

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

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1991 SESSION

(In three Volumes)

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

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***Abbreviations**: 1r, 2r, 3r, first, second, third reading; **(A)**, Amendment; **CAL**, Cayman Airways, Ltd; **(C),** Committee; **CIHS**, Cayman Islands High School; **CIMS**, Cayman Islands Middle School; **GM**, Government Motion; **GT**, George Town; **GTH**, George Town Hospital; **ICCI,** International College of the Cayman Islands; **ILFC**, International Leasing Finance Corporation; **PM,** Private Member's Motion; **(R),** Report; **S.O.**, Standing Order.*

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GOVERNMENT MEMBERS

HON. THOMAS C. JEFFERSON, OBE, JP
First Official Member Responsible for Finance and Development

HON. RICHARD W. GROUND, QC
Second Official Member Responsible for Legal Administration

HON. J. LEMUEL HURLSTON, MBE, JP
Third Official Member Responsible for Internal and External Affairs

HON. W. NORMAN BODDEN, OBE, JP
Elected Member Responsible for Tourism Aviation and Trade

HON. BENSON O. EBANKS, OBE
Elected Member Responsible forEducation, Environment, Recreation and Culture

HON. D. EZZARD MILLER
Elected Member Responsible forHealth and Social Services

HON. LINFORD A. PIERSON, JP
Elected Member Responsible for Communications Works and Agriculture

ELECTED MEMBERS

MR. W. McKEEVA BUSH
First Elected Member for the First Electoral District of West Bay

MR. JOHN D. JEFFERSON, JR
Third Elected Member for the First Electoral District of West Bay

MR TRUMAN M. BODDEN
Third Elected Member for the Second Electoral District of George Town

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

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

MR. ROY BODDEN
First Elected Member for the Fourth Electoral District of Bodden Town

MR. G. HAIG BODDEN
Second Elected Member for the Fourth Electoral District of Bodden Town

MR. JOHN B. McLEAN
Elected Member for the Sixth Electoral District of East End

OFFICERS OF THE HOUSE

Mrs. Georgette Myrie
Clerk of the Legislative Assembly

Mrs. Wendy Lauer Ebanks
Deputy Clerk of the Legislative Assembly

Mr. Cline Astor Glidden
Serjeant-at-Arms

STAFF OF THE LEGISLATIVE ASSEMBLY

Mrs. Sharon K. Smith
Clerk Assistant

Miss Nanna Bothwell
Executive Officer

Mrs. Mary Williams
Refreshment Co-ordinator

FRIDAY
15TH FEBRUARY 1991
9:58 A.M.

HON. THOMAS C. JEFFERSON: The House will come to order. Prayers by the Reverend Talmage Ebanks.

PRAYERS

REV. TALMAGE EBANKS: Let us Pray.

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

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

All this we ask for Thy great Name's sake, Amen.

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.

HON. THOMAS C. JEFFERSON: Pray be seated.

PROCLAMATION NO. 2/91
SUMMONING THE 1991 SESSION OF THE LEGISLATIVE ASSEMBLY

BY HIS EXCELLENCY ALAN JAMES SCOTT, COMMANDER OF THE ROYAL VICTORIAN ORDER, COMMANDER OF THE MOST EXCELLENT ORDER OF THE BRITISH EMPIRE, GOVERNOR OF THE CAYMAN ISLANDS.

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

NOW THEREFORE, under and by virtue of the powers vested in me by the aforesaid Order, I, ALAN JAMES SCOTT, Commander of the Royal Victorian Order, Commander of the Most Excellent order of the British Empire, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN THAT A SESSION OF THE LEGISLATIVE ASSEMBLY OF THE CAYMAN ISLANDS shall be held in the Legislative Assembly Building in George Town, Island of Grand Cayman, at 10:00 am on Friday the 15th day of February, One Thousand Nine Hundred and Ninety-One.

Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman this 31st day of January in the Year of Our Lord One Thousand Nine Hundred and Ninety-One in the Thirty-Ninth Year of the Reign of Her Majesty Queen Elizabeth II. God save the Queen.".

THE THRONE SPEECH

AS DELIVERED BY HIS EXCELLENCY THE GOVERNOR, MR. ALAN J. SCOTT, CVO,CBE

Honourable Members of the Legislative Assembly, we are gathered today for the opening meeting of 1991 at a very troubled time. The war in the Middle East threatens not only the security of the world order but also its economy, communications and travel, and accordingly it causes us all very great anxiety. We must be thankful that the United States, the United Kingdom and their allies accepted their grave responsibility to implement the United Nations resolutions against the leadership of Iraq.

Let us then bear sympathetically in mind the anxiety of all, especially families of Cayman and our friends, whose loved ones are involved in the war. Let us remember our debt to those members of the allied forces who have died or suffered injury, and their grieving relatives.

Earlier this morning a statement was made by the Bagdad regime. Although completely unacceptable in its present form it may represent the beginning of a realistic appraisal of their grave situation rather than a diversion or mere propaganda. Let us hope and pray with all our hearts for a speedy resolution of the conflict and a return to normality.

Honourable Members, this year's Speech will set out the Government's policies and programmes in broad terms, and some account will be given of significant developments in 1990. Departmental activities are detailed in the annual report produced by the Government Information Services Department, and are subject to review in the course of the annual debates upon the Budget, and upon the report of the Public Accounts Committee.

1991 opened with our affairs in generally satisfactory condition after a strong year for the tourist industry and continuing steady growth in the finance and related industries. However, quite apart from the effects of the Gulf War and the economic recession in the United States, it is evident that we cannot expect the high level of growth in revenue to which we have become accustomed, to continue. Recurrent public sector expenditure and proposed capital expenditure had to be looked at very stringently in the Budget process. Later in this Speech I shall examine the financial situation in more detail.

The prosperity of Cayman has been based on years of rapid economic growth, and is reflected in the physical development of Grand Cayman in particular. However, with that welcome prosperity has come the realisation that a balance has yet to be found between almost uncontrolled development and its effect upon the social and environmental fabric of the community. It is no bad thing that it is now necessary to pause and take financial stock, realistically; and I hope that this approach will also be applied to the various social questions which exercise us, as reflected in the newspapers, in radio debates, and "on the marl road".

Each year it is my pleasure to recognise the excellent service given to the community by the voluntary associations, the churches and by many individuals. The contributions made, both financial and in time and effort, to those in need and to cultural and sporting activities, is truly remarkable. Government continues to accept its responsibility in these activities and to extend its co-operation and, where possible, financial help. But it is not, I think, churlish to make the point that Government resources are bound to be limited.

THE JUDICIARY

Litigation, both criminal and civil, has continued to increase at Summary and Grand Court level, although in 1990 there was a slight reduction in appeals throughout the appellate system. The ratification of the Mutual Legal Assistance Treaty with the United States of America, under which the Chief Justice is designated the Cayman Authority, has increased the work load of the Chief Justice.

There is still great pressure on court accommodation: for example, the second Magistrate does not have a permanently allocated courtroom. It is hoped to improve this situation, as soon as can reasonably be achieved.

THE PUBLIC SERVICE COMMISSION

In its continuing efforts to select Caymanian candidates and to advance qualified Caymanian officers, the Commission has observed in the past six months a noticeable increase in interest among Caymanians in joining the Civil Service. This is indeed welcome, and is due perhaps in part to the 1990 salaries review, and partly to recognition of the increasing emphasis being given to training, and to improving management techniques.

THE PORTFOLIO OF FINANCE AND DEVELOPMENT

The Financial Secretary and his staff have continued their initiatives towards streamlining and rendering more effective the Government's planning and budgetary activities. The Public Sector Investment Programme is being implemented by stages, and will improve the quality of information required to make decisions on what projects should be included in the budget each year. A computerised debt recording and management information system is to be implemented. Especially praiseworthy are the efforts being given to the training of staff of all levels involved in project planning and management, budget preparation and implementation, and the automation of debt recording and its management.

I now turn to the state of the public finances. What follows is a preliminary statement of the position at the end of the 1990 fiscal year, as compared with the estimated position given at the Budget Session last November. A number of quite significant adjustments remain yet to be made and I emphasise therefore that the following figures are not yet final. The Accountant General's Report for 1990 when presented to this House, will provide the final outcome.

Total revenue for 1990 is calculated at $102 million, a slight increase on the revised estimate. Expenditure stands at $117.2 million, approximately 1% below the revised estimate. The preliminary revised position for 1990, including as usual the 1989 surplus brought forward, is a surplus of $4.3 million after the transfer of $7.8 million from reserves. The year 1990 therefore ended a little better than the final revised estimate. Nevertheless, the Government is determined to exercise prudent control over expenditure, while maintaining as far as possible the levels of service which the community expects and deserves.

Members will be aware of the regular monitoring of the economic situation which is exercised by the portfolio of Finance and Development, with data in particular from the Customs Department, the Banking Inspectorate and the Economic Development Unit. Since September, this work has intensified and much useful information is coming in from many sources. Our vulnerability to world economic conditions is obvious and we have no means of control over events outside our shores; and therefore it is not easy to devise specific measures against a worsening economic situation. However, Government is very sympathetic to the problems of individuals and companies who may already have been affected and the situation will continue to be closely studied.

The work of the National Growth Management Committee has been suspended, while the Constitutional Review process takes place. As Honourable Members know, that Committee is charged with

producing recommendations for managing future growth in a way which will balance necessary economic growth with environmental needs and allow for the necessary economic and social infrastructure. In brief, to continue development and maintain our prosperity, but to preserve the quality of life, and if possible to improve it.

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

The Board is negotiating with the Caribbean Development Bank for a new line of credit up to US$1 million for agricultural and industrial purposes. A project team was here earlier this month for appraisal purposes. The Board expects that this year it will play a key role in the implementation of the first phase of the Government's Agricultural Development Plan.

In its turn, the Government has demonstrated its continuing commitment to the education and further training of Caymanians by allocating the sum of $120,000 to the Board for student loans.

BANKING

Last year I referred to a period of consolidation in the industry after years of rapid growth. This consolidation continues, with a small net increase in the number of licenced banks which seems likely to be the pattern again in 1991. However, the growth in total assets in 1990 was much more significant and reflected again the size and the quality of overseas representation. Cayman's reputation in the international financial community remains high; we have very demanding entry standards, and the ongoing oversight of the Inspector of Banks and Trusts and his staff.

We have adopted at regular intervals measures to protect ourselves against drug money laundering and other illicit activities; but the first line of defence must remain with the banks themselves, and overall success will depend on each bank playing its own part, ethically and prudently.

ECONOMIC DEVELOPMENT UNIT

The unit continues to co-ordinate the various planning and budgetary activities, and related information systems. It will run a three week course on public sector investment planning programming and management next month, with the assistance of the Caribbean Development Bank. The research work of "back room boys" such as these may not always be fully appreciated, and it is easy to be impatient with the theorising of economists; but they do make a valuable contribution to our increasingly complex financial and economic management.

CURRENCY BOARD

The Board this year celebrates its 20th anniversary, among other things with a special coin issue. The redesign and upgrading of notes is well under way and the new notes will also mark the anniversary.

CUSTOMS DEPARTMENT

In 1990, the Department surpassed its objectives with duty collections at $42.13 million, some $1.5 million over the revised estimate. The computerisation of controls and records should be completed during this year. The new Customs Law and Customs Tariff Law passed by this House last September came into operation on 1 November.

The Islands hosted the 13th Caribbean Customs Law Enforcement Conference last September; a very successful event attended by delegates from 33 countries. This group is of especial value in the fight against illegal drug trafficking.

The Department has established a separate drugs unit, which has made a promising start, working in close co-operation with the Drugs Squad of the Police Force.

THE LEGISLATIVE ASSEMBLY

This Department had a very busy year in 1990 and expects the same this year, in particular with several Select Committees of the House at work or waiting to begin work. I shall say more about the staff towards the end of this speech.

MARINE SURVEY DEPARTMENT

The image of our register is improving steadily, with a firm policy in regard to substandard ships. Requests have been received from the United Kingdom for the Department to survey its ships in the region, which reflects the confidence of the United Kingdom. Work will continue to promote the quality of the register and to increase the number and tonnage of ocean going ships.

REGISTRY OF COMPANIES

There was an encouraging growth of 11% in 1990 in exempt companies on the Register. Staff training will be of particular importance this year, further to improve service to the public. The fee structure will be reviewed, to update and if possible to simplify it.

STATISTICS

The work on the 1989 Population Census has been completed and a rich mine of information it has proved. The Household Expenditure Survey, to be used to update the consumer price index, will be completed during the year.

The focus of the Annual Business Income Survey will this year be on the hospitality and retail sectors. Later, a Household Labour Force Survey is planned. The computerisation of the overseas trade data collection process will also begin this year.

THE TREASURY

The Department's re-organisation has been completed, including the appointment of the Chief Accountant and of the Chief Internal Auditor. A Debt Collector has been appointed to ensure more timely collection of monies owed to the Government.

The work of the Treasury is well known to this House through its examination of the annual accounts by the Public Accounts Committee. The reputation of the Treasury stands higher now than ever before.

INSURANCE DEPARTMENT

The international market in 1990 was subject to increased rates for reinsurers as well as for direct insurance, largely due to catastrophic losses in 1988 and 1989. This is likely to stimulate demand in the United States for captive insurance companies. We maintain our position as the second largest captive domicile in the world with 359 such companies operating here at the end of 1989 and are well poised to meet further demand.

The withdrawal of some multinational insurers from the Caribbean region, including these Islands, was noticeable during 1990. Regional companies have expanded their operations to meet the resulting transferred demand of services. This in turn presents new supervisory challenges to the Department, which is equipped and ready.

THE PORTFOLIO OF LEGAL AFFAIRS

Several important developments and changes in 1990 included the creation of the post of Solicitor General. This formalised the departmental status of the Department and clarified its separate role as being responsible (under the overall supervision of the Attorney General) for the conduct of criminal and civil litigation and for the provision of legal advice to the Government.

The change is essentially administrative. The Attorney General, as the Principal Legal Officer of the Crown, retains overall responsibility for the legal affairs of Government and for criminal prosecutions, including personal responsibility for signing indictments and entering *nolle prosequis*. However, the delegation of the day to day supervision of the Crown Counsel reflects the increasing burden on the Attorney General's office, and by introducing a proper management structure will enable him and his staff to cope with it.

The work load continued to grow in all divisions of the Attorney General's Chambers and the Legal Department. The drafting division in particular is under heavy pressure. Crown Counsel will assume responsibility for prosecuting the more difficult criminal cases in the second Magistrate's court (as well as in all the other courts) during the year. Prosecutions in this court have, up to now, been handled by a Police Inspector.

The total staff of the Attorney General's Office now comprises the Attorney General, the Solicitor General, seven Crown Counsel and one Articled Clerk. Four Crown Counsel and the Articled Clerk are Caymanian, a significant achievement; however, during the year two experienced Caymanian officers left for the private sector, Miss Jacqueline Connolly, Crown Counsel and Miss Sheridan Brooks, the Legal Draftsman.

THE LAW SCHOOL

Three students graduated in 1990, one with distinction. The graduation ceremony was highlighted as the first occasion on which the admittance to Bachelor of Laws degrees of the University of Liverpool was held outside the University itself. The Law School now has 42 students enrolled; 21 in the five year Attorney at Law course and 3 in the four year degree programme of the University of Liverpool. The rest are engaged on the Diploma in Legal Studies and Banker's Certificate programmes.

In 1991 the Law School looks to the graduation of six students, the introduction of the full time honours degree, and the change in structure of the Attorney at Law course to a full time, three year academic course followed by a period of full time practical experience with the Law Firm to which the student is articled.

THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

THE ROYAL CAYMAN ISLANDS POLICE FORCE

The Annual Report of the Commissioner, which will shortly be tabled in this House, sets out graphically and comprehensively the record for 1990. The objectives were to consolidate the progress made during 1989 in reducing the incidents of theft and burglary, to maintain pressure on drug dealers and users and to do everything possible to reduce the high traffic accident rate.

For the second year running there was a small reduction in burglaries and thefts. There was an increase in arrests of local drug dealers and consumers, together with a number of cases in which international

operators have been arrested, huge seizures of cocaine made, and vessels and aircraft confiscated.

On the traffic front, the accident rate did not alter significantly, but fatalities went up to 20 people. This is a staggering, horrifying total, causing grief and misery to so many relatives and friends. Analysis of fatal accidents over the last 10 years shows that alcohol and/or excess speed, often combined, are far and away the principal causes of these fatalities. There is little the Police can do to prevent this sort of behaviour which claims so often the lives of innocent people: a driver himself must decide when he is not fit to drive; and only the driver controls the speed of his vehicle. It is hard to believe that the community is prepared to tolerate much longer the irresponsible, senseless behaviour which causes these tragedies.

The Assistant Overseas Police Adviser from the Foreign and Commonwealth Office visited in October, following my invitation mentioned in last year's speech. He found the Force in good form and in good heart, and reported to me in satisfactory terms. His discussions with officers at all levels were helpful, and it was a productive and much appreciated visit.

PRISONS DEPARTMENT

In the Prisons Department high security standards, firm discipline and control, with an emphasis on dealing with the needs of longer term prisoners, are the primary objectives for 1991. The Drug Counselling Programme will be expanded, to include more individual counselling, subject to the availability of professionals in the field.

The Department's land holding will be developed by clearing and planting; and the poultry farm will be expanded, following new construction by prison labour. The horticulture and livestock enterprises should produce larger surpluses, thus contributing towards the cost of running the Prison. Prisoners were involved in several external projects, including the National Museum and the National Trust. It is hoped to continue this useful work in 1991.

The major extensions to the female unit and to the staff and visitors car park should be completed in 1991, and a start will be made on the new office and visits complex.

IMMIGRATION

In regard to Immigration, as Members will be aware, the Select Committee on the Caymanian Protection Law and related legislation has completed its examination of representations by individuals and groups and draft discussion bills will be in the hands of Members as soon as possible.

Members will have noticed the progress on the new building for the Caymanian Protection Board and Immigration Department which is expected to be occupied in stages in a few weeks' time.

GOVERNMENT INFORMATION SERVICES

Today I shall say rather more than usual about this Department, reflecting the increasing burden of its work and activities. In 1990 the Department took over production of the Official Gazette, including editing submissions for it. The Gazette is now produced almost always on schedule, and at reduced cost. Thirty-three extraordinary issues of the Gazette were produced in 1990, as well as the 26 regular issues. The extraordinary issues reflect the increasing pace of investment, as many contain declarations of partnerships registered here, worth millions of dollars.

The Department issued 660 news releases, and replied to over 500 overseas letters requesting information. In addition, hundreds of people walk into the Department asking for information. The 1989 Annual Report, which Honourable Members will have seen, was the biggest ever and has drawn admiring comments both overseas and in the Islands. The Department continues to liaise with various foreign media, in the production of features, advertisements and other promotions on the Islands. Cayman's financial sector was featured in a successful supplement in the *Financial Times of London*. The Department is now, with one exception, completely staffed by Caymanians, including the Senior Information Officer at its head.

SISTER CITIES RELATIONS

Our Sister City relationship with Dade County, in Florida, has continued to provide us with useful advice and help, expert services, for example in the field of telecommunications and television, having been provided during 1990. We hope to welcome the Mayor of Dade County and some of his colleagues on a visit to the Islands in a few weeks' time.

CARIBBEAN BASIN RADAR NETWORK STATION

The construction of the radar station as part of the United States network in the Caribbean Radar Station is expected to begin soon, on a site close to the Owen Roberts International Airport. It is hoped that operations will commence early in 1992.

DISTRICT ADMINISTRATION

The coordinating responsibility for Cayman Brac and Little Cayman lies with the Administrative Secretary. Nevertheless as Honourable Members and the inhabitants of the two Islands know, there is a high level of interest among other Members of Executive Council and the Legislative Assembly, towards their continuing

progress and well being.

Hotels in 1990 experienced a satisfactory occupancy rate; the construction industry had a good year; Government's capital projects bolstered the economy and offered steady employment. Capital projects included the first phase of a link road around the east end of Little Cayman. A road was completed across the Island at Jacksons to enable the extension of electricity to the north coast of Little Cayman.

In the Brac, the continuing reconstruction and upgrading of the cross Island road - Ashton Reid Drive - has been welcomed by the community and visitors. The Brac Domestic Fire Service began operations on 1 January with a complete staff of trained officers. For the moment the Airport Fire Service appliance is being used, pending the arrival of the domestic service fire truck.

Cayman Brac and Little Cayman have always occupied a special place in the hearts of the community of the Cayman Islands. Successive governments have afforded generous help on capital projects and in the provision of communications both physical and by way of telecommunications. No-one, twenty years ago, would have forecast the present level of activity and prosperity of the two Islands. But their economy is perhaps more vulnerable than that of Grand Cayman, and 1991 shows signs of being a difficult year for them. Government will continue to afford due priority, but it would not be realistic to ignore the possibility of employment opportunities reducing on Cayman Brac. Government will do all it can to maintain the level of employment, both by encouraging the private sector and by keeping up the level of Government activities, with a due and prudent eye on the level of public expenditure. There is a difficult balance to strike, here; but I believe that the good sense of the community of all three Islands will accept that if there is an economic slowdown, then the effects must be reasonably spread across all three Islands; and when there is employment available on Grand Cayman, then if necessary those whose jobs temporarily disappear on Cayman Brac will be prepared temporarily to move to Grand Cayman to find employment.

BROADCASTING

Radio Cayman has had another good financial year. The addition of the second floor to their building has proceeded well and it should be occupied in the very near future, providing a new News Room, administrative offices and storage space. This will enable the expansion of broadcast programmes in the latter part of 1991.

TELEVISION

Periodically, the provision of a television service within the Islands has been suggested. Commercial interest has on occasion been expressed. The Government's view is that any such service would have to be financially viable without significant public subsidy. Meanwhile the advent of a weekly programme, via satellite, of local news and events, produced by CITV, is a courageous and welcome venture.

THE CIVIL SERVICE

The Civil Service is the weightiest responsibility of the Administrative Secretary. The 1990 salaries review is now history; however, subsequently the financial situation has compelled the Government to inform the Service that the usual review in the light of the cost of living cannot at present be undertaken for 1991, but that the position will be kept carefully and sympathetically under review.

The Government and the community fully appreciate the demands upon the Service, and the increasing complexity of administration in modern Cayman. At the same time, civil servants appreciate the natural desire of the community to receive value for money in the services delivered. I mentioned last year the creation of the Management Services Division. This is now fully staffed and has begun its programme of major reviews in areas including Social Services, Central Funding Scheme, Accommodation and Central Purchasing. The Division will also be involved in the implementation of the Education Review.

It may be worth quoting to Members the mission statement of the Division during these important reviews: "To enable the Government to provide the optimum range and quality of services by advising on the most efficient, effective and economical organisational structure, methods of work and use of resources.". Government expects, confidently, that all Heads of Department will cooperate with the Division in achieving this demanding mission statement. It will involve the critical examination of the work of existing staff, requests for additional staff, proposed regradings of existing posts, and the stringent examination of proposals to fill vacancies, to ensure that they are fully justified and that these needs cannot be met by redeployment of existing resources.

Pari passu with the management services investigations, increasing effort will be put into training, both overseas and locally. The two year programme of management development which has just completed its first stage, will move to its second stage, concentrating on implementing the three priority activities of integrated planning and budgeting, monitoring and measuring of performance, and the best management of human resources.

There is nothing in all this for civil servants to be apprehensive about: Government believes that the civil service has a unique part to play in the continuing development of Cayman; Government believes that the Service must be properly paid and properly managed; but above all the Government believes that the community should get the best possible value for services for which, in the end, it pays the bill.

The Computer Services Unit has been transferred to the Department of Personnel and Management Services. Computer Services will continue to assist Government in improved revenue collection capacity, for example import duty collection, fees and licences, and work permits. Preparation of the comprehensive information plan will begin in 1991. Greater use of personal computers is to be encouraged. But the salient point about all computer services is the end product - what we get out of them, in return for the considerable investment.

I said last year when talking about the responsibilities of the Public Service Commission that simple demographic statistics indicate that notwithstanding the effort and resources put into training opportunities for Caymanians, we cannot expect very rapid progress in the localisation of the public service. That, I believe, continues to be the position. The opportunities are there; and the Government is determined to improve the education system to enable more Caymanians to go on to further education both in Cayman and overseas. However, the provision of such opportunities is not, on its own, enough. As the distinguished Vice Chancellor of the University of the West Indies said last year in a public lecture: "It goes without saying that formal education is not enough. Improvements in education should be associated with fundamental changes that place great store upon hard work, discipline and achievement.". This applies equally to the private and the public sectors of employment, in any country.

The people of Cayman, historically, have never failed to meet challenges as times change. I believe that they can fully and competently respond to the challenges of our times, and I believe that they will.

PORTFOLIO OF TOURISM, AVIATION AND TRADE TOURISM

1990 was an excellent year for tourism, following a rather weak 1989. Air arrivals were up by 20%; of these the United States accounted for about 80%, Canada 4%, the United Kingdom and Europe 5%, and Japan 0.4% but growing rapidly. The inauguration of the direct service of Cayman Airways between New York and Cayman in December 1989, and the additional services put on by American Airlines and Pan American all supported tourism growth. The Radisson Resort added 306 rooms and the Indies Suites 40 rooms to our overall capacity.

Cayman's tourism product remains of high quality, due to the team efforts of the Government and the private sector. Notwithstanding that the United States still supplies us with our greatest proportion and numbers, the Department of Tourism is looking outwards all the time to diversify our market base, with efforts directed towards Europe, in particular Italy, and Japan. Cruise ship arrivals were down by some 10% after the record levels of 1989 - due in part to tourist ships being diverted following Hurricane Hugo in the Eastern Caribbean. It remains the policy of the Department not to allow more than three ships in our port on any given day, with occasional exceptions.

The tourism awareness and courtesy campaigns held in 1990 were welcomed by all sectors of the industry, for they know only too well the importance of quality service for our tourists. Although standards are generally good, it is a fact that some justifiable complaints are received. It is very important at a time when the industry is fighting to maintain its share of the market, that courtesy and value for money, on which the industry was founded and has been so successfully developed, remain its watchword. A three-year moratorium on hotel development has been imposed in the Seven Mile Beach area. This will allow the infrastructure provision to keep pace with recent developments and should encourage development elsewhere.

It will be no secret to Honourable Members that by reason of the war in the Middle East and the American economic recession, a difficult year is predicted for tourism in 1991. The Department will redouble its marketing efforts in order at least to sustain the 1990 level, and perhaps to gain a modest increase.

The Department moved quickly, last month, to bring our attractions into the eye of the American market, stressing our record of safety, stability and quality, and the nearness which we enjoy to the United States. I am happy to join in these promotional efforts, as and when the timing is right - for in these times, our approach must be sensitively shaped and directed. Finally, on tourism, with funds provided in this year's budget, steps are being taken to produce a comprehensive tourist development plan.

CIVIL AVIATION

For Civil Aviation 1990 was the busiest year ever with air traffic, passenger, cargo and mail movements all registering significant revenue increases over 1989. This was in a large part offset by salary increases for civil servants. Aeronautical charges were increased in December and should ensure a satisfactory profit margin in 1991. After a survey by overseas specialists, it has been agreed to resurface the entire runway at Owen Roberts Airport, a substantial capital investment. It will be funded partly by revenue, but mainly by loans. The Gerard Smith Airport surface is newer and will not need resurfacing for a few years yet.

Passengers through Cayman Brac Airport will have been heartened by the provision of trolleys, as at Owen Roberts, and particularly by a baggage carousel. Other notable features of the year included the reconstruction of the area surrounding the runway at Owen Roberts Airport and an access road from the main apron to the general aviation and cargo apron being resurfaced. Additional equipment for the weather service was purchased and it is hoped that a national weather service will be operating in the near future.

The aviation business is international and it is vital that the staff of our airports are up to international standards; hence great attention is given to training both here and overseas. Visits from international safety agencies are welcomed and their reports are meticulously examined and where necessary implemented. The Aviation Authority made a welcome contribution of $500,000 to the Government Treasury at the end of 1990. The level of service at Cayman's airports continues to be favourably remarked upon, particularly in comparison with others in the region, and all concerned deserve our congratulations.

CAYMAN AIRWAYS LIMITED

For Cayman Airways, 1991 began with mixed prospects. Staff morale is high, and reliability and on time performance is good, but the economic conditions affecting US airlines are also affecting Cayman Airways. Fuel costs leapt upwards, and projections for winter traffic are being revised downwards. The accounts for the year

ending 30 June 1991 will be adversely affected, and instead of the forecast small profit, the airline may well end up with a substantial loss. On the positive side, the marketing campaign is being aggressively expanded and various markets are being specifically targeted. Frequencies will be optimised and choices will be provided, possibly between Fort Lauderdale or Miami International Airports.

The inter-Island service is likely to remain much the same, except that it is planned to provide more connecting flights with some improvement in departure and arrival times. The repeated strong representations made by Government to the American authorities, with the help of the United Kingdom Government, about the excessive number of American carriers servicing the Miami-Grand Cayman route eventually brought fruit in the agreed moratorium, under which the total number of US carrier flights on that route must not exceed the number of Cayman Airways flights, each day. But it is only a moratorium, and only until 1993, and we shall continue to ensure that our best interests are vigorously guarded.

The selection of consultants to conduct a study of the national airline, in accordance with the wish of this House, is still in the hands of the Central Tenders Committee. The appointment is expected soon.

TRADE AND LABOUR DEPARTMENT

The year 1990 saw the investigation and resolution of 210 formal, and numerous informal, complaints by the Labour Office. There were 12 labour hearings as compared to seven in 1989. Some 208 persons registered for jobs with the Labour Office during 1990. Many of these were placed, but it is significant that the number of applicants greatly outnumbers the vacancies registered by employers, notwithstanding that Cayman enjoys functional over-employment. Employers should be aware of this service and use it more regularly.

FIRE DEPARTMENT

The year 1990 was a year of great emphasis on prevention and safety. The Department worked closely with the Planning Authority; and with the Hotel Licensing Board and the Liquor Licensing Board took steps to make sure that all licensed premises, and new and existing buildings, meet basic safety requirements. Several officers attended specialised courses overseas. Twenty-four hour watch keeping commenced on Cayman Brac with their new domestic fire service, on 1st January this year. The staff were trained extensively in Grand Cayman and await their new domestic fire vehicle which is in Grand Cayman awaiting shipment to Cayman Brac.

The Department received a new 100-foot ladder truck outfitted to fight fires in multi storey buildings, and to provide escape if a person is trapped in the upper floors of such buildings. Any fire service is trained and operates on the basis that the worst may happen at any moment and everybody must be ready; but at the same time the community is happy when the Department does not actually face much in the way of emergencies to contend with. The maintenance of satisfactory training levels and of staff morale requires constant efforts; and it is my belief that the Chief Fire Officer and his senior officers are running a competent and well motivated service.

THE PORTFOLIO OF EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

EDUCATION DEPARTMENT

As Members are aware, the 1990 Review of the Government education sector has been received, and the Portfolio, with other involved bodies, is preparing a draft Education Development Plan for the consideration of the Government, of Honourable Members and of the community. The importance of this plan for Cayman's future cannot be over-emphasised.

The school population continues to grow, and building programmes and increases in teaching staff are going forward to meet this demand. For example, in May 1991 four classrooms, the first phase of the new West Bay Infant School are planned to be opened. The Industrial Arts block at the Brac High School will be completed this year. Work has commenced on plans for a second primary school in George Town, and a suitable building site is being sought.

The Government has earmarked over $200,000 in 1991 to operate an alternative education programme for children of school age who are disruptive and whose behaviour denies them any real chance of success in normal schooling. The programme will operate from a facility separate from normal schools. Guidelines are being prepared to control the operation of businesses catering for pre-school children, including regular inspections and annual registration.

Five Caymanians, two trained for primary level, and three for secondary level schools, joined the staff in 1991. I commend the teaching profession, in the full knowledge that it is sometimes a trying and difficult occupation to any young Caymanian who wishes to contribute to the future. It would be difficult to imagine a more effective and rewarding way in which a Caymanian can contribute to his or her community and its values.

On the administrative side, the computer programme for school records, which will be of invaluable assistance to the Department, to schools and ultimately therefore to parents and children, is well advanced. The Department, which has for some years been spread over three separate office locations, will come together in the Harbour Centre in a few weeks time - which will improve its internal communications and accessibility to the public.

Two weeks ago, I had the pleasure of officially opening the 9th National Children's Festival of the Arts, and was greatly impressed by the continually improving quality of entries, a clear evidence that Cayman's diverse cultural heritage continues to receive input from Caymanians and many other sources.

SPORTS AND RECREATION

Representation by various associations at international level in 1991 is planned to include netball, basketball, football, track and field and the Special Olympics. The Squash Association will host the Caribbean Squash Tournament for at least 9 other countries. Government will continue to contribute towards the upgrading and maintenance of sporting and recreational facilities, and to encourage physical fitness generally, in the conviction that good health enhances the enjoyment of life, as well as reducing health care costs and improving productivity.

