the Immigration Board would look at them, examine each case individually and if it was, say, 300 who were decided upon, they would be granted residence and the other 100 would be told, "Listen we have examined your case and we want you to know that you will continue to work on a work permit but you can expect that in a five year period you will be required, normally, to cease your employment". Given five years they should be in a position to be able to pack their suitcases, I would think, sell their houses, sell their cars, do whatever. It is reasoned in this Motion, Madam Speaker, but reason, practicality and justice I am afraid, do not prevail too widely in this country right now.

I understand that Government has rejected this Motion. I think that they can indeed issue themselves letters of commendation for I do not believe so many Private Member's Motions have ever been rejected before. I am not sure if there has been this many before the House before so they can commend themselves because I understand this matter, too, is being examined by Government. I was not here at the time when whomever replied from Government, but I understand that is what was said. Examining and reviewing, and reviewing and examining, we are being examined and reviewed right out of existence.

I recommend to this Government, Madam Speaker, that they do not review anything here. In effect, they just have to tell their Backbench supporters that this makes sense. We obviously have the support of the full House because the three people who, I believe, think of as not really being a part of the House are supporting this. So go for broke. What more could they ask? What more in the world could they ask on this? They are reviewing it.

Madam Speaker, I do not think that an opportunity like this where Immigration has been a matter to be discussed in this House has ever been such a concise, clear cut request and support to a Government to do what is being asked here. Will we continue to hear the situation that the foreigners are taking away our jobs? The foreigners are not doing this. Or the foreigner is doing the next thing? Is that going to continue, or are we going to take a decision and correct the situation once and for all and do our best to inform our people enough to understand that our lives, our development to whatever way it is for everyone has come about and is existing in a climate of coexistence amongst various people in this country? I believe that we are going to go on here in reviews and stops, flare-ups in the newspapers with the Chairman of the Board saying that he did not say that, the Chamber of Commerce saying that he said that, speaking at luncheons, and on and on it is going to go, because no one dares to, at long last, take a sensible decision.

The situation has become such, as I briefly mentioned earlier, that Executive Council has appointed itself to review the situation. Now I can but imagine that must be the review that is going on and the report in the newspapers is that which is supposedly looking at reports that have come about regarding the issuance of work permits, and so forth and so on. I would say in regards to that situation that it baffles me how that could ever come about. What objectivity could exist in that situation, where the Executive Council that appointed the Immigration Board and gave it its directives is going to review that Board, make its findings, advise itself and arrive at policy decisions? Alice in Wonderland is not a Wonderland at all, it is for real.

If appointments can be made of special Commissions to look at breaches of contracts then one would think there could be one person qualified enough to go into the Immigration Department to look at what must, basically, be procedural matters. But the Executive Council, the fountain of knowledge, they do that too. Is it a conflict of interest? I wonder how the legal heads really view things in this country? In fact, I think the only person excluded from that was, or is, the legal person that is a Member of that Council. I wonder why?

Madam Speaker, this Motion, I believe, should be seized upon and taken to its fullest extent and the Government should deal with the situation that has been hanging and begging to be corrected, not this year, not last year, or the year before, it has been begging to be dealt with for the past 10 to 15 years. I certainly support it and I think that the Government would be wise to accept it.

THE SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Madam Speaker.

Madam Speaker, my contribution is going to be very short, but I felt compelled to voice my thoughts on this particular Motion. I recall that we spent about three years in a Select Committee reviewing the Immigration Law.

THE SPEAKER: Honourable Member, so have three other Members who have said the same thing.

MR. JOHN D. JEFFERSON, JR: That is fine, Madam Speaker, but I am coming to a point. I recall one of the issues recommended initially by the Committee was the idea of a definite roll-over policy. I think at that stage we were recommending a five year roll-over policy. That sent ripples through the professional and financial community, in that there were a lot of concerns that it would not lend itself to stability and flexibility. As a result, we backed off of that recommendation and decided that we would look at the situation in a much different light.

Madam Speaker, I heard a proposal the other day which I thought made sense, especially from the stand point of the professional community, and I believe that it would also reduce the volume and time consumed by the Immigration Board in dealing with the idea of work permits whereby the financial community, that is, those institutions that operate in that community, be required to put forward a three year business plan. That is, Madam Speaker, outlining their work permit needs, detailing the training scheme for Caymanians, and also promotions for Caymanians in that particular. Based on that report, or that plan, and I would also even go further than that to say that those persons or the management of those institutions be invited to appear before the Immigration Board on a scheduled date to put forward their plans for three years.

If the Immigration Board is convinced that the plan makes sense, that the needs are genuine and that the companies are making a genuine effort to employ, train and promote Caymanians, then their plans would be approved. Rather than every year that particular institution applying to the Immigration Board for renewal of those work permits which they have at that stage, a three year work permit could be approved for those persons mentioned as being needed. Madam Speaker, what you do on an annual basis after that is you monitor the progress that has been made by these institutions as far as their training programmes are concerned and as far as their promotional programmes are concerned for Caymanians.

I believe if that approach is taken with regard to the financial community, and I think a similar scheme will have to be thought out and outlined for the other areas of our community that require work permits, that would provide some form of organisation. It would reduce the work load as far as the Immigration Board is concerned. I recall, just recently, the Chairman of that Board came to the conclusion that the position now warrants a full time Chairman because of the volume of work that they are required to deal with. Madam Speaker, I believe if that type of approach had been established in the past that we would not be faced with the situation that we are faced with at the present time in this country.

I believe that it is, to a certain extent, totally irresponsible to have allowed people to remain in this country 15, 20 or 25 years if we never had any genuine intentions of giving them some type of permanent security. I believe that is totally irresponsible. But when people come here to work, and that is why most of them are here, they came here originally with an idea of an opportunity to make a decent living. But they must come here with a definite idea in mind as to the tenure of their stay.

Madam Speaker, for that reason I cannot support the Resolve paragraph that says that a maximum employment period for work permit holders must be established. I believe there must be a plan, like I outlined just now, in place. What will happen, Madam Speaker, if these employers are aware that they must submit a plan, that they must train Caymanians and that they must eventually promote those Caymanians to fill those positions? There will be a smooth transition and eventually the need for the work permit holders will be reduced significantly. I also recall that at the end of that exercise, that is the review of the Immigration Law, when we made our final recommendations the Chairman of the Select Committee who, at that time was the First Official Member, was told by the Committee, "Now you go out and make a press release. Invite those persons who qualify and have been here 15 years or over to submit applications. I believe a lot of people did exactly that and I was just told recently that the Immigration Board has been dealing with these applications.

So, Madam Speaker, I do not believe that this Motion is necessary, because the process is already in place where individuals are being invited to apply and the Board is dealing with them. But it is impossible for the Board to deal with them in a week or a two weeks' period of time. It takes time and I understand the approach of the Board is that they do not deal with requests for permanent residence or Caymanian status on every agenda, they set aside specific meetings where those applications are reviewed, approved or refused.

I also believe that once this exercise has been completed, where the Board has reviewed those applications on an individual basis and made a decision one way or the other, be it positive or be it negative, that those people who the Board feels should not be granted permanent residence

with a right to work, even though they have the right to appeal those decisions, Madam Speaker, it must be understood that the situation for those people will not be allowed to drag on for another 5 or 10 years which only further aggravates the situation.

So, Madam Speaker, I believe that this Motion is unnecessary because Government does have the process in progress and people are applying. What I would recommend is that, maybe, more frequent or even some additional press releases be made reminding people who qualify for consideration to apply if they have not applied for permanent residence and let us get on with the job of completing this exercise.

I also believe, and I firmly support what other Members have said in this regard, it was the feeling of a majority of the Members of the Select Committee that once this exercise has been completed we should never allow ourselves to be, once again, found in the position where we are faced with the same type of situation - where people are then allowed to remain here another 15 or 20 years so we are faced with the same situation. There must be a plan, there must be cooperation between Government and the private sector as far as these permits and applications are concerned. I believe if we take that approach it will reduce some of the uncomfortableness and uneasiness that maybe some of the institutions in the private sector at the present time are experiencing. I have always thought that communication does eliminate a lot of unnecessary impressions, or whatever, Madam Speaker.

So, Madam Speaker, I do not believe that this Motion is necessary. Government is getting on with the progress and the process of reviewing these persons who have been here for this period of time and I would say to the First Official Member, maybe it is time for us now to run a couple more advertisements to invite those people who have not yet taken advantage of the opportunity of applying to be considered.

Thank you, Madam Speaker.

THE SPEAKER: If there is no further debate, I will ask the Fourth Elected Member if he would like to wind up the debate.

MR. D. KURT TIBBETTS: Thank you, Madam Speaker.

Madam Speaker, in my humble opinion it is what I call a severe pity that something as important as this Motion was carried on this late so that Members felt it best not to debate the Motion. However, I guess the Government bench must have their reasons, and I will do what is called the winding up.

The last speaker, a few minutes ago was saying that this Motion is not necessary because Government is doing what it has to do. This Motion in my opinion could never do anything to prevent the Government from what it has to do and, in fact, I believe that if the Motion was to be accepted it would only "spur the horse" to get the matter resolved in a more expedient fashion. I just want to point out a couple of areas so that it is clear to Government that, in bringing this Motion, it was not my intention for a second to impede in any fashion whatever they were doing. I understand from the reply by the First Official Member that there is some review of the Directives that is going on. In the second Resolve section, and I quote: "And where it is found that such persons meet the requirements of the Immigration Law, Regulations and Policy Directives then in effect,". That gives Government ample opportunity to do whatever review they want to do, come up with whatever conclusions they want to come up with and still deal with this Motion.

The Motion also does not suggest for a second that this is something that has to be dealt with on Monday morning. As in all matters, I respect the fact that while a Motion can have in its wording so much and no more, that there are other details which have to be considered. I understand that. So I do not accept that Government is doing what it has to do so the Motion is not necessary, let us leave it and it will be taken care of. I am not questioning what Government is doing. But my personal feeling is that in going about on a daily basis for years, and years, and years I have seen this problem magnified to the point where, as I said in my earlier contribution, it is more than acute.

Madam Speaker, with total respect to the Government, I submit that there are a multitude of problems that they deal with on a daily basis. There are other problems that are going to crop up that are going to require immediate attention. I hope that I am wrong, but I have seen it happen too many times before not to feel the way that I feel now. I believe that come next year we are going to still be here going about a review because, as the First Official Member pointed out, a situation so delicate and technical as this is not an easy one to deal with. This Motion is simply putting into motion the act of dealing with this matter directly. There are avenues in this Motion which would allow the Government to do it in a proper fashion. There are no restrictions in the Motion which suggest that Government has to listen to the way I want it to be done. It is worded in such a way that we can achieve what we all want to achieve because I do not think at this point in time that I have heard anyone say that basically what this Motion attempts to achieve is wrong. I do not think I have heard that. In fact, even the Elected Member for West Bay who spoke just before I began to wind up, had to make his way clear not to support the Motion but in many instances he was agreeing with what the Motion was attempting to achieve. Anyway, that is everyone's right to deal with it the way they see fit.

Madam Speaker, in the Government's reply the First Official Member said, and I quote: "Since then some new Regulations were promulgated in December and recently the Government announced that it was in the process of reviewing the Directions to the Board which Council is required to do under the Law. But that in the meantime all existing directions continue to be applicable and continue to operate.". If I say fair enough, I have to add to that and say that is all well and good. They could still accept this Motion and do just that. You see, Madam Speaker, like the Third Elected Member for West Bay who just spoke was saying, it is going to take time to deal with the applications because the Immigration Board cannot

deal with them all at one time. I understand that. That is the reason for the Motion. I do not expect the Immigration Board to deal with 457 applications as of 30th June, 1993, overnight. The reason for this Motion is that a mechanism can be put in place fairly quickly to deal with it because if the same pattern that has been going on for what seems like forever, continues to go on, next year we are going to have 500 applications pending. The year after that there is going to be 600 applications pending, and no one can say that might not well be true. That is the reason for the Motion. The Motion is asking Government to find within themselves, while they have to do what they have to do, the means to get the ball rolling faster so we can put it to bed once and for all.

The document that came about at the end of the Select Committee which met for all of that time, is just pretty close to an inch stick, and I will not say how long it was, Madam Speaker, I will not say that. But that document at the conclusion of the review contained a host of information, a host of evaluations and I daresay that as of today there is no noticeable difference in actions that have taken place. If Government is now in the process of ensuring that action takes place, then why not accept the Motion and do the actions? This Motion would not segregate any section of what they are doing. Well, that gives me more room to believe if the actions have already started - as the Member just said across the floor - that this Motion can be accepted and encompassed in those actions.

Madam Speaker, the Third Elected Member for West Bay also stated that he believes that the public should be more informed regarding those who have the ability to make these applications, and I totally agree with him. That is a big part of the reason for the Motion. To this date because so many people have made applications of this nature and not heard anything about it for several years and when they go to inquire they cannot find the original application, they have to go back and make another application, or sometimes they have to wait in excess of a year and suddenly get a letter in the mail saying that it has been refused and as of the date of the letter being sent back to you after nearly two years you still have to wait another year or two years before you can apply again. There are many people out there who simply believe that it is senseless, and a total waste to take the time out to get the necessary documentations and fill out the various application forms to take them in because they do not really sincerely believe that anything will be done.