LIBRARY SERVICES

The public library will highlight in 1991 the expansion of the juvenile book collection and promotions to encourage parents to read aloud with their children; will develop a collection of high interest books for new adult readers whose reading experience is limited; and will mount a campaign to increase membership of the libraries. The report of a recent review of library services will assist in determining the direction of their further development.

CAYMAN ISLANDS NATIONAL MUSEUM

Last year, an American Express Preservation Award recognised the fine renovation of the Old Courts Building, as the Cayman Islands National Museum. It was opened to the public on 20 November. This was, however, just the beginning. Caymanians and visitors alike will come to experience the Museum first hand as a place of enjoyment and learning, as a place where the Caymanian heritage will be presented by stimulating exhibitions, education programmes and special activities. The nation owes a great debt to all those who tried for so long to found the Museum properly, and at last their efforts are admirably recognised by the Building and these related activities.

PUBLIC ARCHIVES AND RECORDS

The National Archive building should be completed in 1991, as a custom designed facility. It will offer a storage and retrieval service for certain Government records, and house valuable historical materials, a conservation laboratory and research facilities. Much of the information on Cayman's past is located abroad, largely in England and Jamaica. The National Archive will continue its programme to identify and copy these documents, and make them available in Cayman. It will also determine how historical documents and information can be published in a form useful to the public, in particular to schools.

The Institute of Caymanian Heritage Bill, coordinating the activities of the National Archive and National Museum and the National Library will be brought before this House later this year.

COMMUNITY COLLEGE

Phase one of the new college campus is scheduled for completion during the present academic year and when the staff have achieved the transfer to the new campus, and dealt with the related administrative requirements, the college should be well prepared for the 1991/92 academic year. The Board of Governors recognises the importance of continuing collaboration with the Government Training Unit, the Education Department and the private sector in identifying and providing programmes appropriate to the needs of the community.

The College accepts that its position in the educational structure will be determined by the educational review and it is ready to meet the resulting challenges.

THE ENVIRONMENT NATURAL RESOURCES UNIT

The Unit expanded significantly in 1990, reflecting the public demand that our natural heritage be protected and conserved. There will be further improvements in maintenance and enforcement activities in the marine parks, during 1991. Surveys continue on the welfare of conch and grouper, and surveys should be expanded this year to improve our knowledge of conditions in the marine environment. The Unit works closely with the Marine Conservation Board and the Coastal Works Advisory Committee in the assessment of potential threats to the environment, in particular by proposed developments.

THE CAYMAN TURTLE FARM

At the first part of this year, the repairs following the Nor'wester of December 1989 will be completed. A new 3,200 square foot warehouse will be built. The farm expects that revenue will be maintained and perhaps improved, depending on the number of tourists. The second generation green turtles hatched in 1989 were unfortunately lost in the December 1989 Nor'wester; and none were produced in 1990.

THE NATIONAL TRUST

Government looks forward to extending its cooperative relationship with the Trust, with financial assistance and in the development of projects. The Trust and the Government are partners in three projects: the Botanic Gardens, where the Trust is developing land jointly owned by the Trust and the Crown; and the renovation of two old school houses in Savannah and in West Bay, both on Crown land. The Trust has on lease from the Crown at a peppercorn rent, the land on which its fine new headquarters is situated. The joint project of the Trust

and the National Museum, the Memory Bank, has made good progress. The Memory Bank project has a full time Co-ordinator and during 1990, 62 different narrators provided 117 audio tapes of fascinating information. Further significant progress in this project is expected in 1991 and the Coordinator's role will be taken over by the Museum during the year.

The Trust continues its excellent work in historic and environmental conservation and education. In 1991 special emphasis will be given to the conservation of Cayman's two native parrots and the whistling duck. It is particularly good to observe the activities of the Trust in teaching Cayman's children about their heritage with the junior newsletter providing wide-ranging information, supported by programmes and materials for teachers.

During the year the Trust produced its booklet "A historic walking tour of George Town"; and Mr. Richard Ground's book on the wildlife of Grand Cayman was published, the profits from which he has generously allocated to the Trust.

CAYMAN NATIONAL CULTURAL FOUNDATION

The first playwriting competition in 1990, strongly supported by the Education Department and the private sector, was a marked success, so that the programme will be presented annually. The workshops will be extended into the districts, including Cayman Brac. The renowned Caribbean poet and playwright Derek Walcott will lead one of the seminars in this year's programme. The "Caribbean Evening" series of performances, which were so popular in 1990, will be continued this year.

Negotiations are in progress for three major additions to the Harquail Complex including a proposed Visual Arts Society building. Security arrangements are being improved and general maintenance of the theatre is scheduled for this year. It is a very valuable resource to the community as a venue for so many different events and exhibitions.

INTERNATIONAL MUSIC FESTIVAL

It was a great pleasure to welcome the second International Festival last month, with a wide range of performers, ranging from African dancing to classical music, virtuoso guitar playing and singing, and including a night of Caymanian traditional performances.

PORTFOLIO OF HEALTH AND SOCIAL SERVICES HEALTH SERVICES

The Government will continue to promote a healthy way of life by public education, encouraging individual decisions to preserve good health and to avoid deterioration due to smoking, drug addiction, excessive or incorrect diet, and insufficient exercise. Without reasonable health, life cannot be enjoyed to the full. It is the objective of the 15 year health plan, as it gains momentum, to improve health care for the people of the Islands.

Tertiary and specialised referral care is available in Cleveland, Ohio and Fort Lauderdale, Florida, under the agreement made between Government and the Cleveland Clinic Foundation. The Foundation also provides regular consultant visits to the George Town Hospital thus avoiding some patients having to travel to the United States.

The new dental clinic is nearing completion and will open for patients in May.

The contract for developing the master plan for the present George Town Hospital will shortly be signed. In 1991 clinical services will be improved, and expanded ambulatory care will be provided. The 15-year plan provides for three stages of development: (1) improved service of ambulatory care at the present hospital; (2) building a new hospital on a new site, with ambulatory care remaining at the present hospital; and (3) the consolidation of ambulatory care and inpatient care at the new site. The Portfolio anticipates inviting bids for the design of the new hospital early this year.

The Faith Hospital on Cayman Brac will be the subject of an invitation to tender for expanded and renovated services. High priority will be given to evaluating the needs of, and the provision of long term care and other services for the elderly in Cayman Brac.

At George Town Hospital, services will be further improved as will systems. Medical staff will be restructured, and their management will include a peer review or credentialing and quality assurance. Private medical doctors will be encouraged to become members of the medical staff organisation, on equal terms with Government doctors. A series of visits and lectures by specialists from overseas will begin shortly. The Government is committed to work closely with the Medical and Dental Society to promote the health of the Cayman people.

Ambulance services are being expanded in staff, equipment and training. The additional ambulance based at the North Side clinic will operate from tomorrow (16 February). The level of training now provided and the new equipment for the ambulance paramedical service will be of international standard, of which we may all be justly proud.

Legislation will be drafted during the year to create a Health Services Authority, and to provide a new pharmacy law, a revised public health law, and a law for health practitioners.

ENVIRONMENTAL HEALTH

During the year the Department's review of substandard rented housing will be completed and minimum standards and occupancy levels will be established. By the end of this year, the review of solid waste disposal practices and a new design for the new George Town land fill will be completed, in order to mitigate pollution and to reclaim the present 50 acre site for a more useful public purpose. Disposal sites on Cayman Brac

and Little Cayman will also be closed during 1991, as soon as new sites have been identified and are ready.

New equipment has been purchased and the commercial refuse collection will be entirely mechanised in 1991. A community recycling programme is under consideration, to be coordinated by the Department. To start with, aluminium will be separated from the waste stream and processed for shipment to scrap buyers in the United States.

Environmental sanitation standards in hotels, restaurants, bars and public eating places will continue to be a particular concern of the Department. Drinking water quality regulations are being developed and will be reviewed by the Departments concerned during the year.

SOCIAL SERVICES

The administrative support necessary to implement the new Juveniles Law will be developed and the Portfolio will review the state of social and related services, in order to develop a long term plan of action. In particular, the proper balance must be found between the allocation of resources and the results achieved.

Plans for a juvenile treatment centre will be evaluated and it is hoped that the facility will become operational during the year. The Department will give special attention to community development issues, including group work with young mothers and juveniles at risk.

HOUSING DEVELOPMENT CORPORATION

The operating guidelines of the Corporation were reviewed some two years ago and are to be reviewed again in the light of inflationary changes. The capitalisation of the Corporation will be reviewed, urgently, in order to formulate a structure which can produce the resources required to sustain the lending activities of the Corporation in the medium term.

Plans have been produced for a four-plex unit, to be owned and managed by the Social Services Department, with mortgage funding from the Corporation; this will provide temporary shelter for the needy. When the plans have been approved by the Central Planning Authority, tenders will be invited for construction, which is likely to begin this year. The Portfolio and the Corporation believe that the supply of housing units for low to middle income families must be increased, and possible joint venture arrangements with private developers are being explored. A pilot seven unit town house project is proposed in the Windsor Park area. If successful, this could become an important part of the overall approach of the Corporation.

In any society, it is important that families at all economic levels should be able to own their own homes; in a prosperous society such as Cayman, it is probably even more important that low to middle income families do not feel somehow left out of the high standard of living which the community commands. The Government therefore strongly supports the intentions of the Corporation in this regard.

PORTFOLIO OF COMMUNICATIONS, WORKS AND AGRICULTURE COMMUNICATIONS

The Motorola Smartnet 5 channel 800 megahertz trunking communication system was installed in 1990, completely replacing all existing Government two-way radio systems with a network which gives instantaneous Island-wide communications across all departments. A smaller but similar system has been installed in Cayman Brac to serve it and Little Cayman.

The Radio and Telephone laws will be comprehensively reviewed in 1991 to bring our legislation into line with international requirements and technical advances.

THE POSTAL DEPARTMENT

Tenders will soon be invited for the design of the new General Post Office, to be situated near the Government Administration Building. The British Post Office consultants have completed the architect's brief for it.

NEW SUB-POST OFFICES

As to new sub-Post offices, three are on schedule to be completed in West Bay, Seven Mile Beach and North Side during 1991, providing improved services, and additional post boxes.

A review is planned of sub-post offices in Savannah, Bodden Town, East End and Cayman Brac, to establish whether the level of activity justifies some expansion.

PUBLIC WORKS DEPARTMENT

Plans are being finalised for the study known as the Grand Cayman Road Improvement Plan to begin, replacing the Master Ground Transportation Plan. A Steering Committee of public and private sector members will provide guidance. The Department continues to reduce its direct involvement in capital construction, with most projects carried out under contract. The professional capacity of the department will accordingly remain steady, with private sector skills being brought in as required. The Department continues its good progress in training young Caymanians for professional careers.

The road maintenance and improvement programme, primarily residential roads, will constitute the main field of work of the Department during 1991.

PLANNING DEPARTMENT

1990 was another record year, with 699 applications submitted for planning approval, to a value of $163 million. The terms of reference and the implementation plan for a revision of the 1977 Development Plan are being prepared; and this exercise should complement the National Development Plan referred to under the portfolio of Finance and Development. The Department is accordingly reviewing the Development and Planning Law and Regulations.

The draft building code has been completed and is being prepared for public comment and participation, with a view to legislation coming before the House during 1991. The Street Naming and Numbering Committee will produce its report with recommendations during the year. It is gratifying to observe that in September, a Caymanian will take over the Department for the first time.

LANDS AND SURVEY DEPARTMENT

Land transactions were at the same level as last year, although stamp duty was slightly less, probably reflecting a slowdown in capital land development during the latter half of the year. The department gave attention to internal staff training during 1990 and together with new computer technology this should increase efficiency and provide a faster service to the general public, as well as reducing the space needed for storage of vital records.

THE PORT AUTHORITY

George Town Port, which has played a significant role in the modern development of the Islands was opened just under 14 years ago. Since then, the economic capacity of the dock has tripled. The proportion of freight in containers is now 92% and although this assists in speeding unloading and loading, it puts a strain on the space available at the Port for container storage.

The $3 million scheme to establish the cargo distribution centre, on 6 acres of land at the Airport Industrial Park, was therefore undertaken. To this facility, the Port's fleet of tractor trailers will take all containers from the dockside, and unpacking, customs and other procedures will be carried out there, in adequate space and warehouse facilities. Thus, not only will congestion be relieved at the Port terminal, where the present area can be used simply for marshalling empty containers, but the traffic at present generated in the busy centre of George Town will be reduced. The project was delayed during 1990; however, completion is expected in the middle of this year and it will become operational shortly after that. It is designed to provide sufficient storage area for the Port to the end of this century.

Honourable Members will have observed the welcome improvements in the tourist landing area, including restroom facilities and the tourist information booth.

THE WATER AUTHORITY

During 1990 the major part of the extension of water supply from George Town to Spotts was completed, bringing the total amount of pipeline laid to just under 114 kilometers. A second desalination plant with a capacity of 351,000 gallons per day is scheduled for commissioning early in 1991, to service the pipeline and to provide water for trucking. It is estimated that in 1991 the total production for the George Town system will be almost 1.3 million gallons per day.

The proposal to extend the supply to Pease Bay has been examined, and the analysis is presently being reviewed by the Economic Development Unit. Cayman Water Company will commence its extension to West Bay in mid year, with the project being phased over two years.

Design work was completed for the Cayman Brac water supply project, and Government approval and funding were obtained at the end of the year. Work has begun and the project should be completed this year.

CENTRAL FUNDING SCHEME

The re-organisation of this department has not gone forward as expeditiously as was hoped, but during 1991, the Committee established to carry this out expects to achieve the task.

MOSQUITO RESEARCH AND CONTROL UNIT

Insecticide resistance has been a growing problem in recent years. In 1990 large scale residual larviciding was carried out, for the first time using pelletised formulation of insect growth hormone. 880 hectares of mangrove swamp were thus treated. There were initial difficulties with pellet distribution and with the aircraft electronic navigation system but these have been overcome and even the most remote areas are now treated. This form of treatment has proven very effective. Another large scale operation is planned for 1991, extending the programme into the eastern and northern districts.

Mosquito borne encephalitis cases were reported in Florida in 1990, and as a result careful testing was carried out in several areas of Cayman. No sign of the virus was found.

AGRICULTURE DEPARTMENT

The Five-Year Agriculture Development Plan has been approved, and phase one is scheduled for

implementation during 1991. The plan deals with all areas of agriculture, including soil conditions and land available. It is hoped that research will lead to new agricultural enterprises and technical approaches suitable for our ecology and the market requirements of the community and the tourist industry.

The Department will pursue co-operation with the Agricultural Society and the Farmers' Cooperative Society to move the agriculture sector forward in the 1990s, to meet the aspirations of the farming community in a prudent and productive way.

CONSTITUTIONAL REVIEW

In the Throne Speech last year, I mentioned that it might be time to consider a review of the 1972 Constitution. This met a mixed reception initially, but I am comforted by the fact that the advent of the Commissioners and the opening up for public discussion of the issues has shown that the community was not in the event afraid of looking at these issues - not that I ever thought it would be. The Commissioners received a large number and wide variety of submissions both in writing and in meetings. They expect to present their Report to the Secretary of State in the next few weeks. It may be useful to restate again the way in which the Report is expected to be handled. The Commissioners will present their Report to the Secretary of State, who appointed them. The Secretary of State will consider the Report, and will then forward it to me with his comments, for transmission to the Legislative Assembly. At that time, copies will be made available for the public in adequate quantities so that all who wish, may be able to study it. The existing Select Committee of this House (consisting of the Elected Members) will then be in a position to re-open its consideration of the issues, and to call for public input upon the Report, before it formulates its own recommendations to this House, for debate.

When the House is ready, it will, by way of a resolution, recommend what changes, if any, should be made to the Constitution, and this resolution I shall transmit to the Secretary of State. Depending upon the nature of the recommendations made by this House to the Secretary of State, some changes may be suitable for implementation before a General Election, whereas some may have to await an Election.

It is obviously not possible at this moment to forecast what changes may be recommended; but two points should be made very clearly: first, as much time as is desired by the community will be given to the whole process; and second, no changes will be made unless the United Kingdom Government is satisfied that they are the evident desire of the majority of the people of Cayman.

ADMINISTRATIVE HISTORY OF THE ISLANDS

I shall now ask Honourable Members to travel back in time over one century, and to survey briefly the development of the administration of the Islands, in order to lead into the last part of this Speech on the office of Speaker. In 1888, the Governor of Jamaica (who was by that office also Governor of Cayman) visited the Islands to assist in formulating a framework of administration more suited to the advancing requirements of that time. Following the unanimous vote of the Assembly; the Governor of Jamaica appointed Mr. Edmund Parsons as Custos, the Head of all three branches of the Government, namely Chief Executive Officer, Chief Judge and President of the Legislative Assembly. (He was thus the first Caymanian Presiding Officer.) His salary was 80 pounds per annum. Edmund Parsons served for 10 years in these capacities. In 1898 the first Commissioner was appointed from overseas - Mr. Frederick Sanguinetti. His appointment included the duties of Chief Executive Officer, Chief Judge, President of the Assembly, Treasurer, and Collector General.

In 1903, the Commissioner became Registrar of Shipping; in 1908, Manager of the Government Savings Bank; and in 1910, on the transfer of powers from Jamaica, Registrar General.

In 1942 some of the Commissioner's powers were devolved to a new department of Customs, Post Office and Treasury, focussing the revenue functions and emphasising the importance of their growth over the years. Ultimately these departments have come to be headed by the Financial Secretary, the Controller of Customs, the Postmaster General and the Accountant General respectively.

In 1947, the post of Assistant Commissioner was created, with specific charge of Immigration and the Government Savings Bank. In 1957 the post of Judge was created. Thus, by this time the Commissioner has delegated his powers in regard to financial matters; has handed over his powers in regard to judicial matters; but continues to be the Chairman of Executive Council and the President of the Legislative Assembly.

The growth of, and the demand for, services continued. The administration developed to cope with new requirements and the expansion of existing services. Departments were born, and flourished. The Administrator, (becoming the Governor in 1972) continued to be the Chief Executive Officer, Chairman of Executive Council, and President of the Legislative Assembly.

THE OFFICE OF SPEAKER

I now come to the office of Speaker. Development and political maturation, together with a need for more efficient administration, were by 1970 pointing towards the Assembly being headed by a separate individual. The 1972 Constitution enabled the Governor to appoint a Speaker, in place of the Governor as Presiding Officer, following a motion in the Assembly. Whether the time was right for this change has been debated periodically, but finally, in September 1990, the Elected Members of the Assembly came to the conclusion by a majority that the long standing constitutional doctrine of the separation of the executive and legislative powers could and should be brought into effect in the Cayman Islands. I have accordingly appointed a Speaker and shortly this House and the community will witness the swearing in and installation of the first Speaker of the Legislative Assembly of the Cayman Islands.

And so, a Caymanian is about to assume the office of Speaker, with its rewards and its problems. It

is a unique office: it functions by the will of and with the consensus of, the Members of this Assembly; the holder exercises authority in the Assembly largely through the self-discipline and acceptance of procedures of the Members of the Assembly; the holder of the office is entrusted with important responsibilities in the conduct of parliamentary democracy in a Monarchy, with a long history of precepts and precedents.

It is accordingly with pride and confidence, as the fifth Governor of these Islands and as the twentieth Presiding Officer of the Assembly since 1888, that I shall hand over the office to Mrs. Sybil McLaughlin. I tender to her my warmest good wishes for a most successful and rewarding tenure of office.

To the staff of the Legislative Assembly I record my special thanks for their devoted and efficient handling of the business of this Assembly, and their capacity for working under pressure and producing consistently such excellent service for the House. They will, I am sure, continue to serve the House, and the new Presiding Officer, the Speaker, to the best of their considerable abilities.

Finally, my parting words to the Members of this House as your Presiding Officer: when my predecessors retired from the Office of Governor, or Administrator, or Commissioner, on their last occasion presiding over this House they conveyed their appreciation to Members, and I should now like to do the same.

It would not be true, and I am sure Honourable Members will appreciate this, to say that I have enjoyed every single moment in this House. There have been some moments which I shall not miss; but there have been many times that I shall miss and shall treasure: moments of insight, of humour, of oratory and passion; and moments when the House came together with impressive co-operation. In any national Assembly there are bound to be frictions, there are bound to be strong arguments, for this is inherent in the process of democracy; it is a reflection of the application of intelligence to events and possibilities. And it would be a dull world if we all agreed all the time. When the issues are important, are of national significance, there should be strong and sensitive debate. There may be temporary ill will. But I believe it fair to say that my predecessors and I, and all your predecessors, Honourable Members, and yourselves, have always borne in mind the public good; and however fierce the debate and however strong the difference of opinion, at the end of the day we are all working towards the same objective; namely, the progress of the people of the Cayman Islands.

I wish for you great strength of purpose and integrity, and pray that you will be ever mindful of the heavy responsibilities which lie upon you both as leaders of your people, and as their representatives. There will be occasions when your own analysis of an issue will tell you that what your constituents say they want is not necessarily the best for the community as a whole; and I hope that you will then find that strength of purpose, that integrity of mind which will carry you beyond the immediate moment, beyond the present clamour to the greater interest, be it moral, be it political, of the community. Politics is of the moment; statesmanship, which recognises the long term national interest, rises higher. There is no more sacred trust than to have in your hands the responsibility for the future of your country.

Honourable Members, this concludes the Throne Speech for 1991. I pray that Almighty God will continue to bless and guide the people of these Islands and all those who serve them.

MOTION OF THANKS

HON. RICHARD W. GROUND: I beg to move that it:

> "BE RESOLVED that this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the Address delivered at this meeting.
>
> BE IT FURTHER RESOLVED THAT debate on the Address delivered by His Excellency the Governor be deferred until Wednesday, 20 February 1991."

HON THOMAS C. JEFFERSON: The question is that this Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the Address delivered at this meeting, and that debate on the Address delivered by His Excellency the Governor be deferred until Wednesday, 20 February 1991.

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

AYES.

HON. THOMAS C. JEFFERSON: The Ayes have it.

AGREED. THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORD ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE ADDRESS DELIVERED AT THIS MEETING, AND THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR BE DEFERRED UNTIL WEDNESDAY, 20 FEBRUARY 1991.

PROCLAMATION NO. 3/91 - APPOINTMENT OF SPEAKER

BY HIS EXCELLENCY ALAN JAMES SCOTT, COMMANDER OF THE ROYAL VICTORIAN ORDER, COMMANDER OF THE MOST EXCELLENT ORDER OF THE BRITISH EMPIRE, GOVERNOR OF THE CAYMAN ISLANDS

CLERK: "WHEREAS, by subsection (2) of section 32 of Schedule 2 of the Cayman Islands (Constitution) Order 1972, it is provided that the Governor, acting in his discretion, may appoint a Speaker of the Legislative Assembly, who shall be a person, whether or not a member of the Assembly, who is

qualified and not disqualified to be a member of the Assembly;

AND WHEREAS pursuant to the proviso to the said subsection (2) of the aforesaid section 32 the Legislative Assembly, on the 5th day of September, 1990, passed a resolution that there shall be an office of Speaker;

NOW THEREFORE I, ALAN JAMES SCOTT, Commander of the Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, DO HEREBY PROCLAIM AND MAKE KNOWN that, under and by virtue of the power vested in me by the aforesaid section 32 of the Cayman islands (Constitution) Order 1972, having consulted and having received the advice of all the Members of the said Assembly, I have appointed MRS. SYBIL IONE McLAUGHLIN, Member of the Most Excellent Order of the British Empire, Justice of the Peace, to be Speaker of the Legislative Assembly with effect from the fifteenth day of February, 1991 until the dissolution of the said Assembly preparatory to the holding of the next General Election or if she should cease to be qualified and become disqualified to be a Member of the said Assembly, whichever occurs first.

Given under my hand and the Public Seal of the Cayman Islands at George Town on the Island of Grand Cayman this 1st Day of February in the Year of Our Lord One Thousand Nine Hundred and Ninety-One in the Thirty-ninth year of the reign of Her Majesty Queen Elizabeth II. God save the Queen.".

OATH OF ALLEGIANCE BY THE SPEAKER DESIGNATE

MRS. SYBIL I. McLAUGHLIN: I, Sybil Ione McLaughlin, do swear that I will be faithful and bear true allegiance to Her Majesty Queen Elizabeth II, her heirs and successors according to the Law. So help me God.

HON. THOMAS C. JEFFERSON: The House will now suspend for five minutes. I would be grateful if Members of the House and the members of the public would remain in their seats.

HOUSE SUSPENDED AT 11:35 AM

HOUSE RESUMED AT 11:49 AM

SPEAKER'S PROCESSION

Serjeant-at-Arms (bearing the Mace)
The Speaker

MADAM SPEAKER: The Legislative Assembly is now in session. Please be seated.

MOTION FOR ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10:00 o'clock Monday, 18th February, 1991.

MADAM SPEAKER: The question is that this honourable House do now adjourn until Monday morning at 10 o'clock.

WELCOME STATEMENTS BY MEMBERS ENSUED

HON. THOMAS C. JEFFERSON: Madam Speaker, may I be the beginner of the congratulatory messages to you today. I am asked to speak to you, Madam Speaker, on behalf of the Official Members of this House. We are indeed privileged to be Members of this House today participating in the handing over of the gavel of this esteemed House which historians will record in the annals of these cherished Islands.

Yes, Madam Speaker, we are making history today and it is fitting that you have been selected the first Speaker of this House. We are aware that the people of the Cayman Islands are applauding your selection. We feel certain you will accept this esteemed position with honour, dignity and gentle though firm sense of fair play, for you have demonstrated those qualities while serving for so many years as the Clerk of this hallowed Chamber which, you are aware, can at times become a little rowdy.

Madam Speaker, your gentle, humorous though firm manner will no doubt harmonise the proceedings, coupled with the lady we and the community know you to be will cause all of us to pay special attention to our dignity and the decorum which hopefully will make your onerous task of Speaker easier to bear.

Madam Speaker, on behalf of the Official Members we offer you our full cooperation and support. May Almighty God continue to bless you is our prayers.

Thank you, Madam Speaker.

MR. W. McKEEVA BUSH: Madam Speaker, I like to think that today is our day. This year and this most auspicious occasion today will mark an important milestone in the history of the Cayman Islands, the matter of you, Madam Speaker, having been accepted and having taken the oath as our first Speaker and at that, a Caymanian.

Madam Speaker, since the founding of Parliamentary

Government in these Islands, 159 years ago, there have been many developments of great significance. Many of which you, Madam Speaker, have been a part. Those of us who know the history of the evolution of our Government know that in 1831, there was an election of representatives of the people. That system was comprised of elected Vestrymen who held their meetings in a different place from the appointed Justices or Magistrates. This bicameral pattern was based upon the governmental system of the Council and Assembly then in effect in Jamaica, of which these islands were a dependent.

This development carried no vote for women, only the male taxpayers. A further development took place in 1927, and all males got the franchise. The women again, by some strange happening, were left out. In 1959, our country received our first written Constitution and with it we received universal adult suffrage which not only gave our women the vote and the right to hold public office, but also gave them the solemn duty of taking a mature and adult part in running their country. The new Constitution was put into effect on the 4 July 1959, and, you at that time, Madam Speaker, were appointed as the first Clerk of the new Legislative Assembly on the 1 September 1959, not only making history in these islands but also making history through-out the Commonwealth as the first woman to be appointed as a Clerk of Parliament. Also, in the same year, you were appointed as Clerk of the Executive Council, a post you held until 1967.

Then a further development took place in 1963, when you saw the appointment of Mr. Spurgeon Ebanks, (one of our eldest statesmen today and who is here with us) as the first Deputy President of the Legislature. It was the only time an Elected Member was appointed as such.

In your time as Clerk of the Legislature you witnessed, no doubt, press for many changes to effect the better workings of this honourable House. There is no record to say that there were any written rules or Standing Orders by which the House was guided between the years 1831 and 1920, when the first set of Standing Orders came into operation. I have been thinking about that and one might only assume that for those 89 years, the Assembly of Justices and Vestrymen was so orderly that there was no need for Standing Orders. What gentlemen!

It was you, Madam Speaker, who had the present Standing Orders drafted in 1966, while you were on attachment at the House of Commons. However, from 1966 to 1974, the draft Standing Orders stood in limbo. In 1974, a Mr. Kenneth Bradshaw, Clerk of the Overseas Office in the House of Commons, visited these islands to deal with the Standing Orders after a conference in Bermuda, which you attended.

In 1976, our present Standing Orders were put into effect with some changes from the draft proposals of 1966. With that development, the 1959 Standing Orders which were in operation from the 8 January 1960, were replaced. I have no doubt that your expertise will be needed once again as effective changes are needed to the present Orders.

According to the records, you witnessed many attempts to review the 1959 Constitutional Order of this territory, which all fell on hard ground. It is worthy of mention that the 1967 attempt for constitutional changes made recommendation for a Speaker of the Legislative Assembly.

In 1969, the Legislature resolved that a Select Committee be appointed to consider amendments to the Constitution. This effort failed to reach unanimity and submitted majority and minority reports. It is significant to note that both reports asked for the appointment of a Speaker of the Assembly, but nothing was done. After the various attempts by Select Committees for Constitutional reform, on a Motion carried by the late Anna Huldah Bodden, and the late Mr. Clifton Hunter, it was unanimously resolved by the Assembly that the reports of its Constitutional Committee be sent to the Secretary of State for his advice and guidance. To this end the Constitutional Commissioner, the Rt. Honourable the Earl of Oxford and Asquith came to the islands in January, 1971, for a constitutional review.

The results of this review made possible for the position of Speaker to be enshrined in the new Constitutional Order for this territory which came into effect in 1972. The Constitution, though having provision for a Speaker, was still not put into effect. On the 6 November 1975, following a circular to all Members of the Legislative Assembly, his Excellency the Governor, Mr. Thomas Russell, CBE, held a meeting with the then Members of the House in which he made the proposal that consideration should be given for the invoking of the constitutional provision by the appointment of a Speaker. This too fell on the hardest of ground.

On the 12 February 1987, a Private Member's Motion moved by then Member for North Side and seconded by myself, stated that:

> "WHERE there was to be a change of the persons who occupy the Office of Governor in the near future, BE IT RESOLVED that there shall be an Office of Speaker".

This was the first time that a Motion was moved to invoke the provision of section 32 of the Constitution and sadly it only gained the support of the mover, the then Third Member for George Town who is now the Member for Communication and Works and myself - three votes.

No Motion was moved in this regard for two more years. In the May meeting of 1989, another Private Member's Motion was moved. This time by myself and seconded by the First Elected Member for Bodden Town. It stated that:

> "WHERE it is considered that the business of this Assembly and of the Government has evolved to such an extent as to necessitate the separation of the Offices of President of this Assembly and of the Governor.

BE IT RESOLVED THAT in accordance with section 32 of the Constitution, there shall be an office of Speaker.".

This attracted some good debate and, Madam Speaker, they were almost persuaded. The results were that two Members of Executive Council voted with four of us on this Backbench, the four other Members of the Backbench voted with the other two Elected Members of the Executive Council and the three Official Members stayed out of the fray, neither hearing or seeing nor voting. This then caused a tie vote. The President, in accordance with convention and precedent, cast his vote with those against the Motion to keep the status quo. Sadly, the Motion was lost.

In the period following the 29 May 1989, those Members of this Backbench who voted against that Resolution witnessed an increased breakdown in the observance of the rules of the House. I did not give up my strong belief that there should be separation of the offices and that there should be independence in the Chair. There were constant clashes between the Presiding Officer and myself as I witnessed chaos in the workings of our Parliamentary life. The Hansard sadly will verify a black spot on the life of this Parliament for that period. I was constantly antagonized as I witnessed a need for independence; for a separation of the Executive and the Legislative Arm.

With the concurrence of the seven strong Backbench, in September 1990, I moved the same Motion with a slight addition; in that, we asked at that time that the whole House recommend a list of candidates for the Office of Speaker to His Excellency the Governor.

That Motion was seconded by my colleague, the Third Elected Member for West Bay. The Motion was well debated as Members pondered the duties of an impartial Speaker. I remember very clearly as we voted and then took a Division that there was a deafening silence as each Member voted. Each time one of those Members who voted against the 1989 Resolution said yes, a bit of democracy trickled in. The dye was cast for the unhealthy period which had existed.

We won the Motion for the appointment of an independent Speaker. All these Cayman Islands heralded that move as a step in the right direction and something that should have been done a long time ago. This Backbench then publicly made our choice known. I should say that yours was the only name we submitted.

Of course it is a step in the right direction. Was it not Abraham Lincoln who said that "the price of liberty is eternal vigilance"? That is as true as much of the responsibility of Parliamentarians as it is of societies as a whole. That is as much due to our responsibility as to our preserving our rights and our responsibilities to see that Parliamentary Government functions to the advantage of Members, who, in turn function to the benefit of every citizen we have the pride to represent. It is our responsibility to see to it that Parliamentary Government is a living organism grafted on the tradition of nations and that it be nurtured by the circulation of the ambitions and the anxieties of the people it represents. Whenever there is anything which clogs that circulation, it must be removed.

One of our greatest jobs as Parliamentarians is to try to change the perception that we are an noisome pestilence or a clanging symbol and you can believe I guess we often do leave that impression. We as Parliamentarians have a duty to educate our people, to let them understand what we are trying to do in the Parliament of their country. Their Parliament.