The First Official Member said, that the result, however, is that not too many people appeared to have taken advantage of the invitation and the opportunity for reasons that I do not wish to speculate about, but I submit that the two basic reasons for that is that they were not really aware of this situation and some felt it just did not make sense. There is also a section in his reply where he says: "But it creates a category of people who, at some point in the future, are going to want yet that little bit more security because some security is better than none. But at the end of the day these are persons who are going to, ultimately, be looking for maximum security.". That is a fair statement, Madam Speaker, but on the converse, if there is no security then what have we done? Or should I say, what have we not done? He also says: "The truth is that there is no simple solution to this dilemma.".

Madam Speaker, I could not agree more and I am not here trying to complicate the matter any more, but I submit that while there is no simple solution to this matter the longer we leave this matter, so too will the magnitude of difficulty increase.

He says: "So although opportunities may be made available to people quite often persons do not avail themselves of the opportunity, they do not get themselves legally sorted out and, of course, when things go wrong they blame someone - usually the Government.". That is quite true also, Madam Speaker, and I am only quoting these couple of sections to say, yes, I totally understand what the Government is saying and it is for that reason that I am bringing this Motion.

Finally he says: "The best estimate that we have is that somewhere around 350 persons currently residing on the Island, have been residing here for 20 or more years and are still under some sort of Immigration restriction.". Madam Speaker, I daresay that if we came down to 15 years, which is in one of the last Directions to the Immigration Board, that figure might well be closer to 1,000 people.

Madam Speaker, it is a real worry, but if we worry that if we deal with those 1,000 people now and whatever percentage of those people were granted permanent residence with the right to work, if we worry about their offspring and, like I said, it is a real worry in some ways of looking at it, then we are really saying that we do not want them to have children or we cannot deal with the situation because they will multiply. So that is not a real situation because the whole world is going to grow. The Islands are going to grow, we are going to grow and we cannot expect them not to grow. I do not think that we should think in the terms that if we allowed these people permanent residence that permanent residence would have to be passed on to their offsprings. I say, yes it would have to be, we understand that it would have to be because everyone would become relative as time goes on. People live and people die.

Madam Speaker, there is another point that I feel it necessary to touch on. Allowing permanent residence with the right to work is not by any means any comparison to the grant of Caymanian status. The grant of Caymanian status is feared by many of the indigenous population because it is as if they might well be overcome physically, not just in numbers but in business and in commerce, because people who have Caymanian status will be allowed to deal in business matters and have their own companies and things like that because they will have that right. But granting permanent residence with the right to work does not allow that, so there need not be that fear. It simply allows those many individuals who are nervous and unsure of their situation to feel more comfortable and that, at least, next time around, once they do what they are suppose to do as good citizens of this country, they do not have to worry about their work permits being renewed.

Also, if that fear is allayed by what I just said, a smaller point is the way the Immigration Board has to be totally over burdened continuously now with the numbers of applications for work permits and renewals that have to be pending. If permanent residence is granted to a fair number who fall under this category those can almost be handled in an administrative fashion. So we cannot say that we are creating more beauracracy on a day-to-day basis.

I know that the Members here are restless and I can sense that the wishes of the Government bench is that I would blow away but, Madam Speaker, I did not ask them to keep me here this time of the night. I was prepared to come back on Monday morning. So while I am tempted to end I shall take a drink of water and think of a few more things.

Madam Speaker, very seriously, this Motion, in my opinion, is not one to be taken lightly and if Government is in a position now to be sitting and thinking or saying to themselves, "Well this young man has thought of a couple of fairly sensible ideas but we already have them in motion in certain respects", then why not accept this Motion because I am sure that they are doing more than what this Motion is asking. If there is any merit to this Motion for the people of this country to acquire a bit more stability in the various communities then, Madam Speaker, I submit that they would do well to accept the Motion for what it is intended to do and get on with their business of solving this problem.

Just one more thing before I close, Madam Speaker. I have to say that I regret the fact that other Members both on the Government bench and on, what we call, the Backbench, did not take the opportunity to debate this Motion because I am very, very sure that there is not one of those representatives who do not face some of the problems that this Motion is attempting to address in their constituency. Regardless of whether Government is acting, or whether Government's thought is that to accept this Motion is preemptive, I think those Members, for the sake of their constituents, may well have aired their views. I would like to believe that I have aired mine and as we go to vote on this Motion it is my opinion that if the six/love is eminent on the six Private Member's Motions that have come before this Honourable House, then at least we have stirred the pot to let the people of this country know that we are concerned.

In the future when Private Member's Motions are brought, I would like to believe that the Government bench could find themselves a little bit more amenable because they do not have to be that proud to say that somebody is trying to tell them how to run the show. That is certainly not my intention. But as I said, if they see it fit for the score not to be five/one but six/love they have the numbers to do so. They have everything in their favour but I would like, as fast as possible, to see some results from the actions that they say they are engaged in at present in solving some of the problems.

So, Madam Speaker, again, although it seems that is not the case I am going to ask the Members of the Government bench and the Members who sit on the Backbench with me here, to support this Motion for the good intentions that it has. I am not going to get into a tug-of-war with words to say that if they do not then they will have this and they will have that. I am not going to say that. But I am going to say, that if they do then they will have served their country well.

Thank you.

THE SPEAKER: The question now before the House is Private Member's Motion No. 6/93. I will put the question. Those in favour please say Aye...Those against No.

AYES AND NOES.

THE SPEAKER: The Noes have it.

MR. D. KURT TIBBETTS: Madam Speaker, can I call for a Division, please?

THE SPEAKER: You certainly may. Madam Clerk.

CLERK: **DIVISION NO. 10/93**

AYES: 5

Mr. Dalmain Ebanks
Mr. Kurt Tibbetts
Mr. Gilbert McLean
Mr. Roy Bodden
Mrs. Edna Moyle

NOES: 11

Hon. Lemuel Hurlston
Hon. Michael Marsden
Hon. Joel Walton
Hon. McKeeva Bush
Hon. Thomas Jefferson
Hon. John McLean
Hon. Truman Bodden
Mr. John Jefferson
Mrs. Berna Murphy
Capt. Mabry Kirkconnell
Mr. Anthony Eden

ABSENT: 2

Dr. Stephenson Tomlinson
Mr. Haig Bodden

THE SPEAKER: The result of the Division is 5 Ayes, 11 Noes. The Motion has been negatived.

PRIVATE MEMBER'S MOTION NO. 6/93 NEGATIVED.

THE SPEAKER: Before I call for the Adjournment of the House, the Honourable Member for Health and Human Services will make a Personal Explanation under Standing Order 31. The Honourable Member for Health and Human Services.

PERSONAL EXPLANATION

HON. W. McKEEVA BUSH: Thank you, Madam Speaker.