And, as I said, very often in the House the debate gets to the point where some members of the public perceive Members here to be irrelevant while we are only trying to do our job. For instance, you might think I am long winded today. But as I say, today is our day.

In the countries with mass media, the task of expressing one's self is a little easier. In our country the fourth estate is still growing and learning and falls down like all the rest of us. It is then extremely important that this Assembly must become an efficient vehicle of expressing public opinion and, in so doing, if we seem to become what is termed as repetitious and irrelevant, it should be seen as an honest attempt to represent.

Debate, at times to some and to you, will probably seem meaningless if a Member is not talking with the polish of the great orators and English writers. For instance, I am often told that my English is bad. I do not mind that. Orators and writers use words comprehendible only by Webster. But all of us who represent the people and Members of this House have a job to do and we must do it, regardless of who might complain.

As Parliamentarians we belong to an institution which is the real lifeblood to which we all subscribe. This Parliament must reflect the body and soul of the society from which it issues. And, this Parliament can serve to create the environmental condition of our society which can influence the social outlook of our people and on which can be based our future progress and obtainment of greatness. We then can by default through our acts of omission contribute materially to our society's deterioration and eventual decay.

It is our responsibility to see to it that this does not happen. Our job then is to educate our people about the complexities of Government; to educate our people about the developments of our system of Government; to educate our people about our culture and to educate our people about our history. This is our task today.

I remember well the aspersions cast on this Backbench and myself for moving the Speaker's Motion at the time we did. The doubt was created and tried to be put into the public's mind. There were those who tried to gain cheap political mileage by saying the Backbench was trying to get political independence. What a joke! Then some said that the Governor brought prestige in the House and he should be left here. There were those who said it was not time to get a Speaker. Then there were those who said, "where shall be get a Caymanian to be Speaker?" But we on this Backbench, pressed on in our belief that the cornerstone and indeed the success of Parliamentary democracy depends to a large degree on the impartiality of

the Speaker, on his indifference to favours and frowns of the Executive and that the two offices should be separated.

As I said, the question was asked by the doubting Thomases, whom will we get? We pressed on because we knew we had able, decent, upright, experienced Caymanians who could take the post and as I said, at all times, your name was there at the top as the person of the calibre we needed. I thank God you are here today.

When it comes to this young Member of this Honourable House, I like to believe I am a sensible nationalist and I am proud of it. I am proud today to be in these hallowed Chambers. I am proud today to be a Caymanian. I say to my people, have confidence in the future. We will need that confidence if we are to achieve the slow steady effort that can alone bring ultimate success in getting our people more entrenched in, and to accept, that we can have pride in our country, have an awareness of the deeds of our forefathers and be nationalist without going into political independence.

Some people have not yet learn that being a sensible nationalist is a matter of pride in one's homeland and pride in things connected to the place of one's birth. That is why I moved the Motion to create an Order of National Heroes; that is why I moved a Motion to create the National Sports Award; that is why I moved a Motion to rewrite and update our history; and why I moved a Motion to create a Caymanian Honour which could be placed behind the person's name.

"The woods are lonely, dark and deep, but I have promises to keep and miles and miles to go before I sleep". Nothing much has been done about what I just mentioned, but one of these days when we on this side are on that side, and those who are on that side are someplace else, these things will be done.

Why is it, that there are those in this country who have that pessimistic, cynical and even derogatory view that a Caymanian could not fit the Office of Speaker? Why is it, that there are those who do not want to recognise 'Beloved Isles Cayman', as our national song? Why? Why is it that it is not set down in statute? Why is it that it is not set down in law for a national flower?

Why is it that there is this feeling that we as Caymanians are incapable of taking our rightful places as leaders in certain jobs and in businesses? We know we are not inferior to any other country when we have come up the ranks in the largest ships that ply the ocean from messman to Chief Steward, from oiler to Chief Engineer and right on to the top as Captains and ship-owners. Humble Caymanians. In business from a small grocer to one of the countries largest conglomerates; from ordinary bank clerks to managers, and what about so many of the women in these Islands who have taken their rightful place as leaders in the world of business and in Government? It is because there is that strength in our Caymanian people to be full craftsmen of our faith as the Eastern Caribbean Soca song tells us about.

I believe as a young leader of the people that it must be instilled in their minds that they must consciously believe in themselves and their own destiny to win equality in terms of humanity that irrespective of power our wealth can be measured by the growing values of one's own civilisation, culture and history.

So there should always be in this House and there should always be in this country at large, a strong welcome for anything that enhances the forward and upward mobilisation of sensible nationalism. As for me, it will always be land of my birth, I pledge to thee, loyal and faithful, true to be.

You have come to us with a wealth of knowledge. You have established an enviable, indeed, a great record in the field of management of the Legislature and you have consistently demonstrated qualities of good judgement and balance which will serve us superbly well in this Honourable House. Your Christian character, your broadness of view, your love for peace and good understanding, as I have known you over the years, will help to guide us through difficult times. And, I am promising no-one that the times will not be difficult, but your strength of character will enhance immeasurably the reputation and image of this Honourable House. You assume your duties assured of my good will and assistance when and where needed. Most of all, my cooperation.

We congratulate you today, we welcome you sincerely and very happily to this Honourable House as our first Speaker and our Caymanian Speaker. All of us, including the Chair, know you recognise that we have a charge to keep for the preservation of Parliamentary Government and its constant developments. We have a charge to keep, to see to it that our people are not deprived of the basic needs of life, food, shelter and clothing, for we know that where there is poverty, wretchedness, squalor and rampant misery, democracy will not thrive. It would be meaningless to come here to talk of philosophy, politics and democracy to a hungry people with nothing to call their own except, perhaps, their body and soul. We must help our people to rise to their full status economically, educationally and socially. Enabling them to play their part as equal partners in their country.

Lastly, Madam Speaker, all of us know that the deepest source of all complexities has been the failure to understand and trust one another. I do not know what the future holds for us and for humanity. I do not know what wonderful and modern discoveries might come to light, but all of us know one thing, if humanity is to survive, we must learn to live in peace, harmony, goodwill and friendship; for we pass through this world but once. What good we can do, what kindness we can show to our fellow man, let us do it now, for we may not pass this way again.

I thank you, Madam Speaker, for your kind indulgence. I thank Honourable Members and I pray that your tenure here will be blessed as we all try to do what is best for the people of these Cayman Islands. I pray that the hand of divine providence will uphold these Cayman Islands we all love and to which we all call home.

Thank you.

HON. W. NORMAN BODDEN: Madam Speaker, I share equally in the pride of all Honourable Members in welcoming you as the first Honourable Speaker of this Legislative Assembly. For a House that has stood divided on many important matters affecting our country, including the appointment of a Speaker, it stands as a tribute to you that once the decision to appoint a Speaker was made, your nomination received the unanimous approval of Members of this Legislature. Your appointment as Speaker is a source of encouragement to me as it must be to all Caymanians, especially to the youth with aspirations to reach the top. You left the Legislative Assembly six years ago, after having performed your duty so faithfully and well as its Clerk. Today, you return as its Speaker, a position which must be reserved for those who have proven themselves, those with your impressive track record. Above all for those who possess that fine quality of being a peacemaker for the Good Book tells me that they are blessed.

In the months and years ahead, there are bound to be times when the vast experience and knowledge that you bring to your new post will be put to the test. I am confident, Madam Speaker, that your contribution and strengths will be of no less quality than those you displayed in your former position and which have figured prominently in your reaching this milestone in your distinguished career today. Your accomplishments must also be a source of pride to your family.

I look forward to working with you for the remainder of my term of office and I pledge to you my fullest cooperation and highest respect for which you are entitled and so rightfully deserve. I trust that your efforts will be richly rewarded through the satisfaction of a job well done and I promise to do my part in helping to maintain the dignity and decorum of a Legislative Assembly which a country such as ours is worthy of.

I welcome you, Madam Speaker, and may God Bless you as you take up the responsibilities of your high office.

Thank you.

MR. JOHN B. McLEAN: Madam Speaker, today history has once again been made in these beautiful Islands and in the Caribbean. I speak of nothing less than your timely appointment as Speaker to our Legislative Assembly. You have been chosen for this high office and I have every confidence that you will do a good job.

May I use this opportunity to say that I have had the privilege of working with you from 1976, when I was first elected to this Legislative Assembly. Indeed I am grateful to you for the guidance and the assistance which you have offered to me in every way and I have deeply enjoyed every moment of working with you. I was here to pay tribute to you when you retired from your many years of dedicated work as Clerk of this Legislative Assembly, and as could be said then, it can be said now, your record of efficiency and hard work would be hard to match in any parliament within the Caribbean. To say the least, I am most happy to welcome you on this great appointment which has been bestowed upon you today.

Madam Speaker, I have always found you to be that individual who will call "a spade a spade" regardless of whom you are dealing with. That is exactly what we need in the Chair which you occupy. You have been very confident throughout your years as Clerk, you have earned the respect of some Members presently in this Chamber and many who have gone before. I have every confidence in those who occupy the seats today, that we as men and leaders of our people, will do whatever possible to work as closely as possible within the ambits of our Standing Orders so as to make your job as Speaker a much easier one.

The people of these Islands have always been quite loyal to lady rulers. We take for example, in England the Queen, who is adored by the people of the Cayman Islands and for awhile we had a Prime Minister, Margaret Thatcher, who as we know, brought England from the dark ages and was also well recognised by our people. Let me say today, we have at the top our very own, the Honourable Sybil Ione McLaughlin, long may she serve!

CAPT. MABRY S. KIRKCONNELL: Madam Speaker, history is truly being made here in the Cayman Islands today, and it is with great pleasure and a great honour that I congratulate you on your assuming the high office of Speaker of the Legislature of the Cayman Islands. I too, had the privilege of serving under you while you were here as Clerk. You taught me much of what I know of Parliamentary procedure, for which I shall be forever grateful and I look forward to serving under you from your high office of Speaker. I assure you I shall bow to your rulings whenever they are necessary.

During the years I have known you and have had contact with you, I have learned to respect the ability and good sense that you have brought to your work. As a former Clerk of this Legislature, as a leader of your community, you have demonstrated courage and vision, whether at a Conference table, in private meetings or on a platform, your measured words have always produced keen respect for your wishes and warm human understanding.

I am happy today, standing here representing my district of Cayman Brac and Little Cayman, to congratulate you, not only for myself and my wife, but for all the people of Cayman Brac and Little Cayman, who because of the geographical separation were not able to be in the Gallery as they would like to have been, but I assure you that they are with you in mind and heart, as we all congratulate you.

We pay tribute, truly this is your day, Madam Speaker. We wish for you a long and happy term of office here as our Speaker. This is truly a day that we will all remember. I remember very keenly the day we said good-bye to you, as our Clerk. None of us at that time, ever thought that you would return as our Speaker, but we are glad that you are here and we look forward to it in the future. You are, as other speakers have said, extremely well-experienced, having been the founding powers in our Standing Orders. That task will again lay ahead of you to guide us in reestablishing, adjusting and bringing our Standing Orders up to date.

Madam Speaker, I wish for you a long life, a long tenure in office. I ask God's richest blessing and guidance for you as you serve us and may God bless the Cayman Islands. Thank you, Madam Speaker.

MADAM SPEAKER: The Honourable Executive Council Member caught my eye first.

HON. BENSON O. EBANKS: Thank you Madam Speaker.

Madam Speaker, the historical facts of today have been widely heralded and I do not intend to repeat them. Permit me to publicly congratulate you on your appointment to the Office of Speaker of this Legislative Assembly, and to welcome you as an active member of the local parliamentary team.

The Office of Speaker of the Legislative Assembly, is an important office; the third in order of precedence in this country. It is an office which some of us thought should have been introduced into our parliamentary system some twenty years ago and in between, have both supported and opposed its introduction. It is one which some think, even today, is still premature. However, in the scheme of things in the history of developing countries there is never a right time, in the view of all the people, for the next step to be taken.

Now that this step has been taken along the road to our political maturity, I have no doubt that you, Madam Speaker, will bring to bear upon the Office of Speaker such personal qualities as integrity, leadership, experience and ability which will go a long way in ensuring its success. The Office of Speaker is a unique one and in the final analysis, functions largely by the will of and through the self-discipline of the Members of the Assembly. Please accept my assurance that I shall strive to be the model Member at all times and in so doing, I pledge you my support in carrying out your responsible task.

Finally, I wish for you, Madam Speaker, a most successful and rewarding tenure of office. May God bless you and each of us and may God bless our beloved Cayman Islands. Thank you.

MR. G. HAIG BODDEN: Madam Speaker, my remarks may be shorter than some of the other speakers, not because I am less impressed with your qualifications, nor because I am less overwhelmed by what is happening today, but simply because it is my nature to be brief.

A few speakers have said that history is being made today. Well, you are that history. If we study history, we will find that one generation only occupies a small part in the passage of time. Yet, each generation significantly influences future generations. I believe your appointment as Speaker will have a marked influence on all the Speakers to come to this Assembly because the wealth of experience, knowledge, quality, and dignity, that you bring to this Chamber are so great, that you will be the finest of them all.

I believe that you are the kind of person who will want it to be said, that you have done a good job. I am really impressed when I look around today and see the large number of people that are here. Your two sons sitting in the V.I.P. Gallery, Members of the CPA, some of them that served in this Legislative Assembly long before my time, Mr. Carl Rattray and his wife, Mr. Ratteray having been the first Magistrate appointed to these Islands. Surely, the public is with us. This is history in the making.

What can I say to you? Only what Nehru said about Mahatma Gandhi: "I can only be humble in your presence."

I came to this Legislative Assembly about 18 years ago, and you were then the Clerk. The help which you gave me in formulating questions and preparing motions and the tips which you gave me on debating is one of the reasons why I have become a terror to the present Government.

I believe that in the years to come, this day, the 15th day of February, 1991, will be remembered, not for what is in the Throne Speech, nor for the long speeches which some Members will make, but simply because the Speakership of this Assembly was instituted and that the Honourable Sybil Ione McLaughlin was installed as the first Speaker.

You know, as well as I do, the honeymoon will probably be over by the time this meeting today is adjourned. But, I believe that you have the qualities of leadership, because you, the Speaker, will be the life and the breath of our meetings. A bad Chairman is also the decay and death of any meeting. I am looking forward to many rousing sessions and I will promise to give my support to the Speaker and at the same time to make, as usual, my robust contributions which I hope you will countenance.

I can only say, for me, this is a happy moment.

HON. LINFORD A. PIERSON: Madam Speaker, I would not be presumptuous enough to attempt to remind you of the history and evolutionary process of a system, of which you, as a principal architect, are one; neither will I be tempted to perform a post mortem on a period of our parliamentary life, which may best be left to the memory of the Hansards of this Honourable House. But, I will content myself today, to leave this moment on the high note for which it is intended; an occasion, an opportunity to recognise one of our own Caymanians, who has made us proud.

Today, is an historic day for the Cayman Islands, as it marks a milestone in the parliamentary development within our political system. It is my pleasure to join my colleagues in welcoming you as the first Speaker of this Honourable House. This auspicious occasion, not only brings much pride to yourself and family on your achievement, but indeed, to each of your fellow Caymanians and I feel sure, all of the other residents of these Islands.

In the true tradition of our people, we did not take this step forward hastily although provision was made in our Constitution for the appointment of a Speaker some 18 years

ago. Today, I believe that we have reached a point in our social and our political maturity, when we have appointed one of our own Caymanians to fill this important position.

The public expressions of confidence thus far in the news media and elsewhere are a true indication of the very high esteem in which you are held by the people of these Islands. Not only do you come to your position well-equipped with knowledge and many years of experience in our Westminster system of parliamentary procedures, but you also come with the respect and support of your people. While I can appreciate that the position of Speaker of any parliament is not an easy one, I feel that the mutual respect which will be brought to bear during your tenure of office will greatly enhance the smooth and efficient procedures in this Honourable House.

This is not to say that there may not be occasions when differences of opinion are expressed on the interpretation of Standing Orders etcetera, between the Members of this Honourable House and the Chair. That is sometimes inevitable in the workings of good parliamentary democracy. But, in the spirit of cooperation, I feel sure that at all times mutual respect will prevail and that all Honourable Members will graciously bow to the ruling of the Chair without rancor.

May we all, therefore, resolve and endeavour to work together in the spirit of cooperation, always with the national interest of these Islands foremost in our minds and with the realisation that a stable Government is the key to the future success of these Islands.

Madam Speaker, in closing, may I wish for you a most enjoyable and fruitful period as Speaker of this Honourable House. May God richly bless you in all your undertakings. I thank you.

HON. D. EZZARD MILLER: Madam Speaker, the people of my constituency and I, wish to be associated with all of the deserving accolades that have been expressed and will continue to be expressed. We wish to congratulate you and to share in the pride and honour of your appointment to this high office and to take pride in the august way in which you have been sworn into office.

I pledge my compliance to the rules of order and to the decisions you will be led to make in this Honourable House. I will give to you, equal respect as I have shown to all occupants of the high office of Presiding Officer of this Honourable House. To you, I say welcome and congratulations in the most heartfelt, sincere and warmest way. Thank you.

MR. GILBERT A. McLEAN: Madam Speaker. The very term signals the birth of a new era in our parliamentary process and it also marks the end of 20 years of political retardation. Twenty years ago, in our Constitution, there had been the means by which we could appoint a Speaker. Today, it has been done. I am particularly happy that in my short time in this Legislative Assembly, I have twice voted for the Office of Speaker to be invoked. My reason the first time, is the same as now, I believe it is proper and fitting, and in keeping with proper parliamentary process, that the executive branch of Government be separated from the legislative branch.

I look forward to the Speaker of the House, yourself Madam Speaker, performing the role that has long been lacking, in my opinion, where the person occupying the Chair is able from a very neutral point of view, to preside over the workings of the Assembly and to apply the Standing Orders which govern this House unbiased, without having any favour or close working relationship with any given side of this House.

You, Madam Speaker, come to this position with the highest regard from the public, certainly from myself and other Members. Your credentials in this country stand up with any and perhaps, above many. It is fitting at this time to note, that some of the past Members of this Legislative Assembly are here today and it is right that we should pay respect to them for having contributed in the years passed, to the success that it is now and to the maturity that it has reached. Also, to pay respect to all past Presiding Officers in this Assembly.

I would imagine that in the course of events, while I am in this House, there may be occasions when your ruling on any particular issue may not be very appealing to me or I may not be very happy with them, but I am prepared to acknowledge the fact that in your position you have the right to impose a ruling, and while I may have the right to express my feelings of disagreement, I am bound to accept those rulings. As long as those rulings are fairly made whenever the occasion rises, that is all that can be humanly expected of any Speaker who presides.

I am very happy today to be in this Legislative Assembly to witness the swearing in of its very first Speaker and I give you my undertaking of cooperation and support during the time I shall be here and you shall occupy the Chair. Thank you.

MR. ROY BODDEN: Madam Speaker, I wish to express to you on behalf of my constituents, congratulations on your appointment as the first Speaker of our parliament in recent times.

It seems to me that there are two points which transcend all the pomp and ceremony and symbolism of this occasion. I would like to suggest firstly that your nomination was unanimous from a body that is often as contentious and adversarial as any in the world. That is not an insignificant point. You are honoured among us.

The second point has to do with your position and the high esteem in which members of this society hold you. I would dare say this morning, that you are not only an example to those Caymanians who aspire in the fraternity of politics, but you are an example to those numerous Caymanian women who labour diligently, sometimes unrewarded and unrecognised. Your appointment, today should serve as an inspiration to them, to let them realise what they can achieve and that they are appreciated even when their names are not listed on the front pages of the newspapers as Madam Speaker. Without that element in society we

would not be where we are today.

Let me say as a freshmen Member of this august Assembly that I am not usually contentious, and coming from the background from which I do, you are not likely to have many problems with me, except the occasional big word which I know you can handle very easily.

I believe, Madam Speaker, that your appointment takes us to the next step on our sojourn of political development in the Cayman Islands. I would like to say in tribute to those past, that your appointment today, the fact that we have achieved this, was led by your predecessors. It behooves each and everyone of us to strive to set the example and to be as cooperative as we can. It gives me great pleasure to be able to sit in an Assembly over which you preside. May God grant us all His richest blessings.

MR. TRUMAN M. BODDEN: Madam Speaker, I would like to congratulate you on your appointment to the high office of Speaker. I believe that you are undoubtedly the most experienced and qualified person in the Cayman Islands to fill this high position and you have been unanimously nominated by all Members of this House.

I appreciate all of the guidance and help that you gave me during your time as Clerk. I am also proud that you as a Caymanian lady have filled this position to preside over 15 men. Further, our Clerk and her Deputy are also ladies. This is probably unique in Commonwealth Legislatures. I am glad to see that you will be wearing the traditional robe and wig, because I believe that adds dignity to the House.

Finally, I undertake to assist you in the smooth running of the Legislature, and to submit to your rulings. I wish God's blessing on you, Members and staff of this House and our people. Thank you.

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, first of all I would like to extend my congratulations to you on your appointment as the first Speaker of this Legislative Assembly. I would also like to extend my welcome to you as a part of this Honourable House. I kind of like the words "Madam Speaker", they sound good.

I am proud to be a part of this very auspicious and historic occasion. I am also proud of the fact that I am part of the Backbench, who moved and carried this motion calling for the appointment of a Speaker. I feel we, as a Legislative Assembly, have been very wise in our selection of you as our first Speaker. I am confident of your ability to perform the duties of the Office of Speaker because of your outstanding record as a former Clerk of this House and for the many years that you served in this capacity. I feel confident that you will be fair and objective in your dealings. As is evident by the large gathering here this morning, you do have the support of the general public and I can assure you, that you do have the support of the Members, especially the Members here on the Backbench. We pledge to you our full cooperation. I am proud to say that you were our first and only choice for our nominee as our first Speaker of the House.

Finally, I would like to say on behalf of the people of the district of West Bay and myself once again, congratulations on your appointment as our first Speaker and I am proud of the fact that you are Caymanian. I wish for you God's blessing in your role as Speaker of this House, and may your tenure be one that proves to be pleasant and long. Thank you Madam Speaker.

MADAM SPEAKER: Honourable Members thank you all very much for your kind expressions of welcome and your good wishes. As is known, the Speaker is not to take part in debates or make speeches, unless it is to bring messages or communications to the House. But, as this is a special and historic occasion, I avail myself of the opportunity.

Eight years ago these Islands were busy making plans to celebrate 150 years of Parliamentary Government. A search in the Jamaican Records Office, as well as those in London, provided much background information of the early days in these Islands. The first recorded election was held on 10 December 1931, and the first meeting was held on 31 December of the same year. The second meeting on 2 January 1932, was probably the most important, as this meeting passed legislation regulating the number of elected representatives and their attendance at meetings. If they did not attend they were fined. Meetings were bicameral, as we already heard from one Honourable Member, with the Magistrates assembling in one room and the elected representatives in another. Any Law passed by the Representatives was not valid until it had been assented to by the Magistrates. A Senior Magistrate normally presided over the Magistrates.

In the eighteenth century, William Cartright is listed as the first Stipendiary Magistrate and he served between the years 1750-75. He styled himself as "Governor" and was succeeded by William Bodden in 1776, who was also called "Governor Bodden".

One Honourable Member has also noted that in the Chamber we have the Honourable R. Carl Rattray Q.C., who is the Attorney General of the Jamaican Ministry of Justice, who was the first Stipendiary Magistrate appointed to these Islands in 1957.

In 1804 Governor Bodden recommended the appointment of John Drayton as Magistrate. His appointment was confirmed by the Governor of Jamaica (Governor Nugent) on 11 March 1934, thirty years later. Drayton is recorded as being a Senior Magistrate and it can be assumed that he presided over the Magistrates. The title "Custos" was also given to these men.

James Goodchild Coe was one of the first "Custodes", and as His Excellency the Governor stated in his Throne Speech, Edmund Parsons was the last Custos, being named at that time, as the Chief Executive Officer, Chief Judge and President of the Legislative Assembly. He was thus the first Caymanian Presiding Officer.

It is an honour and a great privilege for me to be here today, as

the first Speaker of the Cayman Islands Legislature. I am also proud that as a woman, I have been approved by Honourable Members of this Legislature for this position which I accept with much pleasure. It is a great pride to me personally, and to all Caymanians, that Honourable Members were unanimous in this and I thank you most sincerely. I hope this will be the forerunner and an indication of future unanimity in the House.

It is an awesome task that I am undertaking and no one knows this better than I do. But, I hope that my strength will be equal to my task, and I look forward with pleasure to the duties, which as Speaker, I shall be undertaking.

The history of Speaker owes its origin to the reign of Mary I, and the first Speaker was appointed in the year 1377, although the origin can be traced back to a much earlier date. The principal function of the early Speakers was to communicate the resolutions of the Commons to the King. Since that time, the duties of Speakers have evolved to include being a servant of the House, not its master. The authority which rests with any Speaker is the authority of the House, formulated through the Standing Orders approved by the majority of Members. The Speaker is thus guiding the House to ensure that everyone gets a fair hearing, protects the rights of the minority and ensures that Government business is carried through with a minimum of delay.

The Speaker is called upon to apply the rules of procedure to the best of his ability, with perfect impartiality. The rules and the uses of centuries are to be maintained, and as one writer so aptly put it, the Speaker "takes care that both majority and minority are unimpeded in their use of the forces and the weapons which the order of business provided for the strong and the weak. Protection of a majority against obstruction and protection of a minority against oppression are both alike functions of the Chair".

The Cayman Islands are fortunate to have such able and dedicated elected representatives in this Honourable Legislature, as well as loyal, qualified and dedicated Official Members. Members of the general public can be sure that they are all committed to the best for these beautiful Islands and its people.

I have just taken the Oath of Allegiance to Her Majesty the Queen, which includes my allegiance to these Islands which I love so dearly. I thank God that in this position I can once again be of service to my country. I seek the guidance of Almighty God in my undertakings and pray that during the time I shall have the privilege of serving in this capacity, that peace, goodwill and prosperity will abound for all the people of these Islands.

Before closing, I would like to pay a special tribute to the Clerk's office. The Office of Clerk, like that of Speaker, goes far back into history. The first Clerk of the British House of Commons was appointed in 1363, a few years before that of the Speaker. The Clerk advises the Speaker and Members, generally on procedural matters and is the Chief Parliamentary Officer in the Clerk's department, which consists of the Deputy Clerk, Clerk Assistants and other personnel.

Since my retirement as Clerk in 1984, the work of the department has nearly doubled. Sittings of the House have been much longer, which demand more Hansard production, that is recording and transcription of Minutes. And the staff itself has also nearly doubled, but they are dedicated and hard working officers and there is not a second wasted. Every minute is fully utilised. Many of the officers spend long hours, more than the specified time, in order to meet the demands of the House.

Finally, I must pay tribute to Her Majesty's representatives who have, since 1898, presided over the Cayman Island's Legislature. These are: Frederick Shedden Sanguinetti, George Stephenson Shirt Hirst (the author of Cayman's first history), Arthur C. Robinson, Hugh Houston Hutchings, Capt. G. H. Frith, Ernest Arthur Weston, Allen Wolsey Cardinall, John Penry Jones, Albert Colonridge Panton (who acted on many occasions and was a Caymanian), Ivor Otterbein Smith, Andrew Morris Gerrard, Alan Hilliard Donald, Jack Rose (the last Commissioner and first Administrator), John Alfred Cumber, Athelstan Charles Ethelwulf Long (the last Administrator and the first Governor), Kenneth Roy Crook, Thomas Russell, G. Peter Lloyd and last but by no means least, His Excellency The Governor, Mr. Alan Scott. Mr. Scott's term as Presiding Officer was no bed of roses, no calm waters, often very turbulent but, he has emerged unscathed. He was called to preside over the House for nearly double the time of his predecessors and deserves to be relieved.

I could not fail to mention our Caymanian Presiding Officers, one was mentioned before, Mr. Spurgeon Ebanks, who was a Deputy Presiding Officer, and also Mr. Craddock Ebanks who served for some time. Then there was the late Mr. Ernest Panton, who himself had been a Clerk of Vestry, Mr. Desmond Watler, Mr. Dennis Foster and the Honourable Thomas Jefferson.

To the Honourable Members of this House, I pledge my support to you in your efforts for good Government for these Islands and its people. I will make myself available, within the constraints of time to all Members who might wish to discuss any matter with me.

Thank you.

ANNOUNCEMENTS

MADAM SPEAKER: Before I put the question, there are two announcements I would like to make. Those members of the general public in the Gallery are asked to remain by their seats while His Excellency The Governor and Mrs. Scott, the Chief Justice and Lady Malone, and the other members in the V.I.P. booths who will proceed first and the members of the public afterwards.

And, secondly, the Clerk's Department has provided refreshments for everyone in the building and you are all cordially invited to partake.

Thank you.

Those in favour please say Aye, those against No.

AYES.

MADAM SPEAKER: The Ayes have it. The House is accordingly adjourned until Monday morning, 18 February, at 10 o'clock.

AT 1:19 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 18th FEBRUARY 1991.

MONDAY
18TH FEBRUARY, 1991
10:05 A.M.

MADAM SPEAKER: I will ask the Honourable First Official Member for Finance and Development 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, Speaker of the Legislative Assembly, the 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, Amen.

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.

MADAM SPEAKER: Please be seated. The Assembly is now in session.

ANNOUNCEMENTS BY THE SPEAKER

MADAM SPEAKER: First of all, I would like to apologise to Members for the delay in receiving the Order of Business for today. When Madam Clerk went to work in the office yesterday, the computer system was down and was only operable this morning, so I do make apologies on behalf of the staff. Questions, No. 1. The Elected Member for East End.

QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 1: Can the Honourable Member say what attractions have been put in place over the last eight years for tourists to the Cayman Islands?

ANSWER: Government has assisted with tourist attractions in many ways, both directly and indirectly. Marine Parks have been established, protected and promoted. The Atlantis Submarine, the world's first passenger carrying submarine operation, was encouraged and supported by Government. The old Courts Building has been restored and is now being used as a National Museum. This project won the American Express Historic Preservation Award in 1990. The Cayman Turtle Farm was developed more along the lines of and actually became a prime tourist attraction during this time.

During the past three years financial and other support have been given to the National Trust to assist in the preservation of the natural, historical and cultural history of these Islands. The Fort George project has been completed, and walking tours of historical sites in George Town have been available to tourists. Similar projects are anticipated for West Bay and Cayman Brac. Government also assisted in the improvement to the Old Light House on the Bluff in Cayman Brac. Pirates Caves in the private sector were also developed as an attraction over the past eight years.

Of course, one of the major and most popular attractions over the past eight years was put in place by nature with the assistance of our watersports' operators, and that is Stingray City. It is Government's intention to legislate for its protection.

Over the years Government has also made many ongoing improvements to tourist attractions, including proper signs, regular inspections and liaison with the Public Works Department, and

the Environmental Health Department for garbage clean-up, upgrading of facilities such as parking, restrooms, etcetera, at Hell Post Office, Smith Cove, the Conch Shell House and the Prospect Monument. The Department of Tourism also employs a maintenance person at the Hell Post Office.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries.

MR. JOHN B. McLEAN: I wonder if the Member could say, what sort of monetary figures has Government contributed to projects such as Marine Parks and the Atlantis Submarine?

HON. W. NORMAN BODDEN: Madam Speaker, I would not have the cost of establishing Marine Parks. We did not contribute financially to Atlantis Submarine. It was a brand new project and a new idea which we welcomed, supported, and encouraged them to develop and operate out of Grand Cayman as its first base.

MADAM SPEAKER: Perhaps, the Honourable Member might ask another question in future, as to the cost of the establishment of the Marine Parks.

No Further supplementaries? The next Question is No. 2, standing in the name of Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

NO. 2: Can the Honourable Member say what are Government's future plans to put in place in the near future, attractions for tourists coming to these Islands?

ANSWER: Government will continue to identify and list the available tourist attractions on the three Islands, taking into consideration that the majority of these are located on private property. Regular inspections and improvements will continue. Government is presently negotiating the purchase of St. James Castle in Savannah, which will be developed into a major attraction.

Tourist attractions are listed in the many local tourist magazines and in-flight magazines, but it is the intention of the Department of Tourism to produce and publish its own collateral piece that identifies these sites on a map, as well as information on local arts and crafts.

The Department of Tourism will continue to support the National Trust in their efforts to preserve our historical, cultural and natural heritage so that we can continue to offer quality attractions to our visitors. Plans are well advanced for the establishment of a Botanical Garden in the Frank Sound area, nature trails in the Salinas, East End and Little Cayman. Conservation programmes for the iguana, parrots and whistling duck, and restoration of the old school houses in West Bay and Savannah and the Old Light House at East End are current and future projects.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Honourable Member could say, how Government decides on the various projects in the various districts?

HON. W. NORMAN BODDEN: Madam Speaker, usually a site or a project is identified and many times the recommendation might come from the Tourism Advisory Council or the Department of Tourism. The recommendation is then made to the Portfolio.

MR. JOHN B. McLEAN: I wonder if the Honourable Member could say, what happens when a Member from a certain district recommends a certain project which has been known through the years as a tourist attraction?