Madam Speaker on Wednesday the First Elected Member for Bodden Town in his reply on the Motion concerning the property in Breakers for a Rehabilitation Centre said, and I quote from the records of this House on his speech.

> "The Member made mention of estimates that were done and he mentioned that the Public Works Department, Mr. Alan Jones, had done an estimate. I wonder if the Member is also aware of the fact that the Public Works Department had examined this property in 1989 on the instructions of the then Member for Health to see the feasibility of converting this property into just such a facility and that, at that time it is my understanding that the Public Works Department, the examiner being a Mr. Peter Riley, condemned the buildings for such a purpose. I wonder Madam Speaker, what has transpired, what developments at this particular site have taken place between 1989 and now that would make this building suitable for these kinds of purposes and it seem paradoxical that the same department which condemned it in 1989 is now recommending it for use. Madam Speaker, all is not well in the state of Denmark.". (*Hansard* 29th September, 1993)

Madam Speaker, I will address two issues here from that part of his speech. Firstly, the matter relating to the Public Works Department and Mr. Peter Riley's estimate. I now read a document from the Public Works Department. This document is to the Principal Secretary for Agriculture, Communication and Works from the Chief Engineer, the subject: Drug Rehabilitation Centre - *Caymanian Compass* report 30th September, 1993. It reads:

> "The front page of the 30th September edition of the *Caymanian Compass* carried an article headed 'Drug Centre Site "paradox" '. This article stated that "Public Works Department examined the Breakers site in 1989 under instruction of the then ExCo Member for Health to see its feasibility for use as a Drug Rehabilitation Centre. Public Works Department employee Mr. Peter Reily condemned the buildings for such a purpose...." The above is incorrect. No Public Works Department representatives visited this site prior to the 11th June, 1993, this year.
>
> Following further inquiring, we understand from Social Services Department that they visited the site to consider its suitability for use as a Juvenile Treatment Centre. However, no further action was taken following this visit. Again, there was no Public Works Department involvement in this area.
>
> We trust that the above helps to clarify this matter.
>
> Yours faithfully,
>
> Mr. Max Jones,
> Executive Engineer, Building
> for Chief Engineer, Public Works Department
>
> Mr. Peter Reilly, Executive Architect
> for Chief Engineer, Public Works Department.".

Madam Speaker, it is a deliberate untruth and an attempt to mislead this House and, thus, this country and also an attempt by that Member at that point to lay some doubt on the propriety of myself and all the people involved. This document from Public Works Department is positive proof. When Members chose to vociferously criticise Departments and when they mention names in the House they should tell the truth, the whole truth and nothing but the truth. In this case the First Elected Member for Bodden Town deliberately told an untruth.

Now for the second false charge that the alleged estimates, which we now know were never done, never existed, were done to see the feasibility of converting that property into just such a facility as the Drug Rehabilitation facility. This too, is another trumped up charged to make their argument look good and their castigation of myself look justified. I will read now for the records a letter addressed to myself from the Director of Social Services. I quote:

> "To: The Honourable Member for Health and Human Services
>
> Fr: Director of Social Services
>
> Subject: Breakers Property

I write in response to your query with respect to whether any review was ever taken by this Department of Social Services of the above-named property.

Please be advised of the following:

- the property was visited informally on two occasions; once between 1984 and 1988 and once between 1988 and 1992, by the department of Social Services to explore whether it had any potential for use as a Juvenile Treatment Centre. The property was deemed to have possible merits for conversion but no firm decision was taken by the Member then to pursue the matter further.

I trust that this information is responsive to your needs.".

I trust, Madam Speaker, that in the future when those two Members seek to try and destroy a project being done by this Government that the truth, the whole truth, and not trumped up charges maliciously designed to try and destroy Members of Executive Council, the National Team or members of a Department who, cannot speak for themselves in this House. I hope that they will tell the truth, the whole truth and nothing but the truth.

Madam Speaker, I hope that Members of this Honourable House understand that I am going to lay these documents on the Table for one and all to see. In future Members should tell the truth, the whole truth and nothing but the truth when seeking to criticise us.

THE SPEAKER: That concludes the business of the House for this Meeting.

MR. GILBERT A. McLEAN: Madam Speaker, could I seek your clarification that the Member was making a Personal Explanation, or was it...?

THE SPEAKER: That is what I said when I allowed him, under Standing Order 31.

MR. GILBERT A. McLEAN: Yes, Madam Speaker. I was wondering, because I think some of the statements the Member made were very controversial.

THE SPEAKER: Well, I sort of agree, but I have given permission. Now that concludes the matter. I will ask for the Motion for the adjournment of the House.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until Friday, 5th November, 1993.

THE SPEAKER: The question is that the House do now adjourn until the Friday, 5th of November, 1993. I will put the question. Those in favour please say Aye...Those against No. The Ayes have it.

AT 6:52 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 5TH NOVEMBER, 1993.

FRIDAY
5TH NOVEMBER, 1993
10:05 A.M.

THE SPEAKER: Prayers will be read by the Honourable Member for Tourism, Environment and Planning.

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.

The Legislative Assembly is in Session.

ANNOUNCEMENTS BY THE PRESIDING OFFICER

APOLOGIES

THE SPEAKER: I have to announce the absence of the Honourable Second Official Member from the Island on official duty and the Third Elected Member for Bodden Town, who is receiving medical attention in Miami. The Oath of Affirmation will be administered by the Clerk to Mr. Michael Marsden, who will be the Temporary Second Official Member during the absence of the Second Official Member.

Mr. Marsden, please come forward.

ADMINISTRATION OF OATHS OR AFFIRMATIONS

OATH OF AFFIRMATION
MR. MICHAEL MARSDEN, SOLICITOR GENERAL

HON. MICHAEL MARSDEN: I, Michael Marsden, Solicitor General, do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors, according to Law.

THE SPEAKER: Honourable Member, will you take your seat? On behalf of the Legislature we welcome the Temporary Second Official Member. Statement by the Honourable Member for Tourism, Environment and Planning for National Trust Charter Day.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, my statement is comprised of a statement from myself, and the Proclamation made by His Excellency the Governor, which reads:

"PROCLAMATION BY HIS EXCELLENCY THE GOVERNOR

Let it be proclaimed throughout the Cayman Islands that the 5th day of the month of November in the year of 1993, is National Trust Charter Day. For the purposes of celebrating the sixth anniversary of the birth of the National Trust for the Cayman Islands, congratulating the National Trust for its accomplishments thus far, in preserving our Historic sites, conserving our lands and protecting our native flora and fauna and encouraging the public to support the National Trust by donating

generously to the Charter Day Fund Raising Drive.

Michael Gore
Governor of the Cayman Islands".