HON. W. NORMAN BODDEN: Madam Speaker, if it is considered to be a tourist attraction that should be developed further and a recommendation is made from a member of the public from a particular district, it is normally given serious consideration by the Portfolio and certainly will be dealt with based on availability of funds.

MR. W. McKEEVA BUSH: In the answer to the question, the Member has said that Government is negotiating the purchase of St. James Castle in Savannah. I wonder if the Member can shed any light on the proposed purchase of the area known as Hell, in West Bay?

HON. W. NORMAN BODDEN: No negotiations to my knowledge have taken place to purchase

any additional property at the Hell site in West Bay. It is an area that was considered at one time, but I think there are probably five or six owners involved and I believe the asking price, which was probably done more in an informal fashion, seemed a bit prohibitive.

I understand, from the Member responsible for Communications, Works and Agriculture, that there are discussions currently in effect with the land owners to see if an agreed price can be reached. I would just pass on that information.

MR. W. McKEEVA BUSH: I wonder if the Members could undertake to keep us informed, especially Members responsible for the districts, as to the progress made on these different sites?

HON. W. NORMAN BODDEN: Madam Speaker, I can give that undertaking. I will liaise with the Member for Communication, Works and Agriculture and between us we can keep Members informed of a particular site in their district. There should be no problem with that.

MADAM SPEAKER: If there are no further supplementaries, the next Question is No. 3. The Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

NO. 3: Would the Honourable Member say if Government has considered developing areas such as Malportas Pond, Pease Bay Pond and Colliers Pond so as to offer additional attraction for tourists?

ANSWER: Malportas Pond and Pease Bay Pond are owned by the Crown. However, Colliers Pond is privately owned. Pease Bay Pond and Colliers Pond are designated as sanctuaries under the Animals Law. All three ponds are used by bird watchers, both local and tourists, and are listed as such in literature produced by the Natural Resources Unit.

It is also the view of the Natural Resources Unit that if the areas around these ponds were made more accessible to tourists, additional stress would be created on the environment and their continued existence as nature reserves could be threatened.

Under the circumstances, it would not seem advisable to further develop these ponds as tourist attractions.

MADAM SPEAKER: If there are no supplementaries we shall move to Question No. 4, standing in the name of the Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

NO. 4: Would the Honourable Member say if Cayman Airways Limited is taking any steps to cancel the lease agreement for the third 737-400 aircraft?

ANSWER: Cayman Airways is not taking any steps to cancel the lease agreement for the third Boeing 737-400.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say when it is planned to take possession of this aircraft?

HON. W. NORMAN BODDEN: The planned delivery date is January, 1992.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Member please say what the cost would be of cancelling the lease at this time, if cancelled?

HON. W. NORMAN BODDEN: If the lease were to be cancelled at this time, I am reasonably sure that the company would forfeit the security deposit which they have paid in the amount of $200,000. I think that is, to the best of my knowledge, the correct amount at this stage.

At the Meeting of the House in November, I outlined that the total deposit that would have to be paid by Cayman Airways was $700,000 and it was being paid in installments over a period of time of $200,000 per payment. It would probably be about $200,000 at this stage.

MADAM SPEAKER: If there are no further supplementaries, we move on to the next Question, which is No. 5, standing in the name of the Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE.

NO. 5: Would the Honourable Member say if he is aware that the new schedule for Cayman Airways Limited will exclude the important early afternoon departure flight from Miami?

ANSWER: The new schedule for Cayman Airways Limited effective 7 April will provide an average of three flights per day between Miami and Grand Cayman, one of which will depart Miami just before noon, one at 3:00 p.m. and one at 8:00 p.m. These will continue to provide multiple interline connections at Miami and therefore preserves its importance to the Company's operation.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries.

MR. G. HAIG BODDEN: Can the Member give the reason for the deletion of this particular departure flight?

HON. W. NORMAN BODDEN: What the company is putting in place on 7 April, is the summer schedule and at present the flight that is being referred to, departs Miami at 1:45 p.m. After 7 April it will be departing at 3:00 p.m. The reason is, that in planning its schedule with the two aircraft available to it, serving seven different destinations, this is the way the company decided to arrange a schedule so that the interline connections at Miami and of course at convenient times, continue to be offered to the local travelling public as well. I cannot see where this is going to be damaging to the company's ability to provide a good service to the travelling public.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. MCKEEVA BUSH: Can the Honourable Member say where the flight to Fort Lauderdale will originate from?

HON. W. NORMAN BODDEN: The flight to Fort Lauderdale will originate from Grand Cayman. The company plans to operate a Grand Cayman/Fort Lauderdale/Miami/Grand Cayman route. I think that is how the route is being arranged.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. MCKEEVA BUSH: Can the Honourable Member say, how much detail has gone into this proposed new schedule or flight destination?

HON. W. NORMAN BODDEN: I think it has been fairly well researched by the Managing Director. He is satisfied that this proposed service to Fort Lauderdale (which, incidentally, is now planned to begin on 14 May) has been researched from the point of view of multiple connections at Fort Lauderdale. The new start up date, proposed for the middle of May, will give the company additional time to advertise this new service and possibly generate additional new traffic.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: I wonder if the Honourable Member could say whether there has been any investigation into a new flight to Orlando, Florida?

HON. W. NORMAN BODDEN: Madam Speaker, I do not object to answering these supplementaries, but I would remind the House that the original question dealt with the Miami schedule.

In reply to the supplementary raised by the First Elected Member for West Bay, I would say that Orlando is certainly a point in Florida which has grown over the past two years and the company has looked at it informally. Not a great deal of research has been done, but certainly a service to Orlando would be given serious consideration at a time when the company has additional equipment that could operate a service to Orlando. It is a popular new destination that is growing rapidly.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say if it is correct that the Airline will lose substantial traffic by this change, because the major airlines arriving in Miami will arrive too late for Cayman Airways' early morning departure; and the passengers arriving on those major airlines will come to Cayman by other airlines and will not wait for the 3:00 or 3:45 p.m. departure?

HON. W. NORMAN BODDEN: Madam Speaker, it is a 3:00 p.m. departure that is proposed and of course, most of the traffic that arrives into Miami probably arrives between 11:30 a.m. and 3:30 p.m. and, any time that is set for a specific departure, which is necessary if you are operating a scheduled service, one tends to miss connections from some cities in any case. What the company probably does is to put their proposed

departure time into the computer and try to get the maximum connections that they can provide at that particular time. So, moving the flight from 1:45 p.m. to 3:00 p.m. will probably miss connections with some cities but provide connections with others.

The company also has a flight that leaves just before 12:00 noon, and that is seen as providing additional connections at that hour as well.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say if the Airline has received strong objections to the deletion of this flight from Cayman Brac?

HON. W. NORMAN BODDEN: No, Madam Speaker, we have not received any representations from Cayman Brac about this departure time out of Miami being changed.

MADAM SPEAKER: If there are no further supplementaries we shall go to Question No. 6, standing in the name of the Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Before I put this question, there were actually two words missing from it. Since it has been set down I will ask the second part probably at a later Meeting.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES.

No. 6: Would the Honourable Member give details of how much money was spent and what is the percentage of the cost of the building and equipping of the dental clinic including plans and preliminary work and what is the name of the companies or legal entities who received the money?

ANSWER: The total cost of the Dental Clinic Project, i.e. construction, equipment, site preparation, et cetera, is now estimated to be $690,815.70. This does not include the 7.5 per cent contingency fee suggested by the Public Works Department. The project can be broken down into the following subcontracts:

	Service	Legal Entity Paid	Amount CI$	% of Cost	Total
1.	Consultant services (Architects's brief,plans, equipment, specification, project management, etcetera)	International Healthcare Corporation	57,395.60		8.3
2.	Quantity Surveying	Bould Construction Quantity Surveyors	10,210.00		1.47
3.	Construction management (sitesupervision, inspection etcetera)	Onions, Bouchard and McCulloch	8,400.00		1.21
4.	Construction (new building, parking lot,demolition of old building and landscaping)	Unit Construction	439,988.00		63.69
5.	Dental equipment (supply and installation)	Health-Co International	138,675.60		20.07
6.	Office furniture	Not yet tendered	9,600.00		1.38
7.	Site preparation	Public Works Department	6,000.00		.86
8.	Additional expenses	InternationalHealthcare Corporation	20,546.50		2.97
	TOTAL COST OF PROJECT:		= = = = = = = 690,815.70		

Madam Speaker, I would just add that when I say amount paid, it does not mean that the

companies have received all of the funds at this point, the project is ongoing.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member give details of the additional expenses of $20,546.50 paid to International Healthcare Corporation?.

HON. D. EZZARD MILLER: I do not have the breakdown here but there are expenses under contract such as, travel, hotel accommodation and air fare etcetera.

MADAM SPEAKER: Further supplementaries. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Could the Honourable Member say why Onions, Bouchard and McCulloch, who dealt with construction management, were used in light of the 11.27 per cent that was paid to International Healthcare Corporation (IHC), which should normally have covered this?

HON. D. EZZARD MILLER: On the insistence of the Public Works Department, who would not allow IHC to do it and under the original contract, that was supposed to have been done by the Public Works Department.

MADAM SPEAKER: The Third Member for George Town.

MR. TRUMAN M. BODDEN: Could the Member say why Public Works would not allow IHC to do it?

HON. D. EZZARD MILLER: I really do not know. They insisted. I think they felt that they needed another opinion on the bill of quantities and sign-off for payments and such.

MADAM SPEAKER: The Third Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say what project management did IHC do on the project?

HON. D. EZZARD MILLER: They are doing the overall project management. For instance, all of the site drawings and any alterations that the contractor might want to do. Also, the specifications for ensuring that the building is being built to the design specifications that they have put in place. No alterations are allowed unless they have been approved by IHC.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member state how many personnel, and whether it was on a continuous duration that they were on the site (from IHC) for the management?

HON. D. EZZARD MILLER: They attend all job-site meetings once per month.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Could the Member say who is on the site for the balance of the 29 or 30 days in the month when IHC is not there?

HON. D. EZZARD MILLER: Mr. Jim Scott from Onions, Bouchard and McCulloch. The question before had two parts. There is only one person from IHC that attends the job-site meetings and that is the design architect.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Based on the fact that Onions, Bouchard and McCulloch have people there, presumably on a fairly continuous basis, and IHC has one per month, could the Member tell me why IHC is paid approximately $57,000 and Onions, Bouchard only $8,400?

HON. D. EZZARD MILLER: That is easy. IHC did all of the design work, the architect's brief, the equipment specifications and all the design plans. All that Onions, Bouchard and McCulloch are doing is attending the weekly on-site meetings to make sure that the construction company is building it according to the plans and doing the weekly inspections.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say whether, in fact, the amount of 11.27 per cent of the total cost paid to IHC is in line with the usual percentages paid for this type of architectural work?

HON. D. EZZARD MILLER: Yes, Madam Speaker. Especially when it contains the Architect's brief and equipment specifications as well.

MADAM SPEAKER: If there are no further supplementaries we move on to Question No. 7, standing in the name of the Third Elected Member for George Town.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE.

NO. 7: Could the Honourable Member say whether Government would repair the sewage pumping stations, especially in residential areas, to stop the stench escaping from them?

ANSWER: The Water Authority is responsible for the operation of the West Bay Beach sewerage works. As a consequence of a question put by the Member on an earlier occasion in this Honourable House, the Government requested that the Water Authority address the problem. It is understood that it took action to alleviate the odour by increasing the size and raising the level of the vents on the pumping stations that were particularly odorous. This helped to a certain extent, but unfortunately was not entirely satisfactory, particularly during cold times of the year when the hot sewer gases tend to rise out of the stations.

The Water Authority remains aware of the unsatisfactory odour problem that occurs from time-to-time. There are also other problems associated with the pumping stations that have arisen because of the unexpected volume of gas produced by the sewer. Funds have been allocated in the Authority's 1991 budget to deal with the problems. It is anticipated that the present odour problem will be corrected by the proposed work, which will be completed well before the end of the year.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say what is going to be done to correct this and why would it have to remain until the end of this year?

HON. LINFORD A. PIERSON: The work is being done at present and special manifolds are being put in place. This is the reason why it will take an extended period before it is fully completed.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member please say what the projected cost of the correction is?

HON. LINFORD A. PIERSON: The projected cost to correct this problem is approximately $200,000. I would emphasise, however, that this is an expense of the Water Authority which is a statutory body. One of the main problems that is caused there, is from some of the hotels that are using salt water in their sewage lines. This is creating a major problem, but this is also being addressed.

MADAM SPEAKER: If there are no further supplementaries, this concludes the Question Time for today. We now proceed to Government Business. Bills.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

THE POLICE (AMENDMENT) BILL, 1991

CLERK: The Police (Amendment) Bill, 1991

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

THE PENAL CODE (AMENDMENT) BILL, 1991

CLERK: The Penal Code (Amendment) Bill, 1991

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

MOTION TO DEFER BILL

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991

HON. RICHARD W. GROUND: Madam Speaker, before we go on to the third Bill on the list which is the Criminal Procedure Code (Amendment) Bill, I wonder if I might ask the leave of the House that this Bill in all its stages be deferred to a later stage in this meeting? I have received some representations that I need to discuss with the Judiciary before it goes ahead. I would rather not start until I know where I am going.

MADAM SPEAKER: The question is that the Criminal Procedure Code (Amendment) Bill, 1991, be deferred until a later date.

Do you have a later date to set or...?

HON. RICHARD W. GROUND: Madam Speaker, if it just comes on after the debate on the Throne Speech in the normal course of business, that would be sufficient for my purposes.

MADAM SPEAKER: Fine, thank you.

QUESTION PUT: AGREED. **BILL DEFERRED.**

MADAM SPEAKER: Bills. Second Readings.

SECOND READINGS

THE POLICE (AMENDMENT) BILL, 1991

CLERK: The Police (Amendment) Bill, 1991

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to move the Second Reading of a Bill for a Law to Amend the Police Law, 1976, The memorandum of objects and reasons which reads as follows:

> "This Bill seeks to amend the Police Law (5 of 1976) to provide, firstly, for the retention by a police officer of the passport or other travel document of a person taken into custody and who has to be granted bail to appear before a Magistrate, and Clause 2 seeks to so provide; and, secondly, in conjunction with the companion Bill for a Law to Amend the Penal code, to correct the duplication of jurisdictions for the same offences created by section 63 of the Police Law and section 204 of the Penal Code.".

Madam Speaker, the Bill is drafted in such a way as to insert an amendment to section 34 of the principal Law, by inserting the following words immediately after the word "person" in the sixth line of subsection (2). The words are as follows: "upon such reasonable conditions which, in the opinion of the officer, are calculated to procure the attendance of that person at the expiry of the period of such release and".

The third clause of the Bill seeks to insert, in section 63 of the principal Law, a new section creating the penalty for the offence and penalty for assaulting, obstructing, resisting etcetera. These offences and their penalties are to provide in the Police Law the jurisdiction for dealing with these matters and in a short moment I shall be moving the Second Reading of a Bill to delete similar provisions from the Penal Code.

It is generally believed that the nature of these offenses are more appropriately dealt with as offenses against the Police Law and that the corresponding offenses in the Penal Code, as they presently exist, are a bit onerous, requiring trial by jury and the penalties are considered, as a result of that, somewhat greater and onerous.

This is the proposal for a Bill for a Law to Amend the Police Law, and I have great pleasure in commending this short Bill to this Honourable House.

MADAM SPEAKER: The Third Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, the amendment in section (2) of this Bill that deals with the amendment of section (4) of the Police Law is one which I think is reasonable and should only be used when it is actually necessary to be used. Where you have persons who are resident here, who have been here all of their lives, then it is a different situation than people who are resident abroad who may attempt some type of movement from the jurisdiction. I am sure that the police, in exercising this, do bear that in mind.

The consolidation and the elimination of the offences under section (3) of the Police Law for the amendment that deals with the Penal Code, clears up a situation which had duplication before, as the Bill itself mentions. I notice that originally the fine under section 63 did not exceed $500. The imprisonment is for a term not exceeding six months. Perhaps from the point of clarity, where we have the

words "perhaps not exceeding" we could put it beyond a doubt. It does tidy up the Law and it comes about where you have a series of Laws which were brought in at that stage and of necessity, there has been some duplication. I support the Bill in the form it is. Thank you.

MADAM SPEAKER: If there is no further debate would the Mover wish to reply?

HON. J. LEMUEL HURLSTON: Madam Speaker, both points made by the Third Elected Member for George Town are valid. In the case of the first amendment it is the intention to exercise due discretion in relation to the provisions being created by this amendment. The police will use that discretion as and when it becomes necessary to require the surrender of documents or to take any other steps of that nature calculated to ensure the attendance of the person at the end of their bail period.

The second point made is also valid. It is the intention to enable the Judiciary in administering the penalty under this proposed amendment, to have a discretion insofar as the penalty is concerned. If Honourable Members feel that it would make it clear beyond a shadow of a doubt, we could agree to a Committee stage amendment that would make that abundantly clear.

I thank Honourable Members for their contributions to Second Reading debate on this Bill.

MADAM SPEAKER: I will now put the question.

QUESTION PUT: AGREED. **THE POLICE (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.**

THE PENAL CODE (AMENDMENT) BILL, 1991

CLERK: The Penal Code (Amendment) Bill, 1991.

HON. J. LEMUEL HURLSTON: I beg to move the Second Reading of a Bill for a Law to Amend the Penal Code. The Memorandum of Objects and Reasons read as follows:

> "This Bill, the companion to a Bill to Amend the Police Law, seeks to repeal section 204 of the Penal Code. The provisions of the section have been incorporated into section 63 of the Police Law which provides for a reduced level of sentence more appropriate to the offenses concerned and correspondingly for summary trial only.".

Madam Speaker, clause 2 simply proposes to repeal section 204 of the Penal Code as a means of removing the offence and its penalties from the Penal Code entirely. These are the offences which have now been incorporated into the Police (Amendment) Bill, which just went through its Second Reading and which would provide for such offences to be tried summarily and for the penalties upon conviction to be as prescribed in the amendment.

I commend this Bill to the Honourable House accordingly.

MADAM SPEAKER: If there is no debate I will put the question that the Bill be given a Second Reading.

QUESTION PUT: AGREED. **THE PENAL CODE (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.**

MADAM SPEAKER: The House will now go into Committee on the two Bills: The Police (Amendment) Bill, 1991, and the Penal Code (Amendment) Bill.

HOUSE IN COMMITTEE 11:02 A.M.

COMMITTEE ON BILLS

THE POLICE (AMENDMENT) BILL, 1991

THE CHAIRMAN: The House is now in Committee. The Police (Amendment) Bill, 1991. It has been customary to authorise the Official Member in charge of the Bill, to correct minor printing errors, if there are any, and this procedure will continue. Would the Clerk then state the clauses.

CLERK: Clause 1 - Short Title.
Clause 2 - Amendment of Section 34 of Law 5 of 1976.
Clause 3 - Amendment of Section 63 of the principal Law.

THE CHAIRMAN: The question is that clauses 1, 2 and 3 do stand part of the Bill.

HON. J. LEMUEL HURLSTON: Madam Chairman, if it is the wish of the Committee, I would be inclined to propose an amendment to clause 3 of this Bill, in the final paragraph which provides for the penalty

upon summary conviction. That is, to delete the word "of" and substitute therefor the words, "not exceeding", so that the entire sentence would read:

> "Is guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or both.".

THE CHAIRMAN: The question is that clause 3 of the Bill be amended in the last sentence to read "Is guilty of an offence and liable upon summary conviction to a fine not exceeding one thousand dollars or to imprisonment for a term not exceeding two years or both.".

MR. W. McKEEVA BUSH: Madam Chairman, in regards to this section just dealt with, it would seem that the period of imprisonment is a little heavy considering that the maximum fine will only be $1,000. It is a fine that really does not have any relationship at all, as far as I am concerned. I know they are saying the words "not exceeding." Both words are "not exceeding," but, still, you would think that a term "not exceeding one year.".

HON. J. LEMUEL HURLSTON: Madam Chairman, if one looks at this proposal in the context of section 204 of the Penal Code from which it comes, one would see that the original penalty on conviction for these offences was five years' imprisonment. That, Madam Chairman, indicates the severity of the offence under the Penal Code. It was considered that two years upon summary conviction would not be unreasonable in light of the nature of the offence, including that of assault.

MR. W. McKEEVA BUSH: I can understand his explanation, but still I would say that it does not have any relationship - $1,000 or two years.

HON. RICHARD W. GROUND: Madam Chairman, could I pull us back to the amendment which was moved? It was moved in response to a proposal made by the Third Elected Member for George Town. I think that is why Government is putting it forward without notice. I do think we need a formal leave of the Chair to do that before the question can be put under Standing Order 52(2). As it is a non-contentious amendment, really put forward to clarify the drafting and to make plain what was always the intention of the Bill, I am sure Government and the Member who originally suggested it will encourage the Chair to give that leave on that one. As I said, it is a non-contentious amendment.

THE CHAIRMAN: Leave will be granted for that. If there is no other debate, I will put the question.

QUESTION PUT: AGREED: **AMENDMENT TO CLAUSE 3 PASSED.**

THE CHAIRMAN: I will now put the question on clauses 1, 2 and 3 that they do stand part of the Bill.

QUESTION PUT: AGREED: **CLAUSE 1, 2, AND 3 AS AMENDED, PASSED.**

CLERK: A Bill for a Law to Amend the Police Law.

QUESTION PUT: AGREED: **TITLE PASSED**

THE PENAL CODE (AMENDMENT) BILL, 1991)

THE CHAIRMAN: The next Bill is the Penal Code Amendment Bill, 1991.

CLERK: Clause 1 - Short Title.
Clause 2 - Repeal of Section 204 of the Penal Code.

QUESTION PUT: AGREED. **CLAUSES 1 AND 2 PASSED.**

CLERK: A Bill for a Law to Amend the Penal Code.

QUESTION PUT: AGREED: **TITLE PASSED.**

THE CHAIRMAN: That concludes proceedings in Committee on a Bill entitled The Police (Amendment) Law, 1991, the Penal Code (Amendment) Law, 1991. The House will resume.

HOUSE RESUMED AT 11:10 A.M.

MADAM SPEAKER: Please be seated. The House has resumed. Reports.

REPORT ON BILLS

THE POLICE (AMENDMENT) BILL, 1991.

CLERK: The Police (Amendment) Bill, 1991.

HON. J. LEMUEL HURLSTON: Madam Speaker, I have to report that a Bill entitled The Police (Amendment) Bill, 1991, was considered by a Committee of the Whole House and passed with one amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.

THE PENAL CODE (AMENDMENT) BILL, 1991.

CLERK: The Penal Code (Amendment) Bill, 1991.

HON. J. LEMUEL HURLSTON: Madam Speaker, I have to report that a Bill entitled The Penal Code (Amendment) Bill, 1991, was considered by a Committee of the whole House and passed without amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.
That concludes the Business for today, which has been very short, and the First Official Member will now move the Adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, as it is customary in recent times to allow Tuesday for Government to get on with its work in Executive Council, I move the Adjournment of this Honourable House until 10:00 Wednesday morning.

MADAM SPEAKER: The question is that this honourable House do now adjourn until Wednesday morning at 10 o'clock.

MR. W. McKEEVA BUSH: Madam Speaker, if you might recall, I gave notice of a matter that I would have liked to have raised on the Adjournment.

MADAM SPEAKER: Yes, Honourable Member, and I asked Madam Clerk if she would get in touch with you because I needed to reconsider the matter. So, could I have a discussion with you afterwards? Thank you.

MR. W. McKEEVA BUSH: Thank you, Madam.

MADAM SPEAKER: The question is that this Honourable House do now adjourn until 10 o'clock Wednesday morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

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

AT 11:12 A.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM WEDNESDAY, 20 FEBRUARY 1991.

WEDNESDAY
20TH FEBRUARY, 1991
10:03 A.M.

MADAM SPEAKER: I will ask the First Elected Member for Bodden Town to say prayers.

PRAYERS

MR. ROY BODDEN: Let us Pray.

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

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

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.

MADAM SPEAKER: Proceedings of the House are resumed.

Questions to Honourable Members. Question No. 8, standing in the name of the Elected Member for East End.

QUESTIONS TO HONOURABLE MEMBERS

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES.

NO. 8: Could the Honourable Member say if Government would consider stationing the ambulance for the eastern districts in East End and North Side on a rotating basis until a proper station can be established in the Frank Sound area?

ANSWER: The decision to establish the ambulance service in North Side for the Eastern Districts was based on several factors. Most important was the fact that response time to the farthest possible point would be quicker from North Side. Additionally, the North Side Clinic had available space to house the staff and to build a shelter for the ambulance. My objective was to provide the service as quickly and as economically as possible. The service is now operational although it took longer than I had anticipated due to difficulty recruiting staff.

Government does not accept that rotating the ambulance between East End and North Side is a feasible alternative. Steps are now being taken to educate the public as to this service, and we realise it will take some time before the service is fully effective and properly utilised. Any attempt at rotating the ambulance would confuse the public and could lead to complications.

Government does not accept that the recently established ambulance service in the Eastern Districts is any less than a "proper" service. It is unlikely that siting the ambulance in Frank Sound would make it anymore proper.

I believe that we should give the new service a chance to become fully operational and establish whether it works before we think of possible alternatives.

Members are aware that Government has determined that district health clinics will be upgraded as Part of the 15 year health plan. I believe that the establishment of a health centre at Frank Sound would detract from the planned upgrading of the district clinics, and I do not believe that this would be acceptable to the people of the Eastern Districts.

As long as the ambulance service is a Part of the Health Service it is my intention that it should be based from a clinic for efficiency, economy and ease of administration.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries, the Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, this ambulance is intended to serve the three districts: Bodden Town, North Side and East End. Why has it not been centrally located from each of the districts it is intended to serve?

HON. D. EZZARD MILLER: Madam Speaker, the service cannot be evaluated on the equality of distance from the three districts. The reasons for having an ambulance in the Eastern districts is to reduce the response time to the farthest point. On that basis was how the evaluation was done.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, through you, would the Member say what the farthest point from the ambulance is and why, if the ambulance was nearer to the farthest point, the response time would not be shorter?

HON. D. EZZARD MILLER: Madam Speaker, that is exactly what I have been saying. That is, it has to be located nearest to the farthest point. Lands and survey did all of the measurements, for instance, if you put it in East End, the farthest response point would be Rum Point - Cayman Kai, Water Cay area. If you put it in North Side, the farthest response point from that would be Tortuga Club. The lessor distance that the ambulance has to travel from the point it is stationed to that point and back to the hospital, gives you the shortest response time.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Is the Member saying that there is a quicker response time from North Side to Bodden Town or Savannah, than it is to East End?

HON. D. EZZARD MILLER: The ambulance is not intended to cover Savannah, Madam Speaker. That response would come from the hospital. The cut-off point is Pease Bay. Anything west of Pease Bay would be responded from the George Town Hospital.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Is the Member saying that this is not covering Bodden Town, then?

HON. D. EZZARD MILLER: Only the Eastern half of the district. It would be ludicrous to send an ambulance from North Side if it was shorter distance to go from George Town. Everybody knows that Savannah is infinitely nearer to George Town that it is to North Side or East End.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, the Member in his reply stated that Lands and Survey had carried out a survey on this to find out exactly the various distances. I wonder if it would be possible for him to supply us with that information?

HON. D. EZZARD MILLER: That is already recorded in the *Hansards* of the House, Madam Speaker, but I will undertake to resupply it to Members.

MADAM SPEAKER: Thank you. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Member say how much time he regards as "sometime before the service is fully effective and properly utilised"?

HON. D. EZZARD MILLER: We estimate a two to three week intensive educational campaign for the public.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: So, in two to three weeks are you saying this will be fully effective and properly utilised?

HON. D. EZZARD MILLER: That is our aspiration and hope, but one cannot put a definite time factor on education of the public on its utilisation of a service.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say how long the ambulance was on the island before the service was started?

HON. D. EZZARD MILLER: The ambulance arrived on the island in September of last year. But the difficulty was in recruiting and training staff.

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say if the ambulance is now in operation and where is it housed?

HON. D. EZZARD MILLER: Madam Speaker, the ambulance is now in operation and it is operating from the North Side District Clinic.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Member say what the difficulty was in recruiting the staff? Why could he not find staff?

HON. D. EZZARD MILLER: It is really not my responsibility to recruit staff but to the best of my knowledge the advertisements were placed in the paper as soon as the posts were created. We are competing will all of the other people who are trying to find Caymanians etcetera to train and fill posts in the Cayman Islands.

MADAM SPEAKER: This will be the last, the Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: The recruitment process, how long did it take and how many staff are involved?

HON. D. EZZARD MILLER: Madam Speaker, I think the Member should be aware that the grade at which ambulance officers are paid is not at a level that allows overseas recruitment. So, the people had to be found locally and they had to be trained. We could not recruit overseas people. I would have to undertake to get the date of the first advertisement placed in the paper, as I do not have it here.

MADAM SPEAKER: We shall move on to the next question, No. 9.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 9: Would the Honourable Member say why more capital projects have not been started and/or completed by the Public Works Department since the Budget Meeting of 1989 in accordance with the funds which were approved at that time by the Standing Finance Committee?

ANSWER: Whether a project can be started and completed in a Particular financial year is dependent upon its size and complexity as well as level of preparation at the time funds are appropriated.

Government is mindful of the fact that annual appropriations are not always cognizant of these factors. Occasionally funds have been appropriated without even preliminary drawings and cost estimates having been prepared. Even when preliminary work has been done there is still the need to do detailed construction drawings and tender documents and obtain regulatory approvals.

Government is currently addressing this situation through a revision of its budgetary procedures. This will ensure better correlation between appropriated funds and the status of projects with the view of dealing more realistically with proposals.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, can the Member say whether he needs construction drawings for things such as repairing holes in the road or roofs on schools?

HON. LINFORD A. PIERSON: Madam Speaker, I am not sure whether the Member means that to be a serious question but the answer would be, no.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, once money has been appropriated for a project is the decision to start the project made by the Portfolio or by the Department of Public Works?

HON. LINFORD A. PIERSON: Madam Speaker, as mentioned in the substantive answer, there is a joint decision made. Initially the policy decision is one for the Portfolio but the details of drawing and quantities and so on is done by the Public Works Department. As I mentioned earlier, many times when projects are requested there is still a lot of additional work to be done before the date of commencement of the project.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the member could tell us what capital projects were started in the time mentioned in the original question?

HON. LINFORD A. PIERSON: Madam Speaker, that is a major question as it asks for details of the capital projects during the period 1990. But I would advise the Member that very shortly I will be distributing the 1990 Project Status Report No. 4, from Public Works Department that will contain all the details he is requesting.

MADAM SPEAKER: Thank you. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would it be easier for the Member then to say which projects had not started, or are there more projects not started than were started?

HON. LINFORD A. PIERSON: Madam Speaker, I would again refer the Member to the Report which I just alluded to which is the Public Works Department 1990 Project Status Report No. 4, that will contain all details on all the projects requested and worked on during 1990.

MADAM SPEAKER: Yes, I think that is fair, Honourable Member. Can we move onto question No. 10?

THE THIRD ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE.

NO. 10: In 1989 the Standing Finance Committee directed that capital projects which the Public Works Department could not complete should be contracted out in 1990 so as to have them completed. Can the Honourable Member say why these instructions were not followed?

ANSWER: It should be noted that it is not the function of Finance Committee to give directions of the nature suggested - Standing Order 73 refer. It is, however, the policy of Government to contract work out where possible.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, can the Honourable Member say whether the Finance Committee came to this agreement or not?

HON. LINFORD A. PIERSON: Madam Speaker, I am not quite sure of the details of that meeting, but the Minutes of that meeting are available to the Member.

MADAM SPEAKER: The Member who asked the supplementary should be aware of any statement that he makes or the facts of any statement, so when this question was received it was assumed that you knew the facts that the Standing Finance Committee had directed to these projects, should be undertaken. Now you are a member of Finance Committee too at that time, were you not?

MR. W. McKEEVA BUSH: Yes, Madam Speaker, I very well remember the meeting. I think the Member should remember the meeting, but he is saying now that Finance Committee cannot do it. He very well knows that is exactly the agreement the whole of Finance Committee came to.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, the Member has referred me to Standing Order 73, I would like to ask if, during Finance Committee when this instruction was given, he referred the Members to Standing Order 73?

HON. LINFORD A. PIERSON: Madam Speaker, we seem to be getting into some semantics here but the duty of interpretation of Standing Orders is one for the Chairman of a committee, not necessarily a Member. But as each Member of this Honourable House has a copy of the Standing Order, the details of that should be quite clear and understood by them. It is quite clear in Standing Order 73(1) what the procedures are for Finance Committee.

MADAM SPEAKER: I will allow another supplementary, but it should not be on the procedure of Finance Committee. It must deal with projects to be undertaken.

MR. TRUMAN M. BODDEN: Madam Speaker, would I be able to ask whether it is not a fact that the whole Government agreed to this policy which was to contract out what Public Works could not do?

MADAM SPEAKER: I will allow that. Can the Honourable Member reply?

MR. TRUMAN M. BODDEN: Thank you.

HON. LINFORD A. PIERSON: Madam Speaker, I think I acknowledged that the details of that Particular meeting being referred to would be in the Minutes. Whether or not certain directives were given at that meeting is another matter. I can only refer the Member to the correct procedures as laid down in the Standing Orders.

MADAM SPEAKER: May we move on to question No. 11?

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

NO. 11: Would the Honourable Member outline details of the educational programmes offered at Northward Prison?

ANSWER: Details of the educational programmes offered at Northward Prison include tuition in the following subjects: English, Arithmetic/Mathematics, Social Studies, General Science, Biology, Chemistry, Physics, Remedial Education, Drama.

Classes are held in separate groups twice daily on Monday, Tuesday, Wednesday and Friday and once on Thursday. Morning classes are of a duration of two hours. Afternoon sessions last three hours. Copies of a basic timetable are attached for information.

Attachment

(Two Hours) 9:00 - 11:00 AM		(Three Hours) 13:30 TO 16:30 PM
Monday	G.E. Group	G. E. Group
Tuesday	(a) Remedials (b) Tutorials	(a) Remedials (b) Tutorials
Wednesday	G.E. Group	G.E. Group
Thursday	No classes *(classroom used for Drug Counselling)*	G.E. Group
Friday	G.E. Group	G.E. Group

NOTE: - G.E. = General Education within the rang of subjects previously noted. Remedial education is in basic subjects: reading, writing, arithmetic. Tutorials comprise selected students who need special supervision.

SUPPLEMENTARIES

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say what is the position of the Government with regard to this programme at the prison? Is the Government generally supportive of the programme?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, the Government is not only supportive but is committed.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, may I ask the Member if the Drug Education Programme is included in these lessons?

HON. J. LEMUEL HURLSTON: The answer is no, and, if I could refer the Member to the time table attached to the answer just given, one would see that the morning sessions on a Thursday are reserved exclusively for drug counselling.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Is the programme supervised by the Education Department or is it on a voluntary basis?

HON. J. LEMUEL HURLSTON: Madam Speaker, the programme is supervised by the staff of the Prison Department and not the Education Department.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Who is responsible for teaching the classes?

HON. J. LEMUEL HURLSTON: Madam Speaker, the person responsible is a prison officer who fortuitously happens to be a qualified teacher.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: May I ask the Honourable Member if the requests made by the teacher for materials, namely, textbooks etcetera, have been met by the Government in the recent past?

HON. J. LEMUEL HURLSTON: Madam Speaker, as far as I am aware, all necessary items of material requested have been provided to the programme.

MADAM SPEAKER: First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL: Would the Honourable Member state in the remedial education, at what stage does this begin? Is it for people who are not literate, or at what stage does it begin?

HON. J. LEMUEL HURLSTON: Madam Speaker, I could not answer that definitively, however, I could refer the Member to the timetable which sets out the definition of tutorials and the definition of tutorial states that "this comprises selected students who need special supervision". I would have to assume, therefore, that those needing remedial education of a Particularly rudimentary nature would obtain that in the remedial classes and in the tutorial classes as well.

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say if the prison officer who does the teaching at Northward Prison receives any additional pay and if he is able to carry out fully, his duties as a prison officer and as a teacher? Also, whether any consideration has been given to appointing qualified teachers to do teaching sessions in the various subjects at Northward.?

HON. J. LEMUEL HURLSTON: Madam Speaker, the prison officer in question receives no extra remuneration, he is employed first and foremost as a prison officer. His duties and responsibilities are those of a prison officer. The prison authorities have found it convenient to relieve him of his substantial amount of regular duties as a prison officer, in order for him to be able to devote this amount of time to education. There are plans to review the Participation by other educationalists in the programme, in the very near future.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: May I ask the Honourable Member what is the objective of the provision of such services? Whether it is one of pure convenience, occupying the prisoners gainfully while they are there, or whether it is a genuine effort at giving them some level of skill proficiency, so that they may be successfully rehabilitated once their prison tenure has ended?

HON. J. LEMUEL HURLSTON: Madam Speaker, it is the latter.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN:

May I then, ask the Honourable Member if any serious review has taken place as to the upgrading and extension of the services now provided and whether the officer who is doing the teaching has been asked to provide any report, as to how the system could be improved?

HON. J. LEMUEL HURLSTON: Madam Speaker, I mentioned that it is hoped to be able to improve the programme with additional external Participation in the very near future. The other Part of the supplementary question, I believe the answer will become a bit clearer when we move on to question No. 12.

MADAM SPEAKER: Shall we move on to question No. 12, standing in the name of the First Elected Member for Bodden Town?

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

NO. 12: Would the Honourable Member state (a) What provisions are there at the Northward Prison for young offenders to enroll in educational programmes; (b) what programmes are currently offered; and (c) what is the number of males and females currently enrolled in these programmes?

ANSWER: (a) All prisoners, including young offenders, are advised at their reception interview of educational facilities which are available. Enrollment is on a voluntary basis. Those indicating a wish to enroll are screen-tested and allocated to an appropriate group. Presently, seven out of a total roll of 30 young offenders are attending education classes on a daily basis.

(b) Tuition, in the following range of subjects is available:

English
Arithmetic/ Mathematics
Social Studies
General Science
Biology
Chemistry
Physics
Remedial Education
Drama (periodically)

(c) There are currently 41 prisoners Participating in the education programme, of whom seven are young offenders and five are undergoing remedial education.

Additionally, some advanced students undertake the GED, (American High School Equivalency Test). Seven students sat the examination in November 1990 and all gained passes in various subjects.

Five prisoners are currently pursuing correspondence courses in Journalism (1); Electrical Engineering (2); and Business Management (3).

There are currently no female prisoners Participating in the programme due to the historical lack of physical accommodation. Current building is designed to provide day-room space and it is anticipated that it will be possible to initiate an appropriate programme of education later in the year.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could say what the attitude is of the prison administration towards the provision of such a service for the general prison population?

HON. J. LEMUEL HURLSTON: The attitude of the prison administration is one of commitment and support for the programme. However, one must not lose sight of the primary role of the prison authority in the discharge of his mission, which is the safe containment of persons committed to his charge.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: May I ask the Honourable Member what place effective rehabilitation has in this exercise of containment?

HON. J. LEMUEL HURLSTON: Madam Speaker, the responsibility for prisoner rehabilitation is a subject under the Constitution, that has been delegated to the Honourable Member responsible for Health and Social Services. Rehabilitation in that context is, generally, comprised of ensuring that regular contact is maintained with the inmate's relatives and family and that the necessary provisions are made for rehabilitation upon completion of the sentence.

The question of education in that context, has not been clearly defined. That is the area where the overlapping of responsibilities has to be clarified, before we can proceed to implement additional resources targeted specifically in the area of education.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: May I request of the Honourable Member that at the earliest convenience, some examination be given to this, because it would strike me to be of critical importance. Thank you.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Member state whether there is any programme to induce prisoners to enter the education programme and secondly, if he could tell me the number of females, on average, at the prison.

HON. J. LEMUEL HURLSTON: Madam Speaker, there are currently 17 convicted females at Northward. No inmate is coerced into attending or Participating in the educational programmes. They are encouraged and the programme is explained to each one during the reception interview, but as stated in the answer to the original question, enrollment is on a purely voluntary basis.

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

MR. GILBERT A. McLEAN: Would the Member say if any thought has been given to requiring the inmates at the prison to attend some educational instruction, seeing that they are incarcerated and their daily lives are directed by the clock? Is it not conceivable that something like that could be instituted through the necessary regulations or directives within the prison?

HON. J. LEMUEL HURLSTON: Madam Speaker, that point will certainly be given weight in the consideration of any review of the programme, which I mentioned is ongoing. I should only just add, that one has to remember that the prison population is a revolving one and the latest statistics available to me indicate that 18 per cent of the population in the prison, are currently serving very short-term sentences. This means essentially, that persons on short-term sentences are likely not to benefit tremendously from such an ongoing educational programme. But, the point is valid and will be given due weight in the review.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member also consider reviewing the possibility of having mandatory attendance for the drug counselling sessions, since as I understand it, half the population of the prison are in there for drug related offences?

HON. J. LEMUEL HURLSTON: Madam Speaker, a similar consideration applies, however, in the case of drug rehabilitation and drug counselling, again, I believe it is a fundamental requirement of those programmes that persons should submit voluntarily in order to obtain maximum benefit from those sessions.

MADAM SPEAKER: We will move on to question No. 13, standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 13: Would the Honourable Member say how hearing impaired children at the Cayman Islands High School and the Cayman Islands Middle School are being taught?

ANSWER: There is one hearing impaired student at the Cayman Islands Middle School and she has been mainstreamed. There are two hearing impaired students at the Cayman Islands High School.

All relevant staff at both schools are trained to be able to operate the teacher transmitters for the specialist equipment (phonic ears) which the children wear in class.

The students at Cayman Islands High School are attached to the Special Needs Department. they follow a modified curriculum similar in breadth and balance to that of the mainstream students, but the depth of material studied is reduced to match their functional abilities. They attend mainstream lessons for Home Economics, Life Skills, Craft, Design and Technology, Art, Music and Physical Education, whilst Numeracy and Language Arts are taught within the Special Needs Department.

Both students are withdrawn for six lessons per week when they are taught by a special

teacher who is qualified to teach hearing impaired students. In these classes specific attention is given to communication skills. The children are also taught sign language. Additionally, both students at the Cayman Islands High School have attended one day per week work experience placements which have been chosen to reflect the students' interests and aptitudes.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member what special qualifications the teacher, who is mentioned as being qualified to teach hearing impaired students, has?

MADAM SPEAKER: Honourable Member this is your question now...

MR. ROY BODDEN: I would withdraw that question if I get the answer to this one, with your permission, Madam Speaker.

MADAM SPEAKER: Permission granted.

HON. BENSON O. EBANKS: Madam Speaker, the qualification of the teacher referred to are a Bachelor of Science, Honours Social Studies, in addition there is a Post-Graduate Certificate in Teaching of the Deaf, with Distinction and the teacher has over six years teaching experience.

Madam Speaker, I am sorry, actually, the teacher referred to in that question has a Bachelor of Arts, Honours Second Class, in English, Linguistics, Phonetics and Literature and a Certificate in Teaching of the Deaf and over 20 years teaching experience, covering the range from special needs through A Levels.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 14: Would the Honourable Member say what qualifications for dealing with the hearing impaired do the teachers of these children possess?

QUESTION ACCORDINGLY WITHDRAWN

MADAM SPEAKER: Thank you. Shall we move on the question No. 15, 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, AVIATION AND TRADE

NO. 15: Would the Honourable Member say what steps have been taken to select a person or firm to conduct the study of Cayman Airways Limited as recently approved by resolution in the Legislative Assembly?

ANSWER: As indicated in the Speech delivered by His Excellency the Governor, the selection of consultants to conduct a study of the National Airline, in accordance with the wish of this House, is still in the hands of the Central Tenders Committee. The appointment is expected soon.

SUPPLEMENTARY

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

MR. GILBERT A. McLEAN: Would the Member give some indication as to when a result or a decision might be expected from the Tenders Committee, as it seems this matter has been in process for about five or six months.

HON. W. NORMAN BODDEN: Madam Speaker, I would give a guesstimate of about one month. We should have a response from the Central Tenders Committee within one month approximately.

MADAM SPEAKER: If there are no further supplementaries may we move on to question No. 16, 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, AVIATION AND TRADE

NO. 16: Would the Honourable Member say: (a) if the Labour Office has been informed of any workers in the hospitality industry, banking or the commercial sector generally, being laid off; and (b) if so, how many workers in total by category and nationality?

ANSWER: (a)The Labour Office has been informed of workers being laid off, dismissed, retired or resigning in the hospitality and banking sectors.

(b)As of 15 February 1991, the numbers were as follows: Hospitality Sector: Terminations, 31; Resignations, 7; Layoffs, 4; Retirements, 9; Banking Sector: Terminations, 6.

In the Hospitality Section 17 were Caymanian, 9 Irish, 8 Americans, 4 English, 4 Jamaican, 3 Canadian, 3 Filipino, 1 Indian, 1 German and 1 Dutch.

Positions held by the 17 Caymanians were 4 Housekeepers, 3 Gardeners, 3 Laundresses, 2 Assistant Housekeepers, 1 Housewoman, 1 Pot Washer, 1 Assistant Storeroom Clerk, 1 Painter and 1 Pool Attendant.

Positions held by expatriates were 6 Cooks, 4 Sous Chefs, 4 Food and Beverage Servers, 3 Server Assistants, 3 Concierges, 2 Reservation Agents, 1 Executive Chef, 1 Pro-shop Clerk, 1 Musician, 1 Security Officer, 1 Maintenance Assistant, 1 Hostess, 1 Front Office Clerk and 1 Stewarding Supervisor.

In the Banking Sector, all six were Caymanians and the positions held were Trust Officer, Assistant Trust Officer, Funds Management Officer, Secretary, Receptionist and Tea Lady.

SUPPLEMENTARIES

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member say if there are possibly more people than this, that have been terminated or laid off, that the Labour Office may not have any record of?

HON. W. NORMAN BODDEN: Madam Speaker, that is quite possible, because not all persons who are laid off register with the Labour Office to seek employment. I probably could go on to give the House the situation as reported to me by the labour officer, as of 15 February and that is, that they had a total of 34 persons registered as unemployed. They had 24 employers seeking employees, in other words, 24 vacancies in various categories.

MADAM SPEAKER: Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, can the Member say if the six people laid off in the banking industry were all from one bank and if that bank has people on work permits in similar positions?

HON. W. NORMAN BODDEN: Madam Speaker, I am of the opinion, that the six persons laid off in the banking sector were from one local bank. I believe that the number of people at this Particular bank are maybe two or three who are on a work permit. As to whether they would have persons on work permit who would be holding equivalent positions, this information is not known to me at the present time.

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

MR. GILBERT A. McLEAN: Madam Speaker, could the Member say if the Labour Office has been requested to investigate the situation with the layoffs in the bank in question and whether it has satisfied itself that these are legitimate or not?

HON. W. NORMAN BODDEN: Madam Speaker, I believe that the lay offs were reported to the Director of Labour. I cannot say if any investigation has taken place by the Labour Department to see whether these were justified or not. In discussing this with the officer concerned, I understand that it was a reorganisation of the bank. As to the extent of any investigation that could be undertaken to establish justification for the layoffs, this is something that would have to be given further consideration.

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

MR. GILBERT A. McLEAN: Madam Speaker, as recently as Friday in two separate establishments on Seven Mile Beach, I heard representations from persons that are affected there by the present work situation. Would the Member undertake to direct that some investigation be made into the situation, to

ascertain what is truly the situation there? There is a school of thought that says some of these establishments are using the recession now in place as an excuse to lay off workers.

HON. W. NORMAN BODDEN: Madam Speaker, I could request that the situation be investigated further as to, perhaps, the claim that some businesses are using the slowdown as an excuse to lay off workers. How clearly that can be established is still unknown. I do know that prior to the slowdown, the Director of Labour, in discussion with the Portfolio, sent out a letter to the hospitality industry, that is to hotels, condominiums and restaurants and pointed out to them that Caymanians must be given preferential treatment and that if they had to cut back or lay off, it would certainly have to be with that sort of priority in place.

I can undertake to have it looked into further, to establish as near as possible whether this claim is correct or not.

MADAM SPEAKER: One last supplementary, the Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Member state whether the labour officer has requested the large employers to advise him of any layoffs during the recession period?

HON. W. NORMAN BODDEN: This request has been made, and I must say that of the statistics I reported to the House this morning, the larger employers did call and make the report to the Labour Office.

MADAM SPEAKER: The time is now 11:00 o'clock and the end of question time.

11:00 A.M.

SUSPENSION OF STANDING ORDER 23(7) AND (8)

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe it may be the wish of the House that in accordance with Standing Order 83 we suspend Standing Order 23(7) and (8) in order to allow the other questions to be asked this morning.

MADAM SPEAKER: Is that the wish of the House? Please continue. Question No. 17 the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 17: Would the Honourable Member say if the Commissioner of police has yet determined the type and description of the tint which will be allowed on motor cars in the Cayman Islands?

ANSWER: An amendment to the Traffic Regulations, 1976, is expected to be made very soon. The recommendations made which will be reflected in the Regulation are as follows:

(1) Front windscreens must be clear glass apart from a 4 inch strip of any degree of transmissivity measured from the top of the windscreen.

(2) All other vehicle glass must allow a minimum light transmissivity of 35 per cent, irrespective of whether it is manufactured glass or has had material applied to the glass either by the manufacturers, owner or any other person.

(3) The degree of light transmittance shall be determined by a measuring device prescribed by the Governor-in-Council. The device the police intend using is the Mars Window Trans Meter. Two of these units have been purchased.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Assuming that the regulations will have a penal section and will carry this as an offence, can the Member say whether the public will be able to get the glass tested to find out whether it complies with this on vehicles that already have it, if, the regulation is retrospective?

HON. J. LEMUEL HURLSTON: Most certainly that is the reason for having purchased two of the necessary devices to establish the degree of transmittance of light.

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

MR. GILBERT A. McLEAN: Would the Member say if there is a description of the strips of tinting material so that persons can be guided to what they may purchase for use if they may wish to tint the

windshield and it is not tinted from the factory?

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, the Traffic Department will have in its possession samples of what varying tints will look like so that members who wish to see what a 35 per cent transmission looks like can certainly go by the Traffic Department and have a look at it. Persons who already have it existing on their vehicles and would wish to have that tested may also have theirs tested by presenting the vehicle at the Licensing Department.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say who decided on the figures of 35 per cent?

HON. J. LEMUEL HURLSTON: The Executive Council decided on that based on the recommendations of the Police Department.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say if the 35 per cent is the standard transmittance of light allowed by U.S. manufacturers?

HON. J. LEMUEL HURLSTON: No, Madam Speaker, the regulations will be framed in such a way that vehicle glass must have a minimum light transmittance of 35 per cent, so that one will be able to see at least 35 per cent. It may be more, but not less. That is considered the best of a number of alternatives based on a study of U.S. manufacturers standards as well as the standards practiced in a number of states in the United States.

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

MR. GILBERT A. McLEAN: Would the Member give some indication as to how soon it might be possible for the regulations or the directives on this to come into place? It is my understanding there is at least one instance where an individual has made an application for reasons of their sight. The glass in the car should be tinted. How soon can people expect to hear something on it?

HON. J. LEMUEL HURLSTON: Madam Speaker, I would hope that within the matter of four weeks this regulation should become effective.

MADAM SPEAKER: May we move onto Question No. 18 standing in the name of the Third Elected Member for George Town?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 18: Would the Honourable Member state if he has received the final Report on Education by the consultants; and, if the reply is in the affirmative, when does he intend to make it public?

ANSWER: The Report of the Education Sector Review conducted by consultants during last year has been received. It is expected that the Report will be laid on the Table of this Honourable House in the June 1991 Meeting.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, as it appears from reports in the press, this report had been received prior to the State Opening. May I ask the Member why this report is not being laid at this meeting?

HON. BENSON O. EBANKS: Madam Speaker, the Member is aware that he was given a release from the Portfolio which would answer that question. It is not the intention to lay the report at this meeting. It will be laid with a Draft Education Development Plan in June.

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

MR. GILBERT A. McLEAN: Does the Member not think that it would be of value to the public to have the report at this time so it could be studied and comments could be passed to the Education Department or the Portfolio concerning the report which might help in arriving at the Development Programme the

Portfolio wishes to bring about?

HON. BENSON O. EBANKS: Madam Speaker, the Education Portfolio has taken the position that the report will be tabled with the Draft Education Development Plan. That is the position of the Portfolio and obviously that is what they consider to be the best method of approaching the whole subject.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: May I ask the Honourable Member what prompted the Portfolio to change its mind from circulating to the Honourable Members of this House the report, since it was our understanding that we would have had access to the report shortly after it was received?

HON. BENSON O. EBANKS: Madam Speaker, I am not aware that any time frame for making the report available was ever given. The position still stands that Members will in fact get the report. As with any other report, Government must handle it in the way that it considers best. After all it was commissioned by the Portfolio for the use of the Portfolio and Government and they must handle it in the way in which they feel it is best to handle it. Certainly input from the public will be solicited but the timing of that must be up to the Portfolio.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable when the Government presents its Draft Development Plan what undertaking will the public get that any input they have will be considered, seeing that the Government will have already had the report and submitted a Draft Development Plan?

HON. BENSON O. EBANKS: Madam Speaker, the fact that Government's document will be called a Draft Plan indicates that Government will be receptive to suggestions and ideas from outside.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the question to the Member is, will the consultants be asked to change any Part of the report before it is made public?

HON. BENSON O. EBANKS: Certainly not, Madam Speaker.

MADAM SPEAKER: May we move onto Question No. 19, standing in the name of the Third Elected Member for George Town.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 19: Would the Honourable Member state if there has been a shortage of arts and physical education supplies at any of the Government schools, and if so, give details?

ANSWER: There has not, to my knowledge, been a shortage of arts and physical education supplies at any of the Government schools.

SUPPLEMENTARY

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Honourable Member say how he has come about getting his knowledge on this subject and whether the possibility could exist that he is not fully aware?

HON. BENSON O. EBANKS: My information comes from the Chief Education Officer.

MADAM SPEAKER: May we move onto Question No. 20, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 20: Can the Honourable Member say when will construction commence on the new West Bay post office?

ANSWER: Construction of the new West Bay Post Office is scheduled to start in June 1991 and completed by January 1992. It should be noted that in addition to the Post Office, the project will provide two MLA offices. At the time of the appropriation of funds in the 1990 budget, no drawings or estimates had been prepared and the scope of the project was

unclear. Construction drawings have been completed and bills of quantities and pre-construction estimates are now under preparation. The project should be out to tender in March 1991.

SUPPLEMENTARIES

MR. W. McKEEVA BUSH: A supplementary, Madam Speaker.

MADAM SPEAKER: The Honourable Member would you just wait until all the Members have been supplied with the answer and I call your name. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, can the Member say what took this project so long to get this far, seeing that funds were in the estimates from December, 1989?

HON. LINFORD A. PIERSON: Madam Speaker, as stated in the substantive answer, the project was merely an idea at the time. Funds of $150,000 were appropriated in the 1990 Budget. Substantial work was necessary and has been done to get the project to its current stage. The Government's commitment to the project is manifested in the increase of the budgetary allocation in 1991 to $250,000, now that the scope has been clearly defined.

MADAM SPEAKER: Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member would confirm whether or not Government also or the Public Works Department, tenders architectural services outside?

HON. LINFORD A. PIERSON: I so confirm, Madam Speaker.

MADAM SPEAKER: First Elected Member For West Bay.

MR. W. McKEEVA BUSH: Was this project tendered, or was this done by the Public Works Department?

HON. LINFORD A. PIERSON: It is my understanding, Madam Speaker, that this was done within the Public Works Department.

MADAM SPEAKER: First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say when were these plans drawn?

HON. LINFORD A. PIERSON: It was my understanding, Madam Speaker, that the plans were drawn during the latter Part of last year.

MADAM SPEAKER: First Elected Member for West Bay.

MR. W. McKEEVA BUSH: The Member is talking about the latter Part of last year, can he not say whether this was done in the early Part of last year? Further can the Member say when was the land purchased for that project?

HON. LINFORD A. PIERSON: Madam Speaker, it is my understanding that the preliminary drawings were done earlier in the year, but final drawings in the latter Part of the year.

MADAM SPEAKER: First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, there was another supplementary. Can the Member say when the land was purchased?

HON. LINFORD A. PIERSON: The land was purchased, Madam Speaker, in April of last year.

MADAM SPEAKER: We will move onto Question No. 21, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 21: Can the Honourable Member say when will the boat ramp in Vicksville, West Bay, be repaired?

ANSWER: The boat ramp in Vicksville, West Bay, sustained damage during the severe northwester of December 1989. Repairs were carried out and completed in 1990 at a cost of $36,000. There

are, however, some isolated areas of erosion to the ironshore. Preventative repairs will be carried out to these areas after the current Northwester season.

SUPPLEMENTARIES

MADAM SPEAKER: First Elected Member for West Bay.

MR. W. MCKEEVA BUSH: The Portfolio has been aware of certain damage to that boat ramp for some time. I am wondering whether the Member would give us an undertaking that he would have it looked at. I am not aware of any erosion to the ironshore and I do not know what the Northwester, how they could fix it so a Northwester could not damage it again in the future, but I do know of damage to the ramp itself. I am wondering whether he would give us an undertaking to have it looked at?

HON. LINFORD A. PIERSON: Madam Speaker, the second Part of the substantive answer gave that assurance and I would repeat it. "There are, however, some isolated areas of erosion to the ironshore. Preventative repairs will be carried out to these areas after the current Northwester season." Madam Speaker, I am also advised by the Chief Engineer Public Works, that several attempts were made to contact the Member asking the question without success. If there are any Particular areas that we have not covered in the answer, I would be more than happy to provide the answer in writing.

MADAM SPEAKER: The last Question on today's Order Paper No. 22, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 22: Can the Honourable Member say what is the present position regarding road works planned for West Bay?

ANSWER: Madam Speaker, in the answer to this question, I would request Members to make certain corrections which I will bring to their attention in a few minutes. The answer is: The 1991 road budget allocated funds for five specific road projects:

Palmetto Point	$ 55,100
Raleigh Quay Road	$ 20,000
Elizabeth Street	$ 9,200
Town Hall/Rev Blackman Road	$114,000

I would ask Members to add:

Batabano Road	$ 26,800
For a total of:	$225,100

Government's position is that these projects will be completed within the budget allocation in this calendar year.

SUPPLEMENTARIES

MADAM SPEAKER: Would the Honourable Executive Council Member please repeat the additions to your questions, so that all Members will be able to note them on their answer paper? Thank you.

HON. LINFORD A. PIERSON: Certainly, Madame Speaker. The addition, the fifth road is Batabanoo Road for $26,800 and the total should read $225,100 and not $245,000.

MADAM SPEAKER: Thank you. Supplementaries, the First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, can the Member say what has become of the other road projects and the other undertakings given in the district? For instance, Buddy Parson Road in Birch Tree Hill, Barkers area and Willow Close in the Northwest Point area. Madam Speaker, we tried to put this amount of money for these roads in the estimates which was not accepted, but an undertaking was given that these would be done. According to him, these five roads are all that is planned for the year.

HON. LINFORD A. PIERSON: Madam Speaker, the funds budgeted for 1991, as I stated are $225,100. This was the work that was done during ... this is the budget for 1991. As far as 1990 is concerned, there were eight jobs shown in the 1990 Budget which were not done in 1990 and are not funded for 1991. These are construction of Northwest Point driveways, Fredson Ebanks driveway, Willow Close Road, Juniper Street, Captain

Shelby Road, Captain Charlie Road, Fort Street and Birch Tree Hill second application work was completed in 1990. As can be seen there are a number of private driveways included in this.

MADAM SPEAKER: First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, the Member trotted out the usual diversion, when it comes to roads in West Bay, but the question was not answered. Madam Speaker, if I may, the Member said he thinks he answered it. I will put the question again. Will the Member say to the House what he is doing about Willow Close Road and the Parsons Road, not Captain Shelby Road. The road is known as Buddy Parsons Road.

HON. LINFORD A. PIERSON: Madam Speaker, I am not aware of the different names that may be given to these roads. I can only refer to the list which I have been provided by the Public Works Department and this refers to the road as Captain Shelby Road. I would read again that included in this list is Willow Close Road and the answer is there are no funds budgeted in the 1991 Budget.

MADAM SPEAKER: Last supplementary, Honourable Member.

MR. W. McKEEVA BUSH: Madam Speaker, the Member knows what roads we are dealing with. If he wants to call them by any name it is all right with me, however, saying that money is not allocated for the road does not tell me what he is going to do with it.

MADAM SPEAKER: Have you asked a question, please?

MR. W. McKEEVA BUSH: The question stands, Madam Speaker, as far as I am concerned. Can the Member say what he intends to do about those roads?

HON. LINFORD A. PIERSON: Madam Speaker, these roads will receive attention when funds are available.

MADAM SPEAKER: Thank you. This concludes Question Time and it is now appropriate that we take a suspension for 15 minutes. I would ask all Honourable Members to be back in the Chamber promptly at 15 minutes.

Thank you.

PROCEEDINGS SUSPENDED AT 11:35 A.M.

PROCEEDINGS RESUMED AT 11:53 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Government Business, Bills. Third Reading.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

THE POLICE (AMENDMENT) BILL, 1991

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to move that a Bill for a Law to amend the Police Law be given a Third Reading and passed.

MADAM SPEAKER: The question is that a Bill for a Law to amend the Police Law be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED: THE POLICE (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

THE PENAL CODE (AMENDMENT) BILL, 1991

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to move that the Penal Code Amendment Bill, 1991 be given a Third Reading and passed.

MADAM SPEAKER: The question is that the Penal Code Amendment Bill, 1991 be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THE PENAL CODE (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

FIRST READINGS

MADAM SPEAKER: First Readings.

THE COMPANIES LAW (REVISED) (AMENDMENT) BILL, 1991

CLERK: The Companies Law (Revised) (Amendment) Bill, 1991.

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

THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT) BILL, 1991

CLERK: The Merchant Shipping (Submersible Craft) Bill, 1991.

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

THE WATER (PRODUCTION AND SUPPLY) (AMENDMENT) BILL, 1991

CLERK: The Water (Production and Supply)(Amendment) Bill, 1991.

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

Second Readings.

SECOND READINGS

THE COMPANIES LAW (REVISED)(AMENDMENT) BILL, 1991

CLERK: The Companies Law (Revised) (Amendment) Bill, 1991.

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the Second Reading of a Bill entitled a Bill for a Law to amend the Companies Law to provide for increases in certain fees. The Government has had the Company Law Review Committee, which has furnished many amendments to the Companies Law. We are now at the stage where we have a Revised Companies Law, which embodies all of these amendments. But, on many occasions the private sector practitioners who form this Committee made a suggestion that the incidental fees under section 211(1), should be considered for up-dating. Simply because these fees have been in operation since 1982.

We are talking about fees payable to the Registrar of Companies in respect of filing any document. At the present time it is $7, the proposal in the Bill is to increase it to $10. The issuing of any certificate or providing a copy of any document which is of 72 words, is presently $10 in the Law. The proposal is to increase it to $15.

I recommend these small increases to Members of this Honourable House. We have not put forward any amendment to the fees normally charged for annual registration or the registration of companies simply because we are watching the competitive edge, so to speak, of the Cayman Islands in respect to other jurisdictions. But these small incidental fees are really of no concern to the private sector practitioners.

MADAM SPEAKER: The Bill is open for debate. The Second Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I sincerely object to the increases proposed in the Bill before the House. The present Government seems to have a thirst for more and more taxes. A thirst which cannot be quenched. This country is still suffering, we are still reeling from the large tax package imposed during the Budget session and this is but yet another attempt to milk a little bit more out of the public. It is my understanding that, by regulations quite recently, the Government has increased certain fees under the Trade and Business Licences and they seem to never get enough. We, for the first time, have reached a stage in our revenue collection from the Companies Law where we have to be careful that we do not out price ourselves. It is my understanding that we are now not as competitive with some of our Caribbean neighbours as we would like to be. Simply because we continually increase certain fees. The excuse that these fees have not been increased since 1982, is not reason enough to justify the increases which are proposed today.

If we look at Clause 2 we see that the fee for filing a document

will be increased by almost 50 per cent. While we may believe this will only hurt the foreign investor, this is not so. There are many local companies which do business and whenever they change directors they have to notify the Government, they have to file their returns and they have to pay this filing fee. Also, under (b) of Clause 2 we are increasing by 50 per cent the fee for issuing certificates and for giving out copies of documents. While some practitioners, as was mentioned by the Member who introduced the Bill, may feel that the public should pay more. We must remember that these practitioners, the lawyers, earn a lot of money and another $5 is nothing. But, it is my understanding that under the Law, that $15 will be charged for each page of 72 words or more. If one has to get a copy of the Articles of Association of a Company, you may be looking at 10 pages at $15 - $150 just to get a photo-copy that could probably be done at 25 cents a copy.

In the existing Laws I believe the $10 charge, despite the fact that it may have been used since 1982, is still a very high charge. But, the main reason for objecting to this Bill is not so much the details of the increases but the overall effect that the attitude of Government is having on the public. The public believes, and I think the public is correct, that they are already paying too much for the services which they are receiving. Furthermore, this does not seem to be the right time for an increase in fees. The United States is undergoing a recession which we are going to feel here. We are not feeling its effects yet, but we will in a couple of months. There is a major war in the Gulf, we are not feeling the effects of that war yet, we will feel that also in a couple of months. What we are feeling today is the result of actions taken by this Government last year in November. I mentioned that when we were putting up the price of oil and other taxes and I believe this increase today is doing the same thing. Government must take a new look at its taxation policies and stop this relentless increase of taxes.

MADAM SPEAKER: If no other Member wishes to debate, would the Mover exercise his right to reply?