My message, Madam Speaker, reads:

NATIONAL TRUST CHARTER DAY

It is a pleasure for me to congratulate the National Trust on its third formal Charter Day. The Trust has proven to be a dynamic organisation in the areas of heritage and the environment. The high level of public support which it enjoys signifies that the valuable work that the Trust does is recognised and appreciated by the Cayman Islands' community.

Government has supported the Trust since its inception, and it is particularly gratifying for the Trust to have won an international eco-tourism award for the Botanical Park project. Not only do this and other Trust projects have value in themselves for our people, but in protecting and preserving our heritage and environment, we also appeal to the discriminating traveller. As the Executive Council Member for Tourism and the Environment, this appeals to me as a very neat package.

I wish the Trust success in the Charter Day fund-raising and membership drive, and look forward to a continued partnership in preserving our natural heritage.

Thank you, Madam Speaker.

THE SPEAKER: Presentation of Papers and Reports. The Honourable Third Official Member.

PRESENTATION OF PAPERS AND OF REPORTS

THE DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE GOVERNMENT OF THE CAYMAN ISLANDS FOR THE YEAR 1994

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to lay on the Table of this Honourable House The Draft Estimates of Revenue and Expenditure for the year ending December 31st, 1994.

THE SPEAKER: So ordered. The next item is Government Business, Bills, First Readings.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE APPROPRIATION (1994) BILL, 1993

CLERK: The Appropriation (1994) 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 APPROPRIATION (1994) BILL, 1993

CLERK: The Appropriation (1994) Bill, 1993.

THE SPEAKER: The Honourable Third Official Member.

HON. GEORGE A. McCARTHY: Madam Speaker, I wish to move the Second Reading of the Appropriation (1994) Bill, 1993.

THE SPEAKER: Please speak thereto, Honourable Third Official Member.

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

HON. GEORGE A. McCARTHY: Madam Speaker, in presenting the 1993 Budget Address in March of this year, it was pointed out, and I quote, that "while continued economic growth and prosperity in these Islands must be Government's number one public policy priority, we must be aware of the challenges that we face." In presenting the Budget for 1994, these words assume added significance. Not only did the economies of the industrialized countries, particularly the United States, not recover as first predicted, but the Cayman Islands now face increasing competition from other developing countries in the region who view 'International Financial Services' as the way forward for their ailing economies.

I would like at this time to give a brief synopsis of the road to economic accomplishments of the Cayman Islands over the last 30 years. Up until the early 1960s, it was quite likely, and perhaps for good reason, that the U.K. Government found it expedient to link the administration of the Cayman Islands with that of Jamaica. The Cayman Islands, unlike Jamaica and some other Caribbean Islands, are not endowed with large quantities of mineral deposits such as bauxite and oil, or tracks of arable lands suitable for agricultural development. It was therefore necessary for these Islands to look to alternate avenues for development.

In the early 1970s, the Cayman Islands forged ahead and created an economic environment quite different from those of our neighbours. The Bahamas, at that time, was the only country within the region which had an economic base similar to what successive Cayman Islands Governments were striving to achieve and have now attained. Up until the early 1980s, it seemed that very little attention was being paid to the Cayman Islands as an International Financial Centre. Those who did pay some attention however, sought to criticise rather than applaud our accomplishments. Fortunately, these criticisms were not enough to dissuade potential investors to whom it was clearly evident that most of the allegations were unsubstantiated. I would add a this point, Madam Speaker, quite a lot of those who offered criticism did not understand international financial activities.

The growth in our standard of living, which moved in tandem with our economic development over the past thirty years, has therefore taken us to unparalleled heights within the region. It is at this height that we may develop a false sense of complacency. However, if we remain mindful of our history, we may lessen our chances of reversing the achievements of the past three decades. In short, the road towards economic development, for which these Islands are renowned, has not been an easy one. And, maintaining this success will not be an easy task either. Nevertheless, if we continue to have faith in the Almighty God, whose help and guidance we have relied upon in the past, we should be confident of continued success and prosperity in these Islands.

As I mentioned earlier, the continued growth and prosperity of these Islands has and will remain this Government's number one public policy priority. The task of development has meant that Government must carefully manage its finances in order to meet the future development challenges of a growing economy. The Government must be in a financial position to respond to the changing needs of a growing population. Health care benefits and social programmes aimed at preventing and correcting the physical and social ills of our society can only be afforded through prudent management of our public sector finances. It is for these reasons, among others, that this Government has taken a medium to long term approach to planning the economic future of this economy. Government is, therefore, committed to balancing its Budget while attempting to provide incentives
for private sector led growth.

I shall begin by briefly reviewing the current and future outlook of the world economy and, subsequently, the impact it may have on our local economy. This will be followed by a preliminary review of local economic performance for 1993 and an economic outlook for the year ahead. Next, I shall turn to Government's revenue and expenditure performance for 1993. And finally, I shall present the Draft Estimates of Revenue and Expenditure for 1994.

INTERNATIONAL ECONOMIC DEVELOPMENTS

Global Economy still in the doldrums; economic recovery has been anything but robust: The global economy stagnated in 1991-92 and growth in 1993 is only expected to be in the region of 2.2%. Inflation continues to be low and economic growth forecast for 1993 and 1994 continue to be revised downwards. Global economic growth for 1994 is expected to be between 2.4% and 3.5%. Prospects for economic growth in the industrialised countries are less promising than previously expected and the signs of a strong recovery in 1994 remain tentative. These countries have been plagued with unsustainable deficits, downsizing of companies resulting in growing unemployment, uncertain price and exchange rate developments and rising protectionism.

The European Commission predicts that 'real' economic recovery for most European Community countries will not occur until 1995; economic recovery in the United States and Britain continues to be fragile and uncertain; the US is already predicting further reductions in economic growth for the first half of 1994; Japan has introduced its second wave of fiscal stimuli but economic revival is expected to be modest; all of which have caused G7 forecasts of economic growth to edge down even further.

Major developments in the industrialised countries have the potential to pave the way to a brighter future, but increasing uncertainty surrounding the outcome of these events has led to more conservative forecasts of global economic growth. It was hoped that the industrialised countries would lead the global economy out of the doldrums. Instead, it has been the developing countries that have accounted for most of the global economic growth.

We are all aware of the influence the United States has on our local economy. It is therefore important to note that the decline in US consumer confidence indicators has led to a reduction in the estimates of US economic growth in 1993 and 1994 to 2.4% and 2.8% respectively; relatively soft economic activity. Businesses are expected to gain a little momentum in 1994, amidst speculation that proposed tax hikes, health care changes, regulations and, more importantly, the North American Free Trade Agreement could erode this momentum.