HON. THOMAS C. JEFFERSON: Yes, Madam Speaker, I would like to thank all Honourable Members. Those who have given the consent by their silence and the Second Elected Member for Bodden Town for his comments. We are aware that there are competitors of ours in the company registration field, perhaps I should say mainly the British Virgin Islands and the Bahamas. We are also aware that they charge smaller annual and registration fees, but yet we believe that the Cayman Islands offers to the international financial world a type of confidence that has caused for the first time in the history of these islands, approximately 3,850 companies to be registered. So the question is: Is it the right time? It is a judgment call by all of us. I believe it is. I do not believe that the lawyer who is making all the money actually pays this fee without recouping it from the beneficial owner of the company and I thank the Member for his comments.

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

AYES & NOES.

MR. TRUMAN M. BODDEN: May we have a division, Madam Speaker?

CLERK: **DIVISION NO. 1/91**

AYES: 8	NOES: 6
Hon. Thomas C. Jefferson	Mr. W. McKeeva Bush
Hon. Richard Ground	Mr. John D. Jefferson, Jr
Hon. J. Lemuel Hurlston	Mr. Truman M. Bodden
Hon. W. Norman Bodden	Mr. Roy Bodden
Hon. Benson O. Ebanks	Mr. G. Haig Bodden
Hon. D. Ezzard Miller	Mr. John B. McLean
Hon. Linford A. Pierson	
Capt. Mabry S. Kirkconnell	

Absent 1:
Mr. Gilbert A. McLean

MADAM SPEAKER: The result of the division is eight Ayes, six Noes. The Ayes have it.

AGREED BY MAJORITY. THE COMPANIES LAW (REVISED) (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.

THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT) BILL, 1991

CLERK: The Merchant Shipping (Submersible Craft) Bill, 1991.

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the Second Reading of a Bill entitled, A Bill For a Law to Make Provision for the Registration and Control Of Submersible Craft and to Confer Power on the Governor in Council to Make Regulations Prescribing Standards for the Construction, Equipment, Survey and

Operation of Submersible Craft and Supporting Apparatus and for Matters Incidental and Connected Thereto. The Bill, with its long title I might add, seeks to make provision for the registration and control of submersible crafts such as the Atlantis and other submarines that are operating in the Cayman Islands, for their construction, equipment, survey and operation of such craft and its supporting apparatus and is an adaptation of the United Kingdom Legislation to local conditions.

There are Seven Parts to the Bill, Part 1 is comprised of clauses 1 and 2 which is the Short Title and Commencement, with 2 being the Interpretation clause. Clause 3 for Part II deals with the restriction and operation of the submersible craft.

Clause 5 is the keeping of a Register of Submersibles. Clause 6 the registration of such craft. Clause 7 the grounds for refusing registration. Clause 8 the notification to the Chief Marine Surveyor of changes relating to a submersible craft. Clause 9 dealing with the amendment of Particulars of registration where necessary. Clause 10 is termination of registration. Clause 11 the display of registration, the number assigned to it and so on.

Part III provides for the Registration of Submersible Craft. Part IV, Clause 12 seeks to enable the Governor to make regulations governing the construction of and other matters related to submersibles. Clause 13 to empower the Chief Marine Surveyor to issue safety certificates for such craft. Clause 14 to confer power on the Chief Marine Surveyor to revoke such certificates in certain circumstances. Clause 15 to require the owner to report any instance of modification in or damage to the craft or its supporting apparatus. Part V, Clause 16 enables the making of regulations concerning the operation of submersible craft. Part VI provides for the Governor to cause a casualty to be investigated. Part VII seeks to provide for offences. And lastly, Schedule 1 states the Particulars and Details Required For Registration of Submersible Craft.

Madam Speaker, this Legislation has been drafted with the assistance of our United Kingdom Marine Council. It has been vetted by the Legal Department and it has been discussed and supported by the operators in these islands of submersible craft. I recommend the Bill to this Honourable House. There are some comments floating around in respect of the regulations, but those will be dealt with in the same way as this Law and that is the Marine Survey Department in discussion with the operators will put forward something that I believe the Government will accept.

MADAM SPEAKER: The Bill is open for debate. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: This Law is one which is reasonably long and has specialist provisions within it. I believe that the time has come to have regulations put on submersible craft. It appears that the procedure the Honourable First Official Member has followed, that of drafting and then consultation with those involved, is a very positive and prudent approach not only in this instance, but perhaps with all Government Legislation.

The Law presumably follows to a large extent, that found in the United Kingdom under which our Laws relating to shipping are based. Regarding the area relating to regulations, I am happy to hear, with the assurance of the Honourable First Official Member in relation to the procedure, that it will be carried out on them. It has become more acceptable I believe, in Cayman and in other countries, that if regulations are going to be a substantial and substantive Part of a Law (especially the regulatory Part of it), that these are sometimes best scheduled. But I do appreciate that this is not always possible, and the procedure he has outlined is very prudent.

I notice that in one or two sections it seems that where there is a power of suspension and revocation of safety certificates (for example, in section 14) unless the general provisions of the Merchant Shipping Act would provide otherwise (and also in relation to section 17), perhaps a Right of Appeal may be something that could be looked at. I notice in 17(2), for example, when there is the cancellation or suspension of an officer's certificate, it appeared that under the U.K. 1970 Act, normally "not less than two assessors" would sit. While I do not regard this as serious, I would merely say that it is prudent in areas where there is a right to suspend or revoke that some type of appeal or extra assessors may have been preferable.

I do appreciate that the Law has a very limited application. I think there are only two companies now operating a limited number of submarines and this may remain so in the future. Perhaps it could be looked at if not now at a later stage. Beyond that, the amendment that will be proposed seems to be a good one. I would support it. I really have no further comments than to commend the Honourable First Official Member, the Honourable Financial Secretary, for his prudence and initiative in moving forward with special legislation such as this attempting to keep areas of his Portfolio up-to-date on matters of importance, especially those relating to the safety of the public. So, I support the Bill and also the amendment.

MADAM SPEAKER: First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL: I rise to support the Bill. I think this is a very necessary piece of legislation, which is before the House today. Submersible craft are playing an important Part in our tourist industry and also in the commercial Part of our marine operations within the Cayman Islands. I think it is time that they are properly regulated and controlled. I had hoped that prior to this type of legislation coming to this Honourable House, we would have seen amendments to our Merchant Shipping Regulations, which would have covered smaller craft, which are causing considerable expenses and problems for local ship and craft operators.

This, like previous legislation, is going to make it far more difficult to operate within the Cayman Islands. I fear if our standards and requirements are not very carefully considered, and I hasten to say that I am not at all suggesting that we do not meet all safety standards, but if our

requirements continue to be beyond the reach of the average owner to comply with from a cost standpoint, our registration is going to continue to dwindle and the cost effectiveness on this Government is going to increase.

When I supported Marine Legislation in this House in its initial stage, it was my hope (from my experience in shipping) that with registration of very large craft it would have been another way of earning revenue for this country. But, up until the Accounts of last year, that was not evident. I would ask the Honourable Members of Executive Council, when considering the Regulations to this Law, to give every consideration that it does not tend to turn away from our shores business, which we so vitally need. Having been a Master Mariner in my earlier days, I realise full well the importance of all the safety conventions which we have for the safety at sea, but I also realise that there is a limit to what any company can stand. So, in supporting this Bill, I welcome the safety aspect it will bring to our visitors who use it as a tourist attraction, to our Caymanians who are employed within the industry and the benefit it will be to the Cayman Islands as a whole. I look forward to it also being a revenue earning measure. Thank you.

MADAM SPEAKER: If there is no further debate, I will put the question that the Bill entitled The Merchant Shipping (Submersible Craft) Bill, 1991, be given a Second Reading. Those in favour please say Aye...Those against No.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT) BILL, 1991, GIVEN A SECOND READING.

THE WATER (PRODUCTION AND SUPPLY) (AMENDMENT) BILL, 1991

CLERK: The Water (Production and Supply)(Amendment) Bill, 1991

MADAM SPEAKER: Honourable Mover.

HON. LINFORD A. PIERSON: Madam Speaker, I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend the Water Production and Supply Law, 1979. Under the Memorandum of Objects and Reasons it is noted that this short Bill seeks to amend the Water (Production and Supply) Law, 1979, so as to provide greater control of the procedures for granting concessions for the production and supply of water in the Cayman Islands.

Clause 2 seeks to amend section 2 of the Law to insert definitions of the expressions "commercial use" and "domestic use". Clause 3 seeks to amend section 3 to require the Governor to seek the advice of the Water Authority before he may grant a concession under the Law. As the Law now stands, it is not required of him to consult anyone. Since, however, by section 6(c) of the Water Authority Law, 1982, it is mandatory on the Authority to "advise the Governor on the issuance of concessions for franchised operations under the Water (Production and Supply) Law, 1979", this amendment seems eminently appropriate to correct what is clearly an anomalous situation.

Clause 4 seeks to amend section (13)(2)(g) of the Law to make it clear that the intention is to prevent condominiums, hotels, multi-family dwellings and the like, from producing water from their own desalination plants. Clause 5 seeks to save from the effects of section (13)(2), as amended, the production or supply of water made before the coming into force the amendment, but also excludes from those effects water produced or supplied after the coming into force of this clause, if the production or supply is from a water system or works in operation before that date.

This Bill has mentioned "seeks to amend the Water (Production and Supply) Law", mainly to remove an anomaly which I believe was not the intent of the original drafter, but if it was, then adapt the Law so that it can be more appropriately applied to the modern-day water supply situation. The Bill provides Government with better control of the provision of private desalination plants used by commercial undertakings. By doing so, it will assist in the prevention of the present water supply utilities from under-utilising their systems and allow them to more accurately plan their future demands.

Within recent times, the Cayman Islands water supply situation has undergone some considerable and progressive change. Large-scale pipe distribution systems owned and operated by the Water Authority and the Cayman Water Company, are now providing over half our population with potable water. Cayman Water Company has plans in hand to expand its distribution to the district of West Bay and the Water Authority, to expand its distribution from Spotts to Pease Bay. This great progress has not been made without some considerable investment. This Government must ensure that all members of the community, Particularly those who are not able to afford to provide their own water systems, benefit to the highest degree from this investment. This can best be achieved by fostering a situation whereby the public water systems are used to the maximum, thus creating a greater economy of scale, which will ensure that prices are kept to a minimum and ensure that the utilities expand to meet the needs of our people.

A further important matter to consider and a justification for this amendment, is the need for accurate long term planning within the vital water supply sector. It is very difficult to plan public water supplies if the parameters are not known. We in this country are faced with no alternative but to utilise costly desalination processes. In order to ensure that we are in a position to know what the future production capacity will be, it very necessary to have a good idea of the future demand. Bear in mind that desalination plants cannot be picked off a shelf. It often takes up to two years from initial order to full production. Development growth

figures will give reasonable data or idea of the population within our area and therefore, a reasonable idea of the water demand.

The present Law allows hotels, condominiums or other complexes to operate their own desalination plants, even within supply areas of utilities to which Government has given an exclusive franchise. This compounds the problems of future planning of a public water utility which does not know if future development will utilise their service or provide their own. This, unfortunately, is likely to have the effect of public water utilities being cautious in sizing their plants and running the risk of not being able to satisfactorily meet the demand. It must be assumed and with a large amount of confidence, that the two present water utilities are in the business of operating public systems in a professional manner and will always continue to do so. There is little reliability or quality risk. Both can readily be monitored by the Chief Environmental Health Officer and neither would hesitate to respond to his requirements or instructions.

In short, the employed and necessary expertise are more readily controlled. This might not be so with individual, privately operated water supply systems. Maybe it is not economical for the operators of these plants to have on staff the degree of expertise necessary to satisfactorily address the problems of water quality. Certainly, a proliferation of small desalination plants supplying small communities presents the Chief Environmental and Health Officer with added monitoring and control problems.

Finally, it should be stated that it is the policy of this Government to encourage both the Water Authority and Cayman Water Company, to continue with the growth of their respective systems. However, it does not intend this policy to preclude any enterprise remote from an existing distribution area, from providing its own supply utilising its own desalination equipment. The amendment merely requires that such people apply to Government for their approval and I am sure that such permission will not be unreasonably withheld.

It should also be noted that the production or supply of water in operation prior to the passage of this Bill, will not be affected by its provision. Thank you.

MADAM SPEAKER: The question is that the Bill entitled The Water (Production and Supply) (Amendment) Bill, 1991, be given a Second Reading. The Bill in now open for debate.

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: This Bill, even though it is very short, has some very serious consequences upon the people of the Cayman Islands. It seems that the Government is aimed at adding further burdens to those already placed upon the shoulders of Caymanians. As the Law now stands, the section that is being removed (which is section 13(2)(g)) said that the Law had no application to the production or supply on any premises of water for the reasonable domestic use of persons for the time being lawfully therein. So it has stood for the last 12 years. This Bill is going to restrict water to that produced on private residential property for domestic use, but is going to exclude water supplied by the management of condominiums, apartment complexes, multi-family dwellings, hotels or any other commercial enterprise for use on their premises by residents therein, unless the water so supplied is obtained from a concessionaire.

Where will this have impact? These days young Caymanians, young residents on the Island, many of them have to live in apartment complexes, multi-family dwellings or in condominiums. This is a trend that has resulted from necessity and not from choice, because it is the young person who must wait some years before he would be in a position to own his own home and thus be able to fall within the exemption where he may produce his own water (be it from a well or a cistern). The impact is obviously less on hotels than it is on the apartments and multi-family dwellings and condominiums. The present water companies that are supplying piped water seem to have, at least at times, not really caught up with the demand for the supply of water. This attempt now, to put further financial pressure, especially in this time of economic recession, on future apartment, multi-dwelling or condominium complexes, seems to me to be inappropriate and harsh.

I appreciate that the savings clause in section 5 does permit the carrying on of what has been done in the past. That is good because Government does not always remember the savings clauses in these Laws. But, we cannot get away from the effect this is going to have, that either the cost will go up in the form of water that has to be purchased from concessionaires or it will go up with the fact that people will have to become concessionaires to supply it. What the cost of becoming a concessionaire will be in the future I am not certain, but what is certain at this time is that concessions given out in the past to the large concessionaires is one, which under the Law is a monopoly within certain areas, where water is being supplied through the piped system. The Law does provide that the concession can be exclusive or subject to restriction and we do know that as far as the supply of the piped water goes, this has been one in which the concessionaires have the sole right to supply the water in that form, with the exception of what could be done through the water-making machines or drawn from wells or whatever.

I really wonder whether the Government has thought through the impact of this amendment and also whether they will have the time to start dealing as a very busy Executive Council with the many concessions that are now going to have be applied for. We have to remember that there are certain islands, Little Cayman for example, where I do not believe there is a concessionaire, whereby water could be supplied to multi-family dwellings or apartments. Certain areas of the other islands, including Grand Cayman, do not actually have any form of centralised supply of water which fully meets demands of the public at times.

A concession in this Law, the Water (Production and Supply) Law, includes any instrument whereby the Governor grants right or privilege enabling a person exclusively or subject to restriction, to produce and supply water in the Islands upon and subject to such terms and conditions as may be expressed or implied in such instrument or provided for, under this or any other Law. So the concessionaire would have to be a producer and a supplier as it appears from this.

The Government could well have brought an amendment here to try to deal with the quality of water being produced and supplied on a mass basis. That would have been constructive. As we do know that the quality of water at certain times in the not too distant past, has not been the best that it could have been; problems with diesel and that sort of thing. It would have been good to have seen something set out in this Law relating to quality rather than the constant dealing with quantity that this Law now brings on. I do not really see how in practice this would be phased in, in relation to apartments, condominiums, and multi-family dwellings that are now partly under construction or nearing completion. Even in that respect, it seems to me that a period of either a delay in the bringing of this Law or periods of grace, so to speak, should be given to those so that they can put their house in order and actually comply with the Law when it comes in. So, if this was to go into effect, I think a six month period would need to be added to give, especially large projects such as a hotel or condo, time to deal with it.

Here, in summary and in conclusion, is that in relation to the section that is dealing with the restrictions to be put on condominiums, apartments and multi-family dwellings, it also has hotels and other commercial enterprises, even though, these are I think less important. It is definitely going to push up the cost of living, especially on many younger Caymanians and residents, who have young families. It seems to me that the timing is inappropriate. While it can be said that those who now produce or supply are exempted because of the savings clause, anyone in the future that wishes to comply with this and is caught by the section, will have to apply for a concession from Government to fall within this. I really believe that until the present concessionaires are in a position to deal fully with the demand for water it could well be short sighted in trying to stop or reduce future production by other persons within the area that they monopolise at present. I would ask Government to look at this and to also consider the impact on Cayman Brac and Little Cayman that this could have. At a time when we really should be in a position to try to boost the economy, this seems to be a very negative step that is going to hurt young Caymanians.

Thank you.

MADAM SPEAKER: I understand that it has been the normal practice to suspend proceedings at 12:45 P.M. Would you like to do that, or should we just conclude on these two Bills, if it is possible, by 1:00 o'clock?

MR. G. HAIG BODDEN: I think you should suspend, Madam Speaker.

MADAM SPEAKER: Proceedings are suspended until 2:15 P.M..

PROCEEDINGS SUSPENDED AT 12:57 P.M.

PROCEEDINGS RESUMED AT 2:16 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed, the debate continues on the Bill. If there is no further debate I would ask the mover if he would like to exercise his right of reply?

HON. LINFORD A. PIERSON: Firstly, Madam Speaker, I wish to thank the Member who spoke on this Bill, the Third Elected Member for George Town. Hopefully by the sort of quiet acceptance of the Backbench this is an indication of their support for the Bill. I would like to clear up one misunderstanding which seems to be in the mind of the Third Elected Member for George Town. He has labeled this Bill a difficult and harsh amendment. This is not correct. This Amendment Bill indeed enhances or improves the present Law. I would refer the House, the Honourable Members to section 4 of the Bill which reads as follows:

> 4. Section 13(2) of the principal Law is amended by substituting the following for paragraph (g) -
>
> "(g) (i) water produced on private residential property for domestic use thereon;
>
> (11) water supplied by the management of condominiums, apartment complexes, multi-family dwellings, hotels, or any other commercial enterprise, for use on their premises by residents therein, provided that the water so supplied is obtained from a concessionaire;".

Madam Speaker, under the old Law, all premises were exempt as 13(2)(g) of the old Law read:

> "13 this law had no application to-
>
> (2) the production or supply on any premises of water for the reasonable domestic use of persons for the time being lawfully therein;".

What this amendment does is split this in two, so that individuals

with private residential property for domestic use will not in anyway meet any hardship. They will still be able to use their cistern water or well water or whatever. They are protected or exempt under this amendment. I wanted to clear that point, Madam Speaker. I would mention though, in respect of well water, it is advisable that the residents of these islands use as little well water for potable purposes for drinking water as possible because tests carried out indicate that the well water in the islands, not only Grand Cayman, but indeed in Cayman Brac and perhaps to a lessor extent in Little Cayman, is polluted. I would advise that members of the public use the well water as little as possible but, would point out and would like to clarify that as far as private residential property is concerned, then residents of these properties will still be allowed to use their cistern water and well water and that they will not in any way be disenfranchised under this Bill.

Madam Speaker, as regards to section 5, this protects those that may be now using the facility in the hotels or any commercial enterprise multi-family dwellings, hotels complexes, apartment complexes etcetera. They will not, in any way, be affected by this amendment as they will be able to continue to use the water being produced through their desalination plants. What we will ensure is that if they in future wish to replace the desalination plants, that they will first have to come through Government for permission, and it is very doubtful that Government within a franchise area would very kindly give permission to hotels to continue with their desalination plants. Areas outside the supply and production area such as East End, North Side, Bodden Town will not be effected by this. I thought I had made that quite clear in my introduction of the Bill mainly because there is no public supply in those areas. So, they are protected under this Bill and they will still be able to continue to use the system that they are now using.

There were a number of other points made, but I believe that the most important clarification required was the misunderstanding in regard to the use by private individuals for domestic purposes. I would like again, in closing, to point out that this Bill improves the situation in that it will be much easier for the Water Authority, the Environmental Health Department and indeed the Water Company to keep good quality control of water within the franchise area. At present there is much complaint from various individuals, tourists alike, about the water quality in some of the hotels. This situation has to be corrected.

I would point out that the First Elected Member for West Bay is also a member of the Water Authority and he was one of those involved in the introduction of this amendment that is before us today. Without any further comments on this, I would ask all Honourable Members to give their full support to this very important piece of legislation.

Thank you.

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

AYES AND NOES.

MR. TRUMAN M. BODDEN: May we have a division, Madam Speaker?

CLERK: **DIVISION NO. 2/91**

AYES: 8
Hon. Thomas C. Jefferson
Hon. Richard Ground
Hon. J. Lemuel Hurlston
Hon. W. Norman Bodden
Hon. Benson O. Ebanks
Hon. D. Ezzard Miller
Hon. Linford A. Pierson
Capt. Mabry S. Kirkconnell

NOES: 5
Mr. John D. Jefferson, Jr.
Mr. Gilbert A. McLean
Mr. Truman M. Bodden
Mr. Roy Bodden
Mr. G. Haig Bodden

ABSENT: 2
Mr. W. McKeeva Bush
Mr. John B. McLean

MADAM SPEAKER: The result of the division is eight Ayes, five Noes. We will now go into Committee on two Bills, Companies Law (Revised) (Amendment) Bill, 1991, The Water (Production and Supply) (Amendment) Bill, 1991.

AGREED BY MAJORITY. THE WATER (PRODUCTION AND SUPPLY) (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.

HOUSE IN COMMITTEE 2:30 P.M.

COMMITTEE ON BILLS

THE CHAIRMAN: The House is in Committee. The Companies Law (Revised) (Amendment) Bill, 1991. As is customary, I hope the House will agree that if there are any minor typographical or printing errors, that the Second Official Member will be asked to do these. The House is in agreement as usual, thank you.

THE COMPANIES LAW (REVISED)(AMENDMENT) BILL, 1991

CLERK: Clause 1: Short title.
Clause 2: Amendment to the Companies Law (Revised).

THE CHAIRMAN: The question is that clauses 1 and 2 do stand Part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

THE CHAIRMAN: The Ayes have it.

AGREED: CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to amend the Companies Law to Provide for Increases in Certain Fees.

THE CHAIRMAN: The question is that the Title do stand Part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

THE CHAIRMAN: The Ayes have it.

AGREED: TITLE PASSED.

THE WATER (PRODUCTION AND SUPPLY) (AMENDMENT) BILL, 1991

THE CHAIRMAN: The second Bill, The Water (Production and Supply) (Amendment) Bill, 1991.

CLERK: Clause 1: Short title.
Clause 2: Amendment of section 2 of Law 15, 1979.
Clause 3: Amendment of section 3 of the principal Law.
Clause 4: Amendment of section 13(2) of the principal Law.
Clause 5: Saving.

THE CHAIRMAN: The question is that Clauses, 1 through 5 do stand Part of the Bill?

MR. G. HAIG BODDEN: Madam Chairman, I wonder if you would put these Clauses separately, as I especially want to vote against Clause 4.

THE CHAIRMAN: In that case the question is that Clauses 1 through 3 do stand Part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

THE CHAIRMAN: The Ayes have it.

AGREED: CLAUSES 1, 2 AND 3 PASSED

THE CHAIRMAN: Now the question is that Clause 4 do stand Part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES & NO.

THE CHAIRMAN: The Ayes have it.

Mr. G. Haig Bodden: May I have a division on that?

MR. GILBERT A. McLEAN: Madam Chairman, is it possible for me to ask for a clarification, prior to you putting the question on Clause 5?

MADAM CHAIRMAN: The Chair has no objection.

MR. GILBERT A. McLEAN: I would just like to get a clarification from the Member moving this Bill, when he said that certain districts such as Bodden Town and the Brac and others would be exempted from the provisions of this Bill. I am wondering if that is provided for anywhere in the Law? Or, is this simply assumed by the fact that there is not piped water in these districts?

HON. LINFORD A. PIERSON: Madam Chairman, the Clause reads:

> 5. Nothing in Section 13(2)(g) of the principal Law shall affect the production or supply of water made before the coming into force of the amendment, but also excludes from those effects water produced or supplied after the coming into force of this clause if the production or supply is from a water system or works in operation before that date.".

Basically what that is saying is that any operation or any premises that now have this equipment, desalination plants in operation will not be affected by this Bill. The point I tried to clarify was that in future, if they attempted to replace this, say, one of the hotels on 7 Mile Beach then we would have to look at that very carefully. At present they are disenfranchised in anyway. This is a sort of saving clause for those premises now operating with those small plants.

MR. G. HAIG BODDEN: Madam Speaker, may I ask what the situation is with Cayman Brac where the only two hotels operate on desal water produced from their own plants? Will they not be given permission to replace those plants when Governments desal plant goes in?

HON. LINFORD A. PIERSON: Madam Speaker, I think the Member is perhaps referring to...is it Cayman Brac?

MR. G. HAIG BODDEN: Yes.

HON. LINFORD A. PIERSON: In Cayman Brac both hotels have agreed to hook up to the water supply in Cayman Brac, but I would like to point out that the statement made that areas outside the franchise area would not be affected. I did give example of these areas, such as East End, North Side, Bodden Town and certain areas of Cayman Brac. It is only those within the supply area or the franchise area because it would be unfair to say to someone in North Side that you cannot produce water when in fact those individuals do not have the opportunity to use the public supply or the franchise supply of water. So this is the point I was trying to make.

As regard to Cayman Brac the area that would be affected is really on the west end side of Cayman Brac and both of the hotels there have decided to hook up to the water supply in Cayman Brac.

MR. JOHN B. McLEAN: Madam Speaker, I am a bit confused by that statement. Is the Member saying that if someone wanted to install their own desal operation, let us say in North Side, that they would not have to apply to the Authority for the concession.

HON. LINFORD A. PIERSON: No, that is not what I am saying. If you look under section 3 of the Law, you will note the procedures that must be followed therein and that is where the Governor may grant such concession. This Bill also seeks to make an amendment to that procedure in that the Governor will now have to come through the Water Authority in order to make those concessions. But the Government applications will still be made to the Government. And what I did say in my presentation was that such applications would not be unreasonably withheld because of the situation in those areas not having a public supply of water.

THE CHAIRMAN: Honourable Members could we now get back on track, please?

MR. TRUMAN M. BODDEN: Madam Speaker, may I just ask...as I see (g)(ii)...well in the interpretation produce actually, if we look back in section 2 of the Law "produce" itself while we are only dealing with "supply" here: "produce" means to take water from any reservoir, pond, well, cistern or other place".

HON. LINFORD A. PIERSON: What section are you reading?

MR. TRUMAN M. BODDEN: Section 2 of the Law. But in (g)(ii) it is: "(g)(ii) water supplied by the management." It looks like we are dealing here only with supply. It seems that there has to be a concession no matter where it is if they are going to supply water for condominiums, apartments, multi-families and hotels under this section. If the Member was getting mainly at hotels and condominiums, maybe he could have left some of that other out. This seems to be somewhat wider, to me at least, than just production and supply. It seems to cover supply of water, within the terms of this, where the management in an apartment is supplying water. That has to come from a concessionaire.

HON. LINFORD A. PIERSON: Madam Speaker, I think that it is really not a complicated matter. The old Law was all encompassing as it exempted in full the production or supply and this is under 13(2)(g): "13(2)(g) the production or supply on any premises of water for the reasonable domestic use of persons." What the amendment is doing here, is exempting from the old (g) private residential property for domestic use, so that they can still use the cistern and well water without having to comply with any of these regulations. It is a question, I think, of the definition of "production" and "supply" that may be causing this sort of misunderstanding. What this amendment Bill seeks to do is to separate or to divide this in two where it is quite clear that private residential property for domestic use is completely exempt and those that would have to seek a concession are the apartment

complexes, condominiums, multi-family dwellings, hotels etcetera. Those used for commercial use, but those for residential use are completely exempt.

MR. TRUMAN M. BODDEN: Madam Speaker, with respect, this is a fairly important point. I think there is...if you do not mind, may I ask a couple more questions?

THE CHAIRMAN: Well, I agree your with anxiety, Member, but the time for questions was when the question had been put, would have been the time. We have taken a vote and then a division, I will allow you a few more questions on it.

MR. TRUMAN M. BODDEN: The way this appears is that we are only dealing with the "supply" of water by management of the condominiums. I agree that the private residential properties are exempted for domestic purposes. But, whenever any water is supplied by management, under this section for these different things, it seems that that has to come from a concessionaire. So Government would have to grant a concession before they could supply any type of water through management.

HON. RICHARD W. GROUND: Perhaps, Madam Speaker, because I think it is largely a drafting point, I might just come in here. The intention of the amendment is to stop hotels, apartment blocks and so on installing their own desal system. The intention of the amendment is not to affect private dwellings producing their own water for their own use. You run into a problem because some commercial dwellings, condominiums or hotels may not produce water but they are going to need to supply it to their guest or residence. Thus a hotel, even if it draws water from the Water Company, is still going to supply it through its own pipes to its own rooms. The Law talks about both "production" and "supply".

The intention is to prohibit the hotel from producing its own water and to compel it to go to a concessionaire in the West Bay districts/7 Mile Beach district to push it onto the Water Company. But you cannot prohibit the hotel supplying water because the guest who turns on the tap in his bedroom is in fact getting his water from the hotel though it will ultimately come from the concessionaire - the Water Company. So you have got to split up in respect of the commercial units the two concepts of "production" and "supply". So under 13(2)(g)(ii) "commercial units", let us just think of them for hotels for a minute are permitted to supply water to their guests provided that they have got it from a concessionaire. In otherwords, provided they have not produced it themselves, because that does not apply to hotels who have existing systems.

If I might just allude to one other point, it is not exactly what the Member was addressing, but for those commercial units that in the future are built outside areas presently covered by mass commercial supply, I think as the Member said in his presentation, the intention is that they will be given concessions and in themselves become concessionaires. The benefit of that is it allows Government to monitor the quality of their production and the quality of their producing equipment.

As the Member, I think was in pains to point out in his Second Reading debate, it is not intended that future developments in East End, or, wherever, should be stopped from producing and supplying water, but they will only be permitted to do so by going through the licencing and concession system.

MR. GILBERT A. McLEAN: I raised the question, and I think the Second Official Member came closest to getting across what I was trying to understand. It does mean then that in effect those places in East End or Bodden Town or wherever there is not a public water supply or they are not concessionaires, they would be bound to apply to Government and Government by its administrative handling of this situation would do whatever. But, that is not provided for here in the Law. Is that correct?

HON. RICHARD W. GROUND: As I understand it, yes, they would be bound to apply to Government under the broader provisions of the principal Law as it stands. It is not addressed specifically in the amending Bill. But it is addressed in the principal Law.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

MR. TRUMAN M. BODDEN: Madam Speaker, if I may just have one other thing. We have been talking about desal plants, but "produce" actually would include: "take from any reservoir, pond, well, cistern or other place and includes to recover or process water by distillation..." so it goes far beyond a desal plant. If we are going to stop production we will stop the taking of water generally.

HON. RICHARD W. GROUND: Yes, but it is the production in its broader means, in a commercial context. Remember for these, whether they be a hotel or condominium development, the management is not likely to be giving the water away. It will be producing it, however it does, for its commercial clients. I think Part of the philosophy behind the amendment is that someone who is in that commercial context should first come and get a concession.

THE CHAIRMAN: The results of the division, Madam Clerk, please.

CLERK: **DIVISION NO. 3/91**

AYES: 8 **NOES: 7**

Hon. Thomas C. Jefferson
Hon. Richard Ground
Hon. J. Lemuel Hurlston
Hon. W. Norman Bodden
Hon. Benson O. Ebanks
Hon. D. Ezzard Miller
Hon. Linford A. Pierson
Capt. Mabry S. Kirkconnell

Mr. W. McKeeva Bush
Mr. John D. Jefferson, Jr
Mr. Truman M. Bodden
Mr. Roy Bodden
Mr. G. Haig Bodden
Mr. John B. McLean
Mr. Gilbert McLean

THE CHAIRMAN: The result of the division is eight Ayes, seven Noes.

AGREED: CLAUSE 4 PASSED BY MAJORITY

THE CHAIRMAN: Clause 5: Saving. If there are any questions, please ask for information etcetera now. I shall put the question. Those in favour please say Aye...Those against No.

AYES & NOES.

THE CHAIRMAN: The Ayes have it.

AGREED: CLAUSE 5 PASSED BY MAJORITY.

CLERK: A Bill For a Law to Amend the Water Production and Supply 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.

AYES.

THE CHAIRMAN: The Ayes have it.

AGREED: TITLE PASSED.

THE CHAIRMAN: That concludes proceedings in Committee on the Companies Law (Revised) (Amendment) Bill, 1991 and The Water (Production and Supply) (Amendment) Bill, 1991. The House will resume.

HOUSE RESUMED AT 2:45 P.M.

REPORT ON BILLS

MADAM SPEAKER: Proceedings are resumed. Reports.

THE COMPANIES (AMENDMENT BILL, 1991

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to report that a Bill shortly entitled The Companies (Amendment) Bill, 1991, was considered by a Committee of the whole House and passed without amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.