On the regional scene, sluggish growth and the formation of a single European market have combined to dampen growth prospects. As a result, more regional Governments are looking towards the tourism and finance sectors to fuel growth. This in essence means greater competition for the Cayman Islands. This may have already manifested itself in the reported discounting of this year's summer rates in the hotel sector and the increasing number of persons coming to these Islands on prepaid packages.

DOMESTIC ECONOMIC DEVELOPMENTS

Madam Speaker, I shall now turn to sectoral economic developments that occurred domestically; starting with the performance of the financial sector.

Financial Sector Performance:

The financial sector remained stable for the first half of this year. Loans and advances made locally amounted to $711 million in the second quarter of 1993, representing an 18.3% increase over the same period last year. All the sectors, excluding agriculture and tourism, showed an increase in borrowing activity. Overall, creditors and borrowers appear confident in the present and future financial health of the economy.

Total depositing activity fell by 1.6% compared to the second quarter of 1992. Consistently low interest rates, since October of 1992 may have contributed to this fall in savings. With the Federal Reserve predicting a slight increase in interest rates we could see a boost in savings activity if local interest rates respond positively to the increase. However, expectations of the present and future state of the local economy will continue to play an important role in investment decisions.

Inflation:

In the first three quarters of 1993, inflation averaged 2.2% compared to 2.3% for the same period in 1992. The level of prices has been moderate for the past two years; inflation has not exceeded 3% during that period. Wages appear to have kept in step with these price changes. As the level of prices decrease real incomes may rise if cost of living increases are higher than the inflation rate, and vice versa. Consumers should not have felt a reduction in their purchasing power given the relatively low level of prices for the past two years compared to the more inflationary period between 1987 and 1991.

Tourism:

So far, 1993 has been a record year for tourism in the Cayman Islands. At the end of September, air arrivals had increased by 18% over the same period in 1992. Cruise ship arrivals were basically the same with a slight decrease of 1% over the same period in 1992. Although this trend is evident in the Caribbean, generally, the Cayman Islands is one of the destinations recording the highest percentage growth. These increases are the result of a fine tuning of the marketing and promotional strategies of the Department of Tourism, and cooperation from private sector organisations such as the Hotel Association and the Water Sports Association.

The Department of Tourism continues to market the Cayman Islands as an upscale destination, and the sales force, particularly in North America, has been very active. Arrivals from the UK and Europe continue to increase and show promise that this area has potential for growth. In 1994, one major promotion is planned for Europe in Government's attempt to diversify the tourist market from its dependence on arrivals from North America, although for the foreseeable future North America will undoubtedly continue to be our largest supplier, simply because of our proximity and ease of access.

The forecast for 1994 is cautiously optimistic. It will, to a very large extent, depend on the economic recovery of our main supplier, the United States of America. The forecast for air arrivals is an increase of about 5%, while cruise ship figures will remain level.

Construction:

In the first half of this year approximately $55 million of planned new construction investment was approved compared to $87.2 million in the first half of 1992. The only growth in demand for new construction occurred in the Apartments/Condominiums sector. Government and Commercial/Industrial showed a fall in demand for new construction. One reason for the decline in new construction could be the glut of property for sale in the real estate market. This seems to have produced a buyer's market which may have crowded out new construction activity. Based on the information to date, the prospects for future construction activity seem good.

Labour Market:

The results from the most recent Labour Force Survey (March 1993) indicate a decline in the level of unemployment in the Cayman Islands. The overall unemployment rate stood at 5.5% in March, down from 6.3% a year ago. The unemployment rate for Caymanians was estimated at 6.2%, compared to 6.9% last year. The percentage of Caymanians in the work force fell from approximately 61.8% in March 1992, to 57.8% in March 1993.

Import Sector:

The value of imported goods, excluding oil and liquor, fell by 2.2% in the first quarter of 1993, but was up by 14.5% in the second quarter, compared to the same time in 1992. An increase in demand for imports is a signal that wholesalers and retailers, as well as small businesses, are expecting an increase in consumer spending.

Economic Outlook:

With the exception of the construction industry, there has been sufficient evidence throughout the first half of this year to suggest that the local economy is continuing to rebound from the growth slowdown experienced back in 1991. The resilience of our economy is evidenced by the continued increase in economic activity over the past three years.

Overall economic activity in 1993 is expected to exceed that of 1992. An economic growth rate between 3.5% and 4% is expected for 1993. Based on the performance information at hand, it is reasonable to expect continued progress in terms of overall economic growth into 1994 with an economic growth rate between 4% and 5.5% expected. The overall economic outlook should improve substantially in 1994.

THE GOVERNMENT SECTOR

Government's Role In The Economy:

Madam Speaker, I now turn to the issue of Government's role in the economy. Traditionally, Government has adhered to a free market economic approach with regards to regulating local economic activity. Although this is still so today, Government has expanded in both its size and the quantity of public services it provides. This expansion has been in response to not only the demand for these services, but also to the recession like conditions which prevailed following the Gulf Crisis and has been a means of stimulating local economic activity through job creation. However, high operational costs associated with this expansion has led to Government's expenditure growth which has surpassed that of local revenue growth. The result has been a recurrent budget deficit before financing since 1990 through 1992. Therefore, Government has taken the initiative to improve its financial performance through a staff streamlining programme which has reduced the size of the Civil Service; amalgamations of several Government departments aimed at maintaining the quality of services while improving the efficiency of remaining civil servants; and expenditure controls aimed at reducing Government spending at all levels.

It is hoped that by gradually reducing it's role in the economy Government can improve its financial position, without substantially increasing the tax burden to the public and still provide incentives for private sector led growth. Having said this, I would now like to present a preliminary analysis of the financial performance expected for 1993.

FINANCIAL PERFORMANCE - 1993

Overall, the performance for this year is expected to be an improvement over last year's. However, it should be noted that the non-recurrent expenditure of $16.6 million for the recapitalisation of Cayman Airways Ltd., which has been recorded as a recurrent expenditure in Government's accounts rather than capital expenditure, may distort this picture. Please bear this in mind while I present the latest figures on expenditure.

REVENUE

Commencing with Revenue, the figures for September, the most recent available, show that $99.1 million of the estimated $130.2 million in local revenues, or approximately 76%, had been collected. It is therefore evident that revenue collection is on schedule and there is no reason to expect revenues to fall slightly short of expectations as they did last year. Total revenues, including loan income, the one I asked Honourable Members to underscore in their minds' earlier, $16.6 for Cayman Airways, has been estimated at $148.2 million. It is expected that revenue will grow by approximately 7.8% in 1993, compared to 6.9% in 1992. Revenue performance has therefore improved over 1992 without the aid of any new revenue enhancement measures. Identification of outstanding revenues by the Auditor General has also helped to illuminate the extent of the problem. Based on his findings there is evidence to suggest that efforts should continue to be made to improve the existing revenue collection methods.

I now turn to expenditure.

EXPENDITURE

Recurrent and statutory expenditure for 1993 is expected to amount to approximately $143.2 million. The most recent figures available for September show that $107.4 million, or 75% of expected expenditure, in these two categories (recurrent and statutory) which includes the $16.6 million for Cayman Airways, has already been spent. Capital expenditure which does not include $0.8 million ($800,000) by the Civil Aviation Authority, which was offset by the equivalent in loan funds from CDB, is expected to amount to

some $7.7 million by the end of the year. Even though the overall performance of revenues has been improving it is still not enough to cover current capital expenditure. Based on these estimates, Government spending would have grown by 5.7% in 1993, compared to 11% in 1992; a marked improvement. Clearly, efforts to curtail expenditure have been effective.

On the recurrent side, a surplus of $7.2 million excluding the flow through of $16.6 million extraordinary recurrent expenditure for Cayman Airways is expected. Revised capital expenditure of $7.7 million will therefore mean that the cumulated deficit for 1993, after financing, should amount to approximately five hundred thousand dollars ($500,000). This is a marked improvement compared to the cumulated deficit of $7.0 million recorded for 1992. Madam Speaker, looking back at 1992, we can see that we have managed to gain considerable ground with regards to reducing both the size and rate of growth in the deficit. It is the first time in three years we have seen such a significant reduction.

GENERAL RESERVES

The balance on General Reserves at the beginning of 1993 was $10.2 million. A transfer of $7.0 million, being the deficit for 1992, to the Surplus and Deficit account is expected to reduce this balance further to $3.2 million by the end of 1993. This $3.2 million excludes the interest that will be earned on this residual balance.

PUBLIC DEBT

Total outstanding public debt, excluding contingent liabilities, stood at $42.9 million at the beginning of 1993. Loan income of $16.6 million, the proceeds from the Cayman Airways Recapitalisation loan, and approximately $0.7 million from Caribbean Development Bank for the Civil Aviation Authority, brought the total value of drawdowns to $17.3 million so far this year. Total repayments to the end of September amounted to $4.9 million which meant that total outstanding public debt amounted to $55.3 million as at September 30th, 1993. Total outstanding public debt is expected to amount to approximately $53.0 million by the end of this year.

PENSION FUND

The Pension Fund balance as at September 30th, 1993 amounted to $8.3 million (inclusive of accrued interest). Contributions and investment income accumulated in 1993 thus far amounted to $2.1 million. The actuarial assessment, as authorised by the Board of Trustees in 1992, is being performed and a final report will be available before the end of 1993.

I now turn to fiscal measures for 1994.

1994 - MEASURES FOR CONSIDERATION AND IMPLEMENTATION

FISCAL MEASURES

Madam Speaker, Government's financial performance, although showing significant improvement, continues to require good fiscal responsibility and is still cause for concern. The Government should not allow the headway it has been making in reducing both the size and growth of the deficit to be eroded in the future. Only consistent prudent fiscal management and policies will ensure a stable and healthy state of finances for Government. It is therefore imperative that careful planning be the foundation for guiding future Government decisions. Recently, the Government has put forward a "Draft Medium Term Development Plan" for 1994 through 1996, for discussion and possible adoption in early 1994. It is this type of forward looking, multi-year revolving plan that is necessary if we are to continue to improve our fiscal performance.

Prioritisation of projects on the Public Sector Investment Programme; using more profitable capital investment projects to fund the non-revenue generating projects; introducing more revenue enhancement measures; further improving revenue collection methods; and further reductions in Government spending have all been considered as valid ways of improving public sector financial performance.

In an effort to stimulate growth in the Real Estate and Construction industries, the Government is proposing to reduce the land transfer fee on real estate sales in excess of $250,000. The current rate is 10 percent and it is being proposed that this be reduced to 7.5 percent. In addition to this measure, the Government is proposing to simultaneously introduce legislation to tighten upon on the non-registration of land transfer documents. Both of these measures are dealt with in the Stamp Duty (Amendment) Bill, 1993, which will be put before this Honourable House during this November Meeting. At the present time, the Government, in consultation with the Private Sector, is reviewing other fees and charges with a view to proposing amendments in an effort to further stimulate overall economic growth. In particular, company fees are being examined.

STIMULATING GROWTH IN FINANCIAL SERVICES

In terms of the financial industry, Government is very much aware of the increasing global attention being paid to the credibility of transactions originating from international financial centres such as the Cayman Islands.

Madam Speaker, I would just like to point out at this stage that the Government, in collaboration with the private sector, should move away from the description of financial offshore centres. There is no such things, we do not conduct business offshore. Particular emphasis has been placed on countries implementing such measures as necessary to ensure the credibility of the sources from which such transactions arise. In this regard, the Cayman Islands, as pioneers and leaders within the International Financial Industry, recognises the need to continue our ongoing review and strengthening of our legislation where applicable. The Government, in consultation with the financial industry, will also need to continue efforts in promulgating local regulatory policies combined with reviewing and adopting international conventions, as necessary, to achieve the highest level of compliance and accountability.

To ensure that the voice of the Financial Industry is heard in all matters of legislation and policies affecting their operations, Government has reactivated the mechanism by which frequent dialogues now take place on a monthly basis through the Government/Private Sector Consultative Committee. In addition, the Government in consultation with the financial industry, commencing in 1994, will be holding a number of conferences, both overseas and locally, to keep the minds of the international financial community focussed on the unsurpassed attractive qualities of our Islands such as social harmony, an economic risk free environment, and political stability for which these Islands have become renowned.

The dynamics of our financial industry means not only the need for a review of laws and policies, but also a revamping of internal supervisory and regulatory structures. In this regard Government took the decision during the course of this year to consolidate its supervisory role through the creation of a single department known as the Financial Services Supervision Department.

At the beginning of 1993 there were 532 banks, 370 insurance companies and 25,047 companies registered in the Cayman Islands. To date the totals are 534, 378 and 29,298 for banks, insurance companies and companies respectively. The net result being an increase in activity in the financial industry compared to 1992.

The Mutual Funds Law came into effect in July of this year. The Government has endeavored to consider both the needs of mutual funds promoters and investors before formulating the mutual funds legislation aimed at regulating this section of our financial industry. The self-regulating feature of the Mutual Funds Law will ensure minimum Government supervision while allowing for the achievement of it's objectives.

Madam Speaker, on average the financial industry accounts for approximately 12% of economic growth in these Islands. This figure is conservative as it does not include offshore banks and insurance companies without a physical presence in the Cayman Islands. Not only does the financial industry provide us with capital inflows necessary to assist capital formation, but it also provides jobs which stimulate economic activity through consumer demand for goods and services. Government is therefore committed to ensuring the integrity and continued success of the financial industry through its regulatory function.