THE WATER (PRODUCTION AND SUPPLY) (AMENDMENT) BILL, 1991

HON. LINFORD A. PIERSON: Madam Speaker, I have to report that a Bill shortly entitled the Water (Production and Supply) (Amendment) Law , 1991 was considered by a Committee of the whole House and passed without amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR MR. ALAN J SCOTT, CVO, CBE ON FRIDAY 15TH FEBRUARY, 1991

MADAM SPEAKER: Commencement of debate on the Throne Speech as delivered by His Excellency the Governor Mr. Alan J. Scott CVO CBE on Friday 15 February 1991. Honourable Member for Health.

HON. D. EZZARD MILLER: Madam Speaker, in making my short contribution to the Throne

Speech Debate, I would wish to depart from the traditional practice of replying to negative criticisms from the other side and make a positive statement about the Departments under my Portfolio and what they are doing in their effort to try and improve the quality of life for all Caymanians as well as the policies that my Portfolio with the support and advice of my colleagues in Executive Council have made or are about to make towards this goal of improving the quality of life for all Caymanians. After all, Madam Speaker, this is supposed to be a new phase in our political life with you in the Chair and I would urge all Honourable Members to take the positive cooperative approach and leave behind what has been described in some circles as the negative adverserial politics of the recent past.

First, let me record my personal thanks to His Excellency the Governor for his very comprehensive, positive and properly delivered Throne Speech. Also, let me hasten to add my thanks and deep gratitude to His Excellency for all the hard work and long hours which he put into the task of President and Presiding Officer of this Honourable House to ensure its proper, efficient and effective conduct of business and good Government of the Cayman Islands.

Madam Speaker, I crave the indulgence of the Chair to use the following format for my contribution to the debate. I wish to first make some general comments on the state of the country as a whole as reflected in the speech and secondly to deal in some detail about the areas of Government for which I am charged with responsibility under the Constitution by His Excellency the Governor. Thirdly, and in summation and conclusion make some comments about the future of the good ship Cayman and the excellent challenges and opportunities we face as a young country.

The year 1991 presents us with some interesting opportunities, difficulties, problems and challenges to which we can take one of two roads. Accept the challenges, opportunities and use our considerable resources of the traditional Caymanian resolve to which was applied the maxim they were "iron men in wooden ships" and overcome the difficulties and problems to the continued good and well-being of all Caymanians. Or, we can be overcome by the problems and difficulties, continue to hide from the challenges behind political bickering, blame and fault-finding and earn, God forbid, the title they were "wooden men in iron ships".

As for the members of my Portfolio and myself we shall continue to be occupied by the first of these roads while endeavouring to maximise our resources to the benefit of all Caymanians. We as a people and the Government have greater resources in 1991, both in skill and knowledge than any Government of our forefathers to tackle some of these problems and overcome them. All we need to do is to unite and work together for the common cause and we can succeed. The fact that the year ended in a better position financially than was forecast in November 1990, is in my opinion proof positive that this can be done. We all acknowledge that certain world wide events like the war in the Middle East, the U.S. recession, we can not do much more than pray they will work themselves out. I believe we must, therefore, use these events as an opportunity to take stock of our situation, its needs and carefully plan to meet these needs as we move towards the 21 Century.

I would now turn to what I regard will be the body of my contribution and I will try to expound the areas in the Throne Speech which deals with my Portfolio of responsibilities and to add other areas which time and space did not allow to be covered in the Speech from His Excellency the Governor. My areas of responsibility is sometimes referred to as the "people's Portfolio". Many of these subjects directly affect the quality of life of Caymanians in all sectors and levels of our society. Madam Speaker, I seek your understanding and patience to read from the Gazette this list of areas of responsibility to better inform the public as I do not believe many Caymanians are aware of what responsibilities I am charged with. They are as follows:

"SUBJECTS

Medical Health
Public Health
Anti-Drugs Abuse Programme
Control of Drugs
Registration of Medical and Nursing Staff
Social Welfare
Public Assistance
Social Security
Probation
Rehabilitation of Prisoners
Refugees
Care and Protection of Young Persons
Garbage Collection
Housing Loan Policy
Low-Cost Housing

STATUTORY BOARDS AND COMMITTEES

Pharmacy Board
Health Practitioners' Board
Adoption Board
National Council of Voluntary Organisation (Answerability in the Legislative Assembly)

Advisory Council on Misuse of Drugs
Housing Development Corporation"

While I do not hope to be accused at the end of my contribution of preaching a sermon, permit me to use the old cliche "from that will I take my text." Many of these subjects are interwoven and intertwined, in fact, often entangled with one another and certainly with subjects under the responsibility of other Members. They all have some impact and very often the domino effect on each other. My simple task is to ensure that the domino effect is not destructive, disruptive, nor negative, but to endeavour to ensure that it is positive overall and constructive, even wishfully, synergistic towards a better life for all. In each of these areas it will be necessary to give a brief history of the present situation and an outline in detail of plans for 1991 and beyond. The first of these subjects is Health.

The Government adopted, several years ago, the United Nations objective through its various agencies of "Health for all by the year 2000", and, successive Governments have been working towards that goal ever since. It has also been traditionally accepted that all Caymanians are guaranteed access to health care and not denied such access simply because they cannot afford it. We have therefore evolved around a simple system of user fees to those who can afford to pay and a waiver of charges through a free medical card issued by Social Services Department to those who cannot afford to pay. The Government is meeting the cost of this free care from general revenue by charges applied in other areas. This has served us well in the past with all Governments allocating sufficient resources to cover the health cost.

As we continue to strive to meet the demands of the patient for increased and improved services; the demands of the professional workers in health care; to improve the facilities in order for them to deliver better and more intensive forms of health care; some form of stable predictable financing must be found while ensuring access to all Caymanians. This will probably take the form of a National Health Insurance of some kind with maybe Government meeting the premiums of those now covered by free care cards. To this end, my Portfolio, with the support of Executive Council, has established a working committee which is to be activated very shortly to study the areas of health insurance to come up with drafting instructions with the hope of introducing the relevant legislation later this year.

Now, Madam Speaker, in consideration of National Health Insurance, the central concern has to be that it be developed as a Part of the National Health policy with the primary goal being to ensure all Caymanians have access to the best health services available. The ultimate goal being improved health indices of the Caymanian people. That is our morbidity, mortality rates and incidences of infectious and communicable diseases.

In considering this Health Insurance we have to accept that each citisen of the Cayman Islands has the right to receive health care regardless of ability to pay. The Health Insurance Plan established should give hospital and medical coverage for all Caymanian citisens. Hospital charges should be at a low deterrent level for in-patient and out-patient services. Other cost for basic hospital services should also be curried.

Physician charges outside the hospital should also be covered, bills will be directed to the Insurance Plan by the doctor according to a fee of service schedule agreed to by the Cayman Islands Medical and Dental Society. In this modern day and age, it should be quite possible to introduce this and allow computer terminal billing from the physicians office directly to the insurance company. The insurance companies will have to be assignable to the Health Authority for services rendered by the Health Authority to physicians for them to be able to collect their services.

Other considerations will be whether the act should mandate joint payments between employer and employee or whether it should be all employer or all employee etcetera. Now, we fully realise that Health Insurance cannot solve all of the health problems but rather this must be a Part of a national health policy designed to this goal and provide the mechanism for substantial reform of the health system to provide better health care in the Cayman Islands.

We see National Health Insurance as Part of the global picture in providing the stable, predictable, financial resources that will be necessary for the new Health Authority to allow the needed expansion in health care both from the facilities and services point of view and both for the private and public sector. Other areas of this national health policy, Madam Speaker, Honourable Members are aware that the Government in January 1989, accepted as a health plan to be implemented over the next 15 years a document which dealt with eight basic directions in which we saw it necessary for health care to develop to allow these kind of improvements.

The implementation of this plan is well in hand with some recommendations in Particular. Those not requiring large capital expenditure have been completely implemented. In addition all sections of the hospital reviewed under the interim projects have made several improvements through implementations of the recommendations made under those interim projects.

The year 1990 was Particularly difficult for the Portfolio with several needed projects not receiving funding from this Honourable House through Finance Committee and a difficult Chief Medical Officer who had his own agenda. However, even with these problems, some improvements were made both to the level of health care available and to the accessibility of that health care.

I would like to deal in some detail with each of these eight policy directions that the Government accepted and the first of these recommendations was a structural reorganisation of the Health Services. This recommendation is almost complete. The Portfolio after evaluating several countries on their methodologies that they used to administer and manage their Health Services, settled on the model used in Bermuda.

Through the kind auspices of the Pan American Health

Organisation, who endorse this plan that was accepted by the Government in 1989, we were fortunate to have them fund a consultant visit by Dr. John Kann, who is the Chief Medical Officer of Bermuda and responsible for the good workings of their Health Authority. He came down here for a week and assisted the Portfolio in developing the drafting instructions for the new Health Authority Legislation. These drafting instructions have been completed and have been submitted to the Legal Draftsmen to get in line for all the work he has to do. It is hoped that the Bill will be drafted in the very near future and certainly in time to allow presentation to Parliament in June this year.

The biggest change proposed under this legislation is that the Health Services will be managed by a Board, called the Cayman Islands Health Services Authority, who will be responsible for the management and operation of all of the health care facilities including the hospital in George Town, the hospital in Cayman Brac, the district clinics and even the provision of needed services and staff and equipment and facilities as necessary for the Public Health side of the Health Services. The Medical Officer of Health will not be a Part of the Health Services Authority. He will retain his independence and be the Portfolio's advisor on the health of the nation and assume a more monitoring role in dealing with all of the various international conventions and international health agencies.

A new Medical Staff Organisation is almost complete, where we will have a proper medical staff under the Chief of Staff to be elected. They will have various committees of the medical staff which will handle such things as the credentialing and privileging at the hospital, medical audit and pay review. They will also have Heads for each of the various specialties as Part of the Medical Staff Organisation and it will be an integrated medical staff. They will not be Government physicians and private physicians. They will all be physicians who have privilege to practice in the hospital. We believe that this will allow for much more efficient and cost effective management of the Health Services. It will allow for introductions of fee for services for physician services, either on a sessional basis, or on a per patient basis depending on the contractual arrangements worked out with the Chief Executive Officer of the Health Authority.

The post of Chief Medical Officer will become that of a medical director which will be an appointed post, salaried because his job will be the insurance of good clinical medicine in the hospital and the Ambulatory Centre. The Chief Executive of the hospital will be the Chief Administrative Officer and Secretary to the Board and he will be a manager. He does not have to be a doctor.

The second of these recommendations accepted by Government was the need for a new 96 bed hospital. This new hospital is to be built on land that is presently owned by Government and it is hoped that by the 31 March, the bidding document for the design, engineering, equipment specification, construction documents, bill of quantities tender documents will be let so that Part of the exercise can be completed this year. This new hospital will provide all the necessary wards including medical, surgical, maternity, pediatric, mental health, geriatrics, complete pathology, morgue, 24 hour emergency trauma, etcetera and other additional Departments.

The third aspect of this plan that was accepted by Government in February 1990, was the development of the local secondary and tertiary medical capabilities. It involves specialist clinical expansion locally both in Government and the private sector. The Government from its point of view has encouraged, authorised and licenced a number of visiting specialists for the two private medical centres and, even with, in attendance with other doctors. We now have available locally, for instance in the private sector, complete treadmills, echogrammes, etcetera, in private facilities.

From the hospital point of view, Part of the contract with the Cleveland Clinic Foundation is a visiting specialist, one per month. Those specialists are as follows: Cardiology; Neurology; Orthopaedic Surgery; Breast Cancer; Vascular Surgery; Gastroenterology; Colorectal Surgery; Neurosurgery; Plastic Reconstructive Surgery; Urology; Ophthalmology, and one specialist in Nephrology will visit on a regular basis because he is also providing additional evaluation and training and medical care for our dialysis patients as we have expanded that service as well. We are, in fact, advertising it as a service of convenience to tourists and it is necessary to have this kind of specialist associated with it in order to be protected and insurances which some people wish to use as payment.

In Cayman Brac we have expanded the specialists visits and we now send to Cayman Brac on a regular basis Ophthalmology; Cardiology; Vascular Surgery; Neurology and Obstetrics and Gynecology. In addition to those visiting specialists from the Cleveland Clinic we have made several improvements at the present facility which enhance the provision of specialised secondary care. They are such things as the introduction of a pre-operative anesthesia clinic; introduction of atroscopy, fiberoptic; gastroenterology; and colonscopy?

We have done some major enhancement to the present ICU- its capability through staff training and the adding of certain equipment; major enhancements to the casualty care by the addition of equipment and additional staff training. Some improvements made to the operating theatre capability, again by additional instruments and equipment and staff training and introduction of a urological surgery service. We have completely under one of the interim projects done a revision of the Health Services Infection Control Polices and completely rewritten a new manual, and we have established a clinical core reference library.

The decompression chamber was relocated with the assistance of Government to provide better medical care for people of dive accidents and still being managed through local volunteers through the British Sub-Aqua Club. We have established a formulised histological reporting service with the Cleveland Clinic. And established bulk oxygen at the George Town facility. We are presently drafting a programme of improvements for mental health, mostly to do at present with out-patient clinics and when the new surgery is completed, we hope to turn what is now the pediatric ward into a day-care centre for people who have mental diseases.

Geriatrics - we are intending this year to conduct a complete survey of the needs of the elderly. Between the Health Services Department and the Social Services Department

the Home Care of the elderly will be undertaken. We will be using an instrument provided by the Pan American Health Organisation to evaluate the needs of the needy. It was interesting to read several of the evaluations that had been done in other countries regarding the needy, and it was quite startling to me to discover that the single most important thing that they consider they needed is companionship; somebody to keep them company. That was number one on the list in each of the five countries that I have seen the reviews on.

The Cayman Brac situation for the elderly has been re-evaluated by the new Chief Medical Officer (CMO). We have met with members of the public and they are setting up a foundation to replace the present retirement home and the model on which the retirement home will be established will be the activity model, rather than the retirement home, and we will provide a lot of activities and physiotherapists for the elderly to keep them active and interested in living. This has really gotten off to a good start, we have in fact received several commitments, I am sure that the Portfolio would like me to extend its special thanks to Captain Charles for donating the land next to the hospital on which to place this home. That in itself will reduce the expenditure of replacing the home because we can use certain common services provided by the hospital, such as proper laundry facilities, proper kitchen facilities and certainly it will be more convenient to have the doctors and the nurses visit on a regular daily basis etcetera. We are extremely grateful to Captain Charles for that generous donation.

MADAM SPEAKER: Would this be a convenient time for us to take the afternoon break? I will suspend proceedings for 15 minutes.

AT 3:22 P.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 3:41 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Honourable Member for Health, continuation of the debate on the Throne Speech.

HON. D. EZZARD MILLER: When we took the short break, I was dealing with the eight directions in which the Government has accepted as the Health Policy Development. To move onto the fourth of those directions was the development of a coordinated and integrated ambulatory care service. This is simply an expansion of what we traditionally call our out-patient services. During 1990, we expanded our out-patient services in several important areas. We have increased the number of walk-in and appointment clinics at the George Town Hospital; enhanced our mental health out-patient services; established a specific diabetic out-patient clinic and a hypertension or high blood pressure out-patient clinic.

We have made some major improvements to our physiotherapist service, in Particular the service as provided to in-patients at the George Town Hospital and expanded the service to include the Pines and the district clinics in early 1991. We have also improved our X-Ray facilities with the introduction of a radiologist, so that all X-Rays are read by consultant radiologists on a daily basis and reported on, instead of the monthly visit that took place prior to this. We have made some major enhancements to our dialysis capability as an out-patient service; added the new vehicles to our ambulance service, and improved training to our ambulance and paramedic staff. We have introduced the hepatitis C testing of all blood donors, the introduction of the Human Immunodeficiency Virus (HIV) - two tests, as well as on all blood donors. Also, we have had a major up-grade on our hematology Department of the lab. We have also up-graded our urinalysis, blood gas analysis, fluorescent antibody screening techniques and most of these were done through staff training and additional equipment.

We have introduced the ability to store plasma for blood (and Particular accident victims), instead of having to give whole blood; introduced new biochemical tests for alpha-Hydroxy Buteric Dehydrogenase (HBDH) and High Density Lipoprotein (HDL). We have introduced Decayed Missing and Filled Teeth (DMFD) screening for five and 12 year olds. We have completed a major revision of the hospital formulary and the pharmacy stores under the interim projects. We have introduced such things as diabetic and district nutritional clinics, Weight Watchers Programme, breast feeders groups, etcetera. All in an attempt to improve and coordinate and integrate our Ambulatory Care Services provided to the public.

We will be adding in 1991 an eye clinic to be constructed by the Lions. They have collected the necessary donations to build this clinic and equip it with a laser to enhance their provision of eye services and eye treatments under their visual handicap programme. The location of the building was waiting the decision as to the Master Development Plan of the present site.

The new CMO has suggested a location, which is under consideration, and will be discussed with the architects who have been awarded the contract for the Master Health Facilities Plan, sometime next week with the hope of being able to get on with that project and complete it in 1991.

Also, effective January 1991, our medical lab at the hospital is open until 11:00 P.M., Monday thru Friday and until 3:00 P.M. on Saturdays. The radiology and pharmacy sections have also implemented extended hours until 6:00 P.M., Monday thru Friday and these services are provided to meet the increase demands on the Department for on-call emergency response. We estimate that this will reduce staff overtime through the introductions of shifts rather than the payments of overtime. We hope to have a pathologist who has been recruited and we expect him to take up his services in April 1991. This will further enhance our lab and diagnostic facilities at the hospital.

The fifth area in which the Health Plan deals is the development of a formulised referral system and continual care. This we have successfully completed with the Cleveland Clinic

Foundation, using their modern diagnostic centre in Florida with their ability to refer people to Cleveland, Ohio if the need for that specialised care arises. We have, in fact, referred a few patients to the Cleveland Centre. The association with the clinic is working exceptionally well. We have sent well over a 100 patients under this new agreement and to my knowledge there has not been one person who has come back and complained about the treatment or the quality of medical care they were given in that institution. On the contrary, most come back with lauded reports of how well they have been treated and the exceptionally high quality care they have received. It is a much smoother operating system than what was in place before, where we simply had a list of doctors in Florida who had admission privileges to various hospitals and we had to locate the doctor in order for him to admit the patient to the hospital. This is done administratively and we have many opportunities to improve the quality of care locally and have accessibility to tertiary level care that we could never economically provide here, nor even, continue to provide that high quality because the frequency of those needs are so low that the specialist would quickly experience a reduction in their skills due to a lack of practice.

The sixth point was the development of district clinics still health centres. This again we have made some strides and improvements in. We have not had the capital needed to expand some of these areas. We have been able to maintain them in a reasonable state and we have been able to add services which have not needed large capital injections. In January, this year we increased the doctors visits to district clinics which we used to have through the district clinics in North Side and Bodden Town once a month and in East End, twice a month. We have increased all these general practice clinics so they are now held once a week in addition to the usual special clinics such as family health, post-natal and family planning clinics. It is worthwhile to look at the figures of patient visits to district clinics and the general practice clinics between January 1990, compared to January 1991, except that we have, in fact, quadrupled the frequency of the visits to at least two of the districts Bodden Town and North Side. In West Bay, for sometime now, we have had a weekly visit by a doctor in addition to other special clinics. January 1990, we had 222 patients, January 1991, we had 240 patients. Bodden Town in January 1990, we had 14 patients, January 1991, we had 91 patients. North Side in January 1990, we had 9 patients, in 1991 we had 38 patients and in East End January 1990, we had 22 patients and in January 1991, we had 53 patients. These statistics show that 255 extra patient visits to the hospital were saved and it appears the patients like to be treated in their environment unless it is essential they come to the hospital.

Utilisation of these clinics will be closely monitored and further services at the districts will be introduced, based on the needs. Of course we have to keep in mind that the existing district health centres were not purpose built in many instances and it is part of the Government's Health Policy to convert them into comprehensive health centres and this will take some substantial capital investment to convert all of them into proper district centres. We hope to add health promotion to the district clinics in this whole concept of their development as health centres, because we are going to have a Special Health Promotion Programme started in 1991. We are also working in conjunction with the Social Services Department to have them utilise the district health centres to provide some of the services and be able to coordinate it much easier at a district level.

The seventh point that the Government accepted as the direction for its health policy was the integration of public and private sector providers. This is Partly accomplished under the new medical staff structure and we also hope that with the introduction of such things as pay review and medical audit and the whole concept of privileging and credential will offer private practitioners greater involvement, greater Participation and greater expectancy in the care of their patients who are admitted to the hospital. Also, Part and parcel of this whole thing is an educational trust for all practitioners.

In fact, the new CMO has completely changed the grand round system at the hospital. Prior to this, all of the doctors gathered in the corridor or around the patient to converse, debate, discuss and make recommendations on patient care. We have never believed this was entirely satisfactory. Discussions that now take place, do so in the conference room and any doctor who has a Particularly difficult patient prepares a proper paper and it is looked at as an educational exercise for all doctors involved in the care of patients at the hospital. In addition to that, the visiting specialists from the Cleveland Centre will be attending this grand round on Friday afternoon, making presentations in their areas of specialty. On the Friday night at the conference room at the hospital when the specialists are here, they will conduct a lecture in their area of specialty to which all physicians on the island are invited to free of cost. The next Saturday morning, they will conduct a clinic at the hospital for patients that we have appointments or evaluate them as to whether they need referral to the Cleveland Centre or diagnostic services or a follow-up on patients in their specialities that have been treated at the Cleveland Centre. We believe this whole thing will enhance the quality of care to the patient and is not being done in any threatening fashion. It is being done in a spirit of cooperation to provide continued education for the physicians working locally. In the redrafting of the Health Practitioners Law, which I will deal with later on, Part of the requirement for licencing in the very near future will be the demonstration of continued education of some level by all health professional in the country.

The Dental Services at the hospital: We hope to have within the next three months a complete new facility with all its modern capabilities and will be a state-of-the-art facility. The new facility will have six chairs instead of the present two. There is one completely private and soundproof room for patients who have rather difficult times in having their teeth repaired. It will include a new modern dental lab for the making of various forms of dentures and all state-of-the-art. We should, in fact, be able to cater both to the private dentists' needs, which are now being sent overseas, as well as the needs of patients at the Government Clinic.

It is interesting to note that this clinic has increased an average of 14.4 per cent over the past three years. This rate of increase, although it is somewhat alarming, we believe it is partly due to the limited services available in the private sector and we are doing what we can to encourage the private sector to recruit dentists and to set up. In Particular, general practitioners and some of the specialised dental care as well. I think it is unfortunate at the present time, the average wait, both in the private sector and Government for elective dental care, most people will get their emergencies treated, but, for elected dental care

such as reconstruction and cleaning it is about three months. That is not an acceptable level at which we would like to see Dentistry done in the island.

We do have, in fact, very comprehensive preventative programmes in place, but it will be some time yet where we will have a large sector of our population that did not have the benefit of these preventative treatments in their childhood and formative years who will need extensive dental work. During 1990, we improved some of these preventative services and we will continue to do so into 1991. We have enhanced and expanded the mass fluoridation of pre-school children with fluoride drops and primary school children with fluoride tablets. Approximately half of the children under the age of 18 years have taken some form of fluoride supplement at the present time. We also have introduced the mass fissure ceiling of groups indicated, that is, those children who are at risk from dental decay. They apply a varnish over the teeth and it comes in all sorts of nice flavours that the children enjoy and it does a fantastic job. We have applied this sealing to approximately 300 teeth per month so as to prevent this kind of onset of disease.

We have supervised tooth brushing in all of the primary schools and each child receives a toothbrush and toothpaste each school term at no cost. These are provided under the good services of the Lions. We also have introduced topical fluoride varnishes and school children who have had previous experience of dental decay receive this preventative treatment with a fluoride varnish after screening by the relevant profession. These kind of measures should ensure that Cayman will attain the WHO global goals for 2000 in child dentistry and will be surpassed by a healthy margin. By 1995, in fact, we expect to have reached these goals. The addition of the chairs and the modern dental facility in May, will certainly enhance the provision of dental services through-out the island.

The recommendations taken for the Health Plan as they apply to Cayman Brac and Little Cayman is that all of the systems and managerial methods put in place in Cayman will be applied to the Cayman Brac Faith Hospital. In addition plans call for a new facility of 18 beds in Cayman Brac and a redesign and reworking of their present hospital to provide proper out-patient clinics, pharmacy, x-ray, lab and all of the support services that are needed in order to deliver the quality of care that we would like to deliver in Cayman Brac. The Government is presently negotiating with the Board of the Cayman Brac Faith Hospital Association for a long term contract of 20 years, the Government's option to renew. Presently it is a one year contract and I do not think the Government would be wise to make that large of an investment without some kind of a long term secure position over the property. In addition to that, we will be establishing an advisory board in consultation with the Board of Directors of the Cayman Brac Faith Hospital to assist in the management and give advise on the situation of health care in Cayman Brac.

Now, I would like to turn to the second area of my responsibility - Public Health. The area of Public Health is concerned mostly with the surveillance of disease and the prevention of disease. The reported incidences of communicable diseases for the Cayman Islands are very low. We in the Public Health Department and the Portfolio have reasons to suspect that these are not as low as they appear to be because there is not that good of a compliance by the private physicians in reporting such things as measles and mumps. But, we are endeavouring to provide them with an easier system of reporting and hope to get that under control in the very near future.

Sexually transmitted diseases appear to be the main communicable disease and problem area at the present time. In addition the leading causes of death in the Cayman Islands are heart disease, which accounts for about 27 per cent of all deaths; malignant neoplasms or cancer is about 19 per cent; cerebral diseases or strokes is about 12 to 13 per cent; accidents 11 to 12 per cent and pneumonia and influenza about 4.4 per cent. These are the areas that we want to target in our Health promotion exercise and I will deal with that in greater detail a little later on.

Much is being done in the area of public education to reduce these diseases, and we are doing a very good job on our immunisations for preventable diseases, such as Diphtheria, Whooping Cough and Polio, and Measles Vaccine. In fact, our statistics show that in the Cayman Islands 92 per cent are immunised, for DPT, which is Diphtheria, Pertussis (whooping cough) and Tetanus, as compared to 81 per cent of the English speaking Caribbean; Polio - 93 per cent are immunised in Cayman as compared to 81 per cent in the rest of the English speaking Caribbean and for the Measles Vaccine 95 per cent of the population is immunised as compared to 71 per cent of the English speaking Caribbean. Even in that we are in a much better position because we have always used what is called MMR which is Measles, Mumps and Rubella. So we are 94 per cent covered for Measles, Mumps and Rubella which is German Measles rather than as compared to the rest of the English Caribbean which is only 71 per cent and they are only covered for Measles.

The CARICOM Ministers responsible for Health have decide to work jointly in this context for cooperation for Health and they have launched an initiative in 1986. Paternal Child Health Care was selected as one of the priority areas in the prevention of vaccine preventable diseases through the Expanded Programme of Immunisation which we commonly know as the EPI programme. Since this expanded programme on immunisation was launched in the English speaking Caribbean there has been continuous reduction in the number of cases of these diseases for which immunisations are given.

Polio was last reported in the region in 1982. Diphtheria, Whooping Cough and Tetanus have declined significantly in this entire region. In the Cayman Islands our vaccine coverage as I have given the statistics earlier are very high and the low level of occurrence of diseases preventable by vaccination is pleasing to note. We do not have Polio, Diphtheria, Whooping Cough or Rubella. We have a few cases of Measles and Mumps that have been reported. We believe, as I said earlier, that there is the possibility that we do have more cases of Measles and Mumps than what was actually reported but we are working on the accuracy of these statistics. We realise that any kind of complacency could lead to disaster and hence we will continue to keep up this high level of immunisation coverage. At this point I would like to urge all parents to contact the Public Health Department of the George Town Hospital or their district health centres to see that their children

are fully immunised. This service is completely free of charge to all residents.

Measles is probably the only one of these diseases that remains a major challenge to the EPI effort in this region. This disease remains endemic in most of the English speaking Caribbean countries. In 1982 there were 8,897 reported cases from all of the countries. Since then there has been a steady decline with 1,500 cases being reported in 1988. However, in 1989, there were outbreaks of Measles in Jamaica and Trinidad and this contributed to over 8,000 cases being reported in the region. With the exception of this epidemic in 1989 the impressed rapid reduction in disease burden resulting from increased coverages of this Measles (and, as I said, we are using the MMR which is Measles, Mumps and Rubella) has paled away and the CARICOM Ministers have now taken a decision to eliminate indigenous transmission of Measles in the English speaking Caribbean and Caribbean countries by 1995. The strategy that they have developed proposes an initial mass vaccination or re-vaccination to all persons 12 months to 15 years of age, followed by routine vaccination, thus raising the immunity level of all target children. We in Cayman, normally give the MMR vaccine at 15 months of age, similar to what is practiced in the United States. Experience in the United States and other countries indicate that Measles transmissions can be sustained even in areas with high immunisation coverage among the remaining unvacinnated and the small proportion of primary vaccine failures. Out-breaks of Measles among vaccinated school children, in Particular, the occurrence of substantial numbers of Measles cases among students and personnel in College campuses in the U.S.A. lead to the recommendation of our local Immunisation Practices Advisory Committee that a two dose schedule of MMR with the first dose at 15 months and a second dose at school entry be implemented. We have accepted that recommendation and are carrying it out.

We have developed the following plan of action to completely eliminate Measles from the Cayman Islands. We will continue to give MMR vaccine to 15 month old babies as the first dose and introduce re-vaccination to all at school entry. That is, four to six years, while carrying out the school entry medicals in July and August of this year. We will immunise all children in the schools with MMR vaccine in the month of May this year and for those who have had previous MMR this will be a booster dose. For those who never had it, this will be a primary dose which will be followed by a booster in one month's time. At the same time, efforts will be made to contact the unimmunised children of pre-school age for their coverage, thus, we will be able to obtain high levels of coverage at this time. The Public Health Department is planning this with a mutually convenient time in consultation with the Education Department for all the respective schools. So this will not cause any disruption to classes or the education system or examinations etcetera. We will send letters to each of the parents to this effect.

I would like to underline here that cooperation of parents is essential for this programme to be successful. The Government and the community, mainly the parents, will have to be Partners in this system for us to succeed. We believe that it can be done and with the cooperation of the parents, we will make every effort at the Portfolio and Department level to make sure that it is completed.

At the hospital we have had 107 influenza cases reported during December 1989 and January 1990. We have obtained some influenza vaccine which we offer to high risk groups such as the elderly, people with diabetes and heart disease and these patients are given the vaccine to assist them. So far we have given about 270 doses of the vaccine. We will continue to offer the flu vaccine during October and November, 1991, just prior to what is normally accepted as the flu season, the winter months.

The Advisory Committee of Immunisation consists of all local pediatricans and the senior Public Health personnel. They are all reviewing and exploring the feasibility of incorporating a new vaccine into our programme of prevention called a Haemophilus Influenza type B, which is a childhood cold disease; we hope to have this introduced this year as well.

We have also introduced the Hepatitis-B vaccine programme to all health care workers as Part of the infection control manual and the whole infection control situation so as to prevent transmission of Hepatitis-B to health care workers by accidental needle sticks or exposure to other body fluids.

The other clinics conducted under the auspices of the Public Health Department are Family Planning, Maternal and Child Health Clinics, Well Baby Clinics, Patient Education and of course the Medical Officer for Health is also responsible for our Aids Programmes. We publish the statistics as required by the Health Plan at the end of every quarter and the latest statistics indicate that we have three HIV positive cases and one case of the disease.

We hope to get into the whole area of health promotion as opposed to health education. Health promotion is the promotion of good health and the encouraging of people to take responsibility for their own health in Particularly diseases which are preventable like smoking, alcoholism and other self inflicted diseases, so to speak.

We have the National Drug Programme which is also operated under the auspices of the Medical Officer for Health who is in charge of our Public Health, but I would address that under a different subject for which I am responsible.

This year Health Week will be held during April 7 thru the 13 and the World Health Organisation who has always sponsored this Health Week has chosen the theme, "Should Disaster Strike, Be Prepared", for World Health Day which is April 7 1991. Having had the experience of Hurricane Gilbert the theme is chosen at an appropriate time and the National Hurricane Committee under the Health Services Department is working toward some special promotional activities during this week. Educational materials on emergency medical shelters and hurricane preparedness will be made available, as it is always done, through Health Week and through the mass media.

As a component of World Health Day activities, and based on this theme, we will have posters developed by the children in the schools from age two to eight years. Locally the Public Health and Education Department are coordinating this event and the competition within the schools. We

also have for our "No Tobacco Day", "No Smoking Campaigns" undertaken in association with the Chamber of Commerce and we have committed private individuals and organisations and we have received good results with their commitment to this kind of programme.

The Portfolio is actively considering representation which it has received to introduce Legislation restricting smoking in public buildings. We see this as a positive step from the community and urge organisations and individuals to get actively involved in promoting this aspect of good health so the desired Legislation will have smooth passage to the Legislative Assembly.

To give a total synopsis of what has transpired with Aids in the Cayman Islands since we have launched our Aid Programme and just to bring Members up-to-date: So far, a total of 17 people have tested positive for the Aids virus from the time we started offering the test and introduced the Aids Programme two years ago. From all of the traces and information that we have, all of the contacts with the virus were directly through over-seas contacts. Of these 17 people, four were on Gainful Occupation Licences and left the island. The remaining 13 are Caymanians or Status holders, eight developed the full-blown disease and seven of them died. Of the remaining five, two chose to leave the island because they have had dual citisenship in other countries and they have better facilities in dealing with the disease. We are left with the present situation at the end of the last quarter of three HIV positive and only one case of the disease.