REVENUE ENHANCEMENT MEASURES

At this time, I would like to address the new revenue generating measures for 1994. Madam Speaker, despite the fact that we have been able to contain Government spending there is still the demand for higher quality services which have high costs associated with them. Government can only respond to these demands if there are sufficient recurrent revenues available to cover these higher costs.

Government has identified three areas with revenue generating potential. These areas are travel tax on air passenger departures, cruise ship passenger arrival tax, and on work permit fees. The increase in travel tax for both air and cruise ships, will bring us in line with the rates of other countries in the region and is therefore not expected to have an adverse impact on the travel industry. Furthermore, this fee is often very small relative to the cost of the overall air or sea passage and is of a "one-off" nature.

The Government, in recognising the importance of non-Caymanian labour in meeting the needs of all sectors of our economy has committed and will continue to commit considerable resources towards streamlining and upgrading its Immigration services. Additional resources will be needed if the quality of services is to be maintained. Government is hoping to offset some of these additional costs by the increase of work permit fees for chief executive officers, professionals, non-professional managers, administrators, executive secretaries, secretaries and nurses. In appropriate cases, three year work permits linked to training programmes leading to opportunities for Caymanians will become the norm instead of the existing one year permits. The total revenue measure package is expected to yield an additional $5.8 million in revenues during the year 1994.

I now turn to the 1994 Draft Budget.

1994 DRAFT BUDGET

Madam Speaker, the 1994 Draft Budget is estimated at $157.1 million. The breakdown of this total expenditure is as follows: $124.1 million Recurrent Expenditure; $12.4 million Statutory Expenditure; $20.2 million Capital Expenditure; and $0.4 million in new Recurrent Expenditure Services. In addition, the 1993 Revised Budget shows a $0.5 million Accumulated Deficit to be carried forward into 1994. This amount, when combined with the 1994 Budget, represents a total of $157.6 million.

It is therefore proposed that this amount of $157.6 million will be funded as follows: $143.2 million from existing recurrent revenue sources; $5.8 million from the proposed new recurrent revenue measures; and $9.1 million from loans. This would leave an accumulated surplus at year-end 1994, of $0.5 million. It is planned that the following financing sources will be explored: the Royal Bank of Canada

$1.0 million (this amount was approved by this Honourable House in 1990, and has been committed by the Bank since then); the European Investment Bank $2.6 million; the Caribbean Development Bank $3.0 million; and $2.5 million from local commercial bank sources.

The major capital development projects planned to start during 1994 include:

i) Phase II Construction of the Community College of the Cayman Islands Facility;

ii) Further development of the George Hicks and John Gray High Schools, and Red Bay and West Bay Primary Schools;

iii) Beginning first phase improvements at the George Town Hospital, with new West Bay and Bodden Town Health Centres;

iv) Substantial road improvements in all districts and new developments throughout all three Islands, including an additional road corridor beginning in the area of the Harquail Centre leading to the airport area. This is a first step to alleviating the traffic congestion in the West Bay/George Town Districts;

v) Sports centres and parks development throughout Grand Cayman and Cayman Brac and the commencement of development of a National Sports Centre on Grand Cayman;

vi) Continuing development of the agricultural sector and, in particular, the construction of new animal slaughterhouse facilities; and

vii) Development of a solid waste disposal site on Cayman Brac.

The Government considers that it is essential that these projects be pursued as they are necessary infrastructural developments and will also stimulate the local economy.

CONCLUSION

Madam Speaker, prior to concluding, I would like to express my gratitude to the staff of my Portfolio, Finance Administration, and departments for their support in preparing the 1994 Budget and to the Civil Service generally for their continuing cooperation and assistance without which very little could have been achieved. Madam Speaker, I recommend the Appropriations (1994) Bill 1993, which proposes an estimated sum for Recurrent, Capital, and New Services of $144.7 million. Not included are the statutory provisions for loan repayment, pensions and gratuities, amounting to $12.4 million. The total expenditure is therefore $157.1 million. I commend the Appropriation (1994) Bill, 1993, Madam Speaker, to this Honourable House. Thank you.

MOTION TO DEFER DEBATE ON THE BUDGET ADDRESS

HON. GEORGE A. McCARTHY: Madam Speaker, I beg to move the Motion that the debate on the Budget Address be deferred until Wednesday, 10th November, 1993.

THE SPEAKER: The Question before the Honourable House is that the Second Reading Debate on the Appropriation (1994) Bill, 1993, be deferred until Wednesday, 10th November, 1993. I shall put the Question. Those in favour please say Aye....those against No.... The Ayes have it.

AGREED. THE SECOND READING DEBATE ON THE APPROPRIATION (1994) BILL, 1993, DEFERRED UNTIL WEDNESDAY, 10TH OF NOVEMBER, 1993.

THE SPEAKER: I will now ask for the Motion for the Adjournment of the House. The Honourable Member for Tourism, Environment and Planning.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I am pleased to move the adjournment of this Honourable House until Monday morning at 10:00 o'clock.

THE SPEAKER: The Question is that the House do now adjourn until Monday, 8th November, 1993, at 10:00 A.M. Those in favour please say Aye.... those against No.... The Ayes have it.

AT 11:55 A.M., THE HOUSE STOOD ADJOURNED UNTIL MONDAY, 8TH NOVEMBER, 1993, AT 10:00 A.M.

MONDAY
8TH NOVEMBER, 1993
10:12 A.M.

THE SPEAKER: Prayers by the Elected Member for North Side.

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.

ANNOUNCEMENT BY THE PRESIDING OFFICER

APOLOGIES

THE SPEAKER: Apologies have been received from the Honourable Member for Tourism, Environment and Planning who will be overseas on official duty from the 7th to the 9th of November. We now go to Item 2 on the Orders of the Day, Questions to Honourable Members. Question 171, standing in the name of the First Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

QUESTION NO. 171

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR AGRICULTURE, COMMUNICATIONS AND WORKS

No. 171: To state whether the road repair work being done by Petroservicios in Bodden Town is of the specifications laid down by the Public Works Department.

THE SPEAKER: The Honourable Member for Agriculture, Communications and Works.

HON. JOHN B. McLEAN: Thank you, Madam Speaker. The reinstatement of the surface paving in Bodden Town does not meet the specification for smoothness of the finished surface as required by Public Works Department's specifications. The work does meet other requirements. The Water Authority has been instructed by Public Works Department to bring the reinstatement up to standards. The matter is being monitored by the Department.

SUPPLEMENTARIES:

THE SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker. Can the Honourable Member say if this now means that the Public Works Department will assume the responsibility for examining the road to see that the repairs are smoothly finished, and not as it is at present - bumpy?