As it is well known and as the Aids Plan promotes, Aids is a behavioral disease and is one of the sexually transmitted diseases. The whole Aids Plan is focused on education through the media. We get involved in all of the major fairs and Pirates Week. We were involved with the Choose to be Drug Free Programme, the PTA, seminars, workshops and we have a variety of educational materials produced locally and distributed locally. We secured the services of our Health Educator under the Aids Plan through the Pan American Health Organisation and we have held a series of workshops for all categories of health care workers during 1991. We intend to continue our education programmes in the present format of actually going to the work place of the individuals and conduct the seminars there for their convenience. We will send two nurses to the Jackson Memorial Hospital to have hands on experience in caring for Aids patients. Again this will be done on the auspices of the Aids Plan which is funded through PAHO and of course we will continue to offer confidential testing for those who wish to have one done.

We also have a series of seminars planned for other sexually transmitted diseases, for teachers and the training of them so they can pass the information on to the children in the schools. We get involved in the various societies in an effort to promote behavior changes which will reduce the risk of exposure to this disease.

As I said earlier, one of the great trusts for 1991 under the Public Health will be a series of active health promotion. I have a meeting tomorrow morning with the Regional Director of the Pan American Health Organisation responsible for the Cayman Islands and I will be attempting to talk him into to funding one specific programme under that health promotion which will be directly targeted at heart disease. We will come up with a series of goals to be attained over the next four or five years through public education, proper exercise, proper diet, reduce smoking etcetera in order to reduce heart disease which is presently our number one killer.

We intend to set up a foundation which will involve representations from all the various civic organisations and get involved in this whole promotion exercise. If the involvement and cooperation we got for Drug Free Week last year is any indication of what is available locally and how the community can really get turned on to a project and produce a lot of information in a short time and disseminate, we are looking forward to a very successful programme towards the reduction of heart disease. Of course we will continue our school health programmes under the auspices of the Public Health and the whole educational programme for school children in terms of good health and the promotion in health education aspects.

The third area with which I am charged with under the Constitution is Anti-Drug Abuse Programmes. This area of my responsibility gives me and my staff the most concern. We drafted a National Drug Plan two years ago, and we have implemented (as I will explain later on) a large portion of it. There has been some minor indication in a downturn of the number of crimes associated with drug use in 1989 and we believe that while we have not in anyway stopped abuse of drugs, we hope that our efforts, Particularly in the prevention through education that we have at least succeeded in stunting its rapid growth. Of course there is no time for complacency. Our biggest drug problem is still alcohol and the problem with that is that it is socially acceptable and it is legal. By far, it has the greatest effect in terms of the social consequences and even the incidence of disease, but we are attempting to provide the relevant services through the Cayman Counselling Centre.

Recognising that this drug abuse is a very serious problem, in 1989 the Portfolio in consultation with the drug counsellor at that time, the Medical Officer for Health, the recommendations of the Advisory Committee on the Misue of Drugs and the Hazeldon group which offered us a consultancy, we drafted a plan of action and tabled it in this Honourable House.

Basically that plan of action was in three main areas: Prevention; Treatment and Rehabilitation. Most of that was through the EAP Programme. Cayman Against Substance Abuse (CASA) in association with the staff of the Cayman Counselling Centre has undertaken the task of preventive education in the community. The Education Department has introduced separate and apart from that its Drug Education Programme in all of its schools and CASA has had a very positive approach and quite a bit of success through its Parent to Parent Programme, its Youth to Youth Programme, its Peer Counselling Programmes, just to name a few and of course they were also very much involved in the Drug Free Week and Participated in the Drug Conference that we had during that week. We accept and expect and have increased the Government's grant to CASA this year and we expect that they will continue to be very heavily involved in prevention through education at the community level.

The second Part of that National Drug Plan dealt with the treatment and 1990 can be said to be the first year of full operation of the Cayman Counselling Centre and clients that used the service are categorised as drug users and we found that for 1990, we have had a total patient clientele of 2,415 patients. These range from individual counselling, Out-patients' Primary Treatment Programme for Drug Users and Family Programmes; the increased usage of this service is a reflection of the recognition we believe of the problem by individuals and families which is a step in the right direction of tackling this problem of drug abuse.

In addition to these treatment programmes a Group Therapy Programme for adult children of dysfunctional families was just initiated in January and will be monitored closely to see what effect this is going to have on the chemical dependency of the drug users in helping them with their emotional programmes. One of the programmes to be further developed in 1991 is the Young Adult and Children Programme. This programme refers to treatment for adults who are suffering from emotional and behavioral problems that find their origin in family issues.

MADAM SPEAKER: It is now 4:30, time for the adjournment.

ADJOURNMENT

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

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

AYES.

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

AT 4:31 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM THURSDAY 21ST FEBRUARY, 1991.

THURSDAY
21ST FEBRUARY 1991
10:07 A.M.

MADAM SPEAKER: Prayers by the Honourable Second Official Member.

PRAYERS

HON. RICHARD W. GROUND: 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, Speaker of the Legislative Assembly, the 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, Amen.

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.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Presentation of Papers and Reports. The Honourable Elected Member for Education.

PRESENTATION OF PAPERS AND REPORTS

THE AUDITED ACCOUNTS OF THE CAYMAN TURTLE FARM, 1983, LIMITED FOR THE PERIOD ENDED 31 MARCH, 1990.

HON. BENSON O. EBANKS: Madam Speaker, I beg to lay on the Table of this Honourable House the Audited Accounts of the Cayman Turtle Farm, 1983, Limited, for the period ended 31 March, 1990.

MADAM SPEAKER: So, ordered.

HON. BENSON O. EBANKS: Madam Speaker, these accounts are self-explanatory, except perhaps, for Note 8. Honourable Members will recall that during the Accounting Year to 31 March, 1989, there was a shortfall in inventory at the Farm's retail store, amounting to some $128,000. The matter was reported to the Royal Cayman Islands Police Force who up to the time of the Audit on 31 March, 1990, were investigating the matter. Subsequently, the police have reported that their investigation did not uncover sufficient evidence to charge anyone with this irregularity.

I would also like to call the Honourable Members' attention to the very favourable net trading surplus of $270,494 for the year. This, of course, is due almost entirely to the substantial increase in visitors to the Farm, which not only reflects greater tour fees, but also greater retail sales at the Farm's shop. It is anticipated that the Farm will show an even better surplus for the next trading year.

I wish to point out that the insurance claim mentioned in Note 7 has been received in full and that the loan of CI $100,000, together with interest thereon, was repaid to Government before Government's year end at 31 December, 1990. Thank you.

QUESTIONS TO HONOURABLE MEMBERS

MADAM SPEAKER: Questions, No. 23, standing in the name of the First Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO.23: Would the Honourable Member say what is the present status of the construction of boat ramps in the Gun Bay and Frank Sound area?

ANSWER: Construction of the boat ramps at Gun Bay and Frank Sound is scheduled to commence during

the second quarter of 1991. The Construction period of both projects will be approximately three months. These projects were delayed due to the problems experienced with the ongoing acquisition of the necessary land for parking at Gun Bay. As regards Frank Sound, land acquisition is to be finalised by April, 1991.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Honourable Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say whether or not it is correct that representatives from the Government Departments and Portfolio, along with myself and the owner of the property, visited the property early in 1989 and decided then on the property for parking?

HON. LINFORD A. PIERSON: I confirm that a visit was made in 1989 when we examined the proposed area for the boat ramp. But, as I mentioned in the substantive answer, additional land was required. I may elaborate on this for some clarification. It is my understanding, that the necessary land on which parking facilities are normally based, is the projected demand for the area. This is on the basis of the size of the stall (which is normally something like 45 feet by 10 feet) and also the amount of space that is necessary for maneuvering. Basically, what we are looking at (on the basis of that being the only boat ramp for that area) would maybe be on a week-end up to ten cars, some with trailers. The amount of space that we would be looking at accordingly, would be 8,000 to 10,000 square feet. This is now, as I mentioned, being negotiated, and as soon as this is finalised this project will commence.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the ramp in Frank Sound is one of three scheduled for the Bodden Town area. I would like to ask the Member, since there is greater demand for the other two ramps, if he can do anything to give higher priority to the construction of the one in the centre of Bodden Town, along with the one in Frank Sound?

HON. LINFORD A. PIERSON: Madam Speaker, this is sort of indirectly connected with the question, but I would be happy to deal with it. As the Member is aware, negotiations are now going on to acquire a piece of property. The first piece of property that we looked at (that is the representative for Bodden Town and I) was much too expensive, it was something like $250,000 for that piece of property. We are now looking at a piece of property across from the monument in Bodden Town. Hopefully, we will be successful in acquiring that.

MADAM SPEAKER: The First Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say exactly where the property for parking in Gun Bay will be located?

HON. LINFORD A. PIERSON: It is my understanding that it will be located directly across the road from the proposed boat ramp.

MADAM SPEAKER: The First Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if is possible for the Member to seek information from the representative of Lands and Survey to confirm that I am speaking of the same piece of property which we dealt with on the same day?

HON. LINFORD A. PIERSON: It is my understanding that we are looking at two different pieces of property.

MADAM SPEAKER: The First Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, it is two different pieces of property, a piece on the seaside owned by the same gentleman, and a piece on the land side. Sitting behind the Member is the representative from the Public Works Department who can confirm to him that what I am saying is correct. We looked at both pieces on the same day.

HON. LINFORD A. PIERSON: Madam Speaker, I think we are perhaps talking at cross purposes. We are talking about pretty much the same thing, but in different terms. We did, in fact, look at the boat ramp area and it is true that the piece across the road is also owned by the same gentleman. It is also my understanding that the Lands and Survey Department is now preparing the necessary 20 year lease on this with an option for a further term, also considering what acquisition, if any, will be paid for the property.

MADAM SPEAKER: The First Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say whether or

not it is correct that on the date I am speaking of the gentleman offered the property for parking? I would like to know what has taken so long to draw a lease.

HON. LINFORD A. PIERSON: I am trying to see if my officers can recall that the gentleman in question did, in fact, meet
with the group that day. As far as we can recall he did not meet with the group that day, but we were advised by a representative that he was prepared to let us have the necessary property for the boat ramp.

MADAM SPEAKER: The First Elected Member for East End.

MR. JOHN B. McLEAN: I think I know my district pretty well, and I am certain that I do not forget faces. The gentleman sitting right behind Mr. Pierson... excuse me for using his name, but it will make it clearer. A lady from Lands and Survey, Mr. George Bodden, and I visited both sites, and I can see the man with his machete in hand pointing out to us that we could utilise the piece of property on the land side. Can the Member confirm that I am correct?

HON. LINFORD A. PIERSON: Madam Speaker, with regard to the little spiel by the Member having known East End... I think, having a few years over him, that I know East End just as well, because I was born there. But the point I am making is that I cannot personally recall meeting with this gentleman on the day that I went to Gun Bay. I think he is talking about another day when somebody else went to Gun Bay. I am speaking about the visit that I made when I visited that area and the boat ramp area was pointed out to me as being this piece of property available for that ramp.

MADAM SPEAKER: Could we conclude this discussion? If there is a problem then perhaps the two Honourable Members might get together afterward and resolve that. I will not allow any more questions on that issue, please.

MR. G. HAIG BODDEN: As there has only been one question on the Frank Sound ramp, could I have just one more please?

MADAM SPEAKER: This is the last question, please.

MR. G. HAIG BODDEN: I notice that the acquisition of the land should be finalised by April, which I believe is 1st April, All Fool's Day. Will the Member say when construction will start, as this has been ongoing for a long time?

HON. LINFORD A. PIERSON: I believe that I did, in fact, give that in the substantive answer. The construction period for both projects will be approximately three months, and it will commence during the second quarter of 1991.

MR. JOHN B. McLEAN: Before going on, could I just make one clarification on this? I think it is important that I do.
The Member said that we were speaking of two different days. I did state the individuals who were with me on the date that I was talking about.

MADAM SPEAKER: Honourable Member, I think that I have made my ruling on that. Would you please accept it?

MR. JOHN B. McLEAN: I bow to it.

MADAM SPEAKER: Question No. 24 is standing in the name of the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 24: Could the Honourable Member say what the present status of the cattle dips in East End and the Lower Valley area is?

ANSWER: Plans and costing have been prepared and approval obtained in respect of cattle dips at East End and Lower Valley. No funding was provided for these projects in the 1990 Budget, and as Government is currently considering these facilities under its Five Year Agricultural Development Plan, the projects have been put on hold until such time as a review is carried out.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Is it correct that the Department has plans for changing the

system for cattle dipping in these Islands?

HON. LINFORD A. PIERSON: Yes, Madam Speaker. The Department is constantly trying to upgrade and improve old existing systems. This is a case where we are, in fact, trying to utilise a more modern and effective system for treating of ticks. I would be prepared to give a little more detail on this if the Member would so wish.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I would be glad to hear whether this is the rub-down system used for dairy cattle in the United States, or whether it is a system that will use the equipment which was brought in (around 1985 or 1986) and never used.

HON. LINFORD A. PIERSON: It seems that the Member is up to date on some of the systems, and I would like to give him some further information on this.

The Department of Agriculture is actively investigating the probable adoption of the latest in pour-on technology for the control and eradication of ticks in the Cayman Islands. The question was what progress has been made *thus far* with these investigations. The Department is in contact with the reseacher from the Department of Infectious Diseases at the University of Florida in Gainsville and the Bayer Chemical Company in West Germany, for preparation of a project proposal for a pilot control eradication programme, with a possible contribution by the Bayer Company for the study. The evaluation of the economics of the use of the pour-on products versus the current dip-vat used here in the Cayman Islands, is also included in the proposals.

On the question of the advantages of the pour-on product over dip-vats, the proposed dip-vat construction is costly; driving of cattle requires more manpower, and more time is expended; dangerous road crossings are sometimes encountered on the way to a dip-vat; stress and injury to animals is often encountered during the dipping process; evaporation and dilution of dip by flooding during heavy rains is hard to prevent; constant dip maintenance is necessary to keep up the proper strength of the dipping solution in order to avoid toxicity problems, on the one hand, as opposed to ineffectiveness on the other.

The pour-on product is expected to eliminate all of the disadvantages described above and has a minimal environmental impact since small amounts are applied directly to the cattle. The applied product is rain-fast and has a residual action which lasts for two to three weeks. There is no run-off of chemicals and there is no need to dispose of large volumes of contaminated water and mud when dip-vats are emptied for cleaning. The product can be used on animals in a crush or chute and the method of application is quite simple.

MR. G. HAIG BODDEN: Madam Speaker, I would like to know if any member of the Department has yet volunteered to apply this rub-on chemical to the wild Brahma type cattle we have, which are left free to roam the pastures?

HON. LINFORD A. PIERSON: Nobody has volunteered to rub down wild animals, and this is the reason we will be putting them into a crush or a chute so that they can be properly controlled.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say whether or not there will be any maintenance on the equipment used for the new system that he is speaking about?

HON. LINFORD A. PIERSON: It is my understanding that there is no major maintenance, except for the normal wear and tear on the crush or the chute that we are talking about.

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say if the simple system of dipping is now moving to one where the University of Florida and a company in Germany are involved which also entails large consultancies in determining the outcome of this particular exercise? Is there not expertise available now in the Agriculture Department or personnel who can see to this particular exercise?

HON. LINFORD A. PIERSON: It is my understanding that this will not require consultants, it will be done within the Department. On the second part of the question, yes we do have people within the Department with the necessary expertise to do this job.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, can the Member say what the earlier system acquired for use in this matter was, how much use was made of that new method and when was it acquired? To refresh your memory, somewhere around 1986 a system was acquired for dealing with ticks but was not used.

HON. LINFORD A. PIERSON: I am fortunate to have the Chief Agricultural and Veterinary Officer right behind me, so I am taking a little time to get some further information on supplementaries from him.

He states that in 1986 there was, in fact, a system known as 'Spray Raise' that was used with some mechanical device. But the noise from this engine was causing a lot of problems with animals and that is the reason why that was discontinued.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Could the Member say how much it cost and whether someone from the Portfolio or from the Department actually went to see or hear this machine in operation before they bought it? Could a muffler be affixed to it?

MADAM SPEAKER: Honourable Member, I would assume that it would be almost impossible for the Honourable Member for Communications to supply an answer which was not asked before about the cost. If he is able to do so, well and good; if not, perhaps he might indicate his willingness to supply the figures at a later date.

MR. TRUMAN BODDEN: As you rule.

HON. LINFORD A. PIERSON: I would be happy to try and get the information for the Member in writing. But, on the question of the new method that I explained earlier, I have a brochure here showing exactly how the product is used, and I would be pleased to table this so Members can see exactly the method that I am referring to.

MADAM SPEAKER: The First Elected Member for Bodden Town, and this will be last supplementary on this question.

MR. ROY BODDEN: I would just like to ask the Honourable Member if any attempts were made to solicit the opinions of cattle ranchers and owners prior to entering negotiations to procure this new equipment?

HON. LINFORD A. PIERSON: Madam Speaker, this is a situation where the Department and Portfolio are always trying to look at new and improved methods of technology. This is one such improved technology, and it is now being examined by the Department. As the Member who asked the question probably knows, we are working very closely with the farming community. Hopefully, within the Five Year Development Plan, many of these new technologies will be introduced.

MADAM SPEAKER: We will now move on to question No. 25, standing in the name of the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 25: Would the Honourable Member state: (a) what has been the cost of preparing the demonstration farm on Smith Road; (b) the types of plants demonstrated; (c) the results of the demonstration on crops such as papayas, etcetera; (d) what revenue, if any, has been collected from this farm; and (e) how was the produce, if any, disposed of from this farm?

ANSWER: Madam Speaker, as the question is in five parts, I will answer accordingly.

(a) The cost to prepare the demonstration farm on Smith Road was $9,801.30.

(b) The types of plants demonstrated were watermelon, okra, sweet pepper, gungo peas, cantaloupe, cabbage, eggplant, sweet corn, papayas, bananas, plantain and sorrel.

(c) Of the total acreage under demonstration at Smith Road, the area has been subdivided as follows:

(1) Papayas 0.26 acres
(2) Bananas and Plantain 0.80 acres
(3) Vegetables 0.28 acres.

(1) Papayas: This area was devoted to the screening of four varieties for tolerance/resistance to 'Bunchy Top' Disease. Unfortunately, systems of Bunchy Top and Distortion Ring Spot were seen in all plants in the screening plot. These diseases took effect at a very critical stage in the growth and development of the plants, i.e. between fruit-set and full maturity and therefore, fruit quantity and quality were devastated. One must appreciate here that the destruction of the plot by the diseases is not a failure per se, but a guide as to which varieties can or cannot be recommended to farmers for

commercial production. The Department of Agriculture intends to re-establish this plot in an effort to find a tolerant variety and has turned to its professional contacts in Puerto Rico and Hawaii for technical assistance to obtain samples of other varieties.

(2) Bananas and Plantain: The acreage under bananas and plantain is earmarked to demonstrate and show the farming community the following:

(i) different varieties being grown under similar conditions for easy comparison.
(ii) different methods of spacing, i.e. plant density.
(iii) improved cultural practices.
(iv) use of drip irrigation.

The plot will also serve as a source of planting material for sale and distribution to the farming community in the future.

The varieties planted at Smith Road are as follows: Bananas, Williams Hybrid, Grande Naine, Petite Naine, Poyo, Apple Banana, Lacatan (control) Plantain, Kelong Mekintu - French dwarf plantain.

The first yields have been recorded from material planted on 1st May, 1990. This section includes the Williams Hybrid and Grande Naine. Planting to harvest: eight months. Average hands per bunch: eight. Average weight per bunch: 30 pounds. Higher yields and weights are, however, expected now that the Drip System, which provides water and fertilizer to the growing plants, is in place.

(3) Vegetables: actual computation of cost of production figures has not been completed as yet, but would be ready as a matter of urgency by the end of the first quarter of 1991.

Generally, it has been found that:

(1) a fertilizer package of 2:1:1 (Nitrogen:Phosphorus:Potassium) has provided good results over the range of vegetables grown.

(2) a well managed drip system effectively reduces both water and fertilizer wastage.

(3) main periods of high insect activity is during the drier months while disease activity is greatest during wet and humid months.

(4) that the drip irrigation system with the fertigation method incorporated appears to be an economically viable alternative to vegetable production, especially in these Islands where the availability of suitable water is a scarce resource.

(d) Revenue collected from this farm amounted to $816.47 from mid June through December 1990 and $203.68 since the first of the year.

(e) The majority of this produce has been disposed of through the Farmers' Market outlet. Rejected or unmarketable produce was given to field or administrative staff on occasion instead of dumping it. Some produce was also destroyed by straying animals.

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, the cost of the demonstration farm was $9,801, and the collection of revenue was $1,020. Was this a demonstration on how to economically grow crops?

HON. LINFORD A. PIERSON: Madam Speaker, this was not a revenue earning project for Government, but a demonstration farm to assist farmers with certain produce and crops. This is the reason why it is not reflecting any profits.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Does the farm assist farmers at all in relation to economically growing crops?

HON. LINFORD A. PIERSON: The answer is yes. It is noted that this farm is also for investigative work carried out by the Agricultural Department.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could give us a breakdown of the CI $9,801.30, as to how that was spent to prepare the demonstration farm?

HON. LINFORD A. PIERSON: Yes, Madam Speaker. An itemised breakdown is as follows:

Cost of reservoir - material, labour and construction for a 5,607 gallon capacity	$2,000.00
Electrical installation - labour, material wiring	2,318.05
Irrigation tubing for the emitters - 15 feet used for the vegetables	751.74
Irrigation tubing for papaya, banana and plantain	328.13
Emitters - half a gallon per hour	194.72
Irrigation Pumps	604.34
Suction-type fertilizer injector	494.13
Screen filter	92.34
Plumbing supplies - pipes, elbows, valves, PVC cleaner and cement	825.33
Back-Hoe for trenching	247.50
Purchase of tissue culture plantlets - 320 Kelong Mekin plantains, 250 Petit Naine bananas and 25 Poyo bananas	1,035.97
Purchase of vegetable seeds	114.05
Land preparation	795.00
TOTAL	$9,801.30

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

MR. GILBERT A. McLEAN: Would the Member give an indication why so little has been collected in terms of revenue from the farm, in that on several occasions I have noticed large amounts of bananas there for one thing? I know that the price on those are quite high, but they are green. Why is the revenue from the farm as little as $816?

HON. LINFORD A. PIERSON: Madam Speaker, in answer to the supplementary question, as mentioned earlier the purpose of the demonstration farm is not for earning revenue, it is mainly for investigative work for the Department and also to assist farmers. More directly, one of the reasons why the revenue may have dropped was because certain of the plants were taken (certain banana plants and so on) and were re-planted. This would be one of the reasons. The main reason for this is that the policy of the Portfolio and the Department is that the demonstration farm will be strictly a demonstration farm, and not a revenue earning department to compete with local farmers.

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

MR. GILBERT A. McLEAN: Would the Member say who decides that the produce from the farm should be taken, or should go to the field workers there? Who decides that? Secondly, in the demonstration that has been carried on so far, have any specific guidelines or knowledge from the growth of the plants been such that it can be passed on to farmers?

HON. LINFORD A. PIERSON: In the answer to the first part of the supplementary: The Chief Agricultural and Veterinary Officer is the Chief Officer in charge of the Agricultural Department, and instructions, of the nature raised by the Member, would come from him. The second part of the supplementary was asking whether any specific guidelines are given. Was that the second part of your supplementary?

MR. GILBERT A. McLEAN: Can the Member say if any useful knowledge on any one of the particular plants that have been demonstrated has been found?

HON. LINFORD A. PIERSON: The answer to that second part of that supplementary is yes.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Would the Honourable Member give the undertaking that in future exercises of this nature that the expenses incurred, at least, could be recouped and then perhaps the rest of the produce could be distributed for gratis after that?

HON. LINFORD A. PIERSON: In view of the whole philosophy and the policy of Government regarding the demonstration farm, to give such an undertaking would be saying to the House that Government intends to bring this demonstration in competition, so that it could be a profitable venture. This is not the policy of Government regarding the demonstration farm. But I take the point made by the Member and, certainly, we will be looking into all avenues for cutting costs where possible.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, may I ask the Member if it is correct that the main reason for the small revenue from the produce is that it was sold only to the Farmer's Market? Is it also correct that local producers have the same problem with the Farmer's Market, in that the price paid by them is far below the market value?

HON. LINFORD A. PIERSON: I am trying to figure out the real significance of that supplementary. As I said in part (e) of the substantive answer, the majority of the produce has been sold to the Farmer's Market, the reason being is that we have not gone directly to the supermarkets or other outlets for marketing the produce. As I said earlier, the demonstration farm is not in the business of competing with local farmers.

MADAM SPEAKER: The last supplementary on this question, by the Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, from the answer it is noted that four varieties of papayas have been tried out on the demonstration farm, and I am aware of many farmers who have failed in this area. Could the Member say whether at this time, from the demonstrations carried out at the demonstration farm, if the Department is able to tell a farmer exactly which variety would be tolerant in Cayman?

HON. LINFORD A. PIERSON: As noted in the written answer to part (c) of the question, detailed information was given as regards papaya, I would just like to read this. But before that, I would like to point out that the exercises carried out thus far have demonstrated what strain of papayas we can advise the farmers not to get involved in. I will just read this for the benefit of the House and the listening public.

> (1) Papayas: This area was devoted to the screening of four varieties for tolerance/resistance to 'Bunchy Top' Disease. Unfortunately, symptoms of Bunchy Top and Distortion Ring Spot were seen in all plants in the screening plot. These diseases took effect at a very critical stage in the growth and development of the plants, i.e. between fruit-set and full maturity and therefore fruit quantity and quality were devastated. One must appreciate here that the destruction of the plot by the diseases is not a failure per se, but a guide as to which varieties can or cannot be recommended to farmers for commercial production. The Department of Agriculture intends to re-establish this plot in a effort to find a tolerant variety and has turned to its professional contacts in Puerto Rico and Hawaii for technical assistance to obtain samples of other varieties.

MADAM SPEAKER: The next question is No. 26, standing in the name of the First Elected for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 26: Would the Honourable Member say whether Government would consider reviewing the Division Of Fences Law, 1980?

ANSWER: Government is prepared to review the Division of Fences Law provided representation is forthcoming from affected land owners.

SUPPLEMENTARIES

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Would the Honourable Member say if in the recent past the Government has had any representation from cattle owners with a view to reviewing this Law?

HON. LINFORD A. PIERSON: No, Madam Speaker.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, will the Member say if his Portfolio has received any complaints about stray animals causing damage?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, we have received a number of complaints about stray animals. This is indeed a major problem.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say whether or not it is correct that representation was made by the Agricultural Society on behalf of the farmers?

HON. LINFORD A. PIERSON: I am advised by the Chief Agricultural Officer that the Agricultural Society had, in fact, sent in a number of concerns. But I would refer Members' attention to the Law concerning division of fences, which is really contained on just a half sheet of paper. It is very easy to understand what is contained in here and if any Members would like amendments to this, I would be happy to receive them.

MADAM SPEAKER: We move on the question No. 27, standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 27: Can the Honourable Member say what is the expected completion date of the MLA's Offices at the Bodden Town Civic Centre?

ANSWER: Renovations to the room which is being converted to the MLA's office were completed in October, 1990. However, Public Works was unable to furnish it before the end of the year. The office was furnished and ready for occupancy on Monday 18 February 1991. Madam Speaker, it gives me much pleasure to hand over the keys, through the Serjeant, to the Members for Bodden Town.

SUPPLEMENTARIES

MADAM SPEAKER: The Second Elected Member of Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, the offices to which the Member refers were built in 1984. Can the Member say why it has taken six years to arrive at this point today?

HON. LINFORD A. PIERSON: It is correct that the offices were built for the use of MLA's in Bodden Town, but it was never used by any of them.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member agree that the reason why the office has not been used is because the offices have not been furnished and the keys have never been turned over to the Member?

HON. LINFORD A. PIERSON: Madam Speaker, I cannot agree with that statement because, as the Member said, the MLA office was
provided in 1984. I believe he is much more knowledgeable of that period than I am, so he should perhaps have knowledge of what happened to the keys at that point in time.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member agree that the motion to establish MLA offices, was not passed in this House until 1985, and although these offices were constructed in the Civic Centre at Bodden Town, the decision by Government to use them as MLA offices had not been taken until 1985? Does he know this?

HON. LINFORD A. PIERSON: Madam Speaker, I wonder whether the Member is saying that as an indictment on that period in our history, 1984? The office was, in fact, completed in 1984, and if it was completed then I would assume that the necessary furnishing and keys would have available. If a motion was brought in 1985 to do additional work on this, then it would have reflected on the 1984 completion not being properly done. That is the only answer I can give.

MADAM SPEAKER: We will move to question No. 28, standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 28: Would the Honourable Member say what progress Government has made in its plans to offer assistance in the building of the toilet facilities at the Savannah/Newlands Community Fair Grounds?

ANSWER: Government has not abandoned its plans to offer assistance on the provision of toilet facilities at the Savannah/Newlands Community Fair Grounds. During 1990, plans were prepared by Public Works in consultation with community representatives. Costings are in the process of being completed and Public Works will be meeting shortly with these representatives regarding joint community/Government funding.

SUPPLEMENTARY

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would just like to ask the Honourable Member if he would consider keeping the constituency representatives up-to-date on the progress of the construction and the meetings with the community representatives. Thank you.

HON. LINFORD A. PIERSON: Yes, Madam Speaker, I give that assurance.

MADAM SPEAKER: We have two minutes left to deal with question No. 29, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 29: Will the Honourable Member state when the Water Authority will complete the installation of the reverse osmosis plant on Cayman Brac?

ANSWER: It is expected that the installation of the reverse osmosis plant will commence in the third week of March 1991 and be completed within one month of that date, provided that no problems are experienced with the shipping links between Grand Cayman and Cayman Brac.

SUSPENSION OF STANDING ORDER 23(7) AND (8)

MADAM SPEAKER: It is now 11 o'clock. I will countenance a motion for an extension, if approved by Members.

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe it may be the wish of the House that under Standing Order 83 we suspend Standing Order 23(7) and (8), to allow the other questions to be taken.

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

AYES.

MADAM SPEAKER: The Ayes have it. Standing Orders are suspended.

AGREED. STANDING ORDER 23(7) and (8) SUSPENDED.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries under question No. 29. The First Elected Member for Cayman Brac and Little Cayman.

CAPT. MABRY S. KIRKCONNELL: Would the Honourable Member state if at the completion of the time given in his substantive answer, water will then be for sale in Cayman Brac?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, water will be for sale by trucking when this is completed.

MADAM SPEAKER: If there are no further supplementaries, we shall move on to question No. 30, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 30: Will the Honourable Member state what area of Cayman Brac will be served with piped pressure potable water, and when?

ANSWER: The area of supply is the West End of Cayman Brac, all properties to the west of West End Cross Road and Gerrard Smith Avenue and those properties east and contiguous to these roads. The Civil Engineering contractor will be moving to Cayman Brac in the second week of March. It is expected that all the work will be complete within a period of three months. This period might be reduced depending upon digging conditions. Therefore, the latest date on which the supply will be operational is mid June 1991.

SUPPLEMENTARY

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

CAPT. MABRY S. KIRKCONNELL: I wonder if, as soon as the contractor has commenced operations evaluating the cost of the pipe laying, the Honourable Member would give consideration to giving the residents of Cayman Brac time to see if they would like to pay up front to get the area served by pipe water extended, as this seems to be the desire of many people.

HON. LINFORD A. PIERSON: That is a very good point, and the Portfolio on the Water Authority will be conducting a feasibility study to determine the cost effectiveness or benefits of such a project. We will be giving very serious consideration to this.

MADAM SPEAKER: If there are no further supplementaries, we shall proceed to question No. 31, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 31: Will the Honourable Member state the capacity of the proposed reservoir and the type of material it will be built from?

ANSWER: The capacity is 500,000 Imperial gallons. The tank is circular with the floor and sides constructed of internal/external glass fused steel panels, the roof is aluminum.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say why steel was chosen over the fiberglass-type of tanks? Was it the cost?

HON. LINFORD A. PIERSON: The Cayman Brac tank is regarded as a propriety type of tank that is used extensively in the water supply sector, particularly in Florida and other regional countries. It is regarded as a standard quality tank. As the Member will note from the answer, the tank is constructed from internal/external glass fused steel panels.

MADAM SPEAKER: If there are no further supplementaries, we shall proceed to question No. 32, 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 THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 32: The *Caymanian Compass* newspaper at intervals from 5 December, 1989, the most recent being 1 February, 1991, published articles concerning the organisation Humana/Dapp with alleged serious legal improprieties and claims the Cayman Islands is a major base of its financial operations. Would the Honourable Member say what steps are being taken by Government in this matter?

ANSWER: Police have made inquiries into the Humana Organisation and there is no evidence of a criminal offence being committed in Cayman.

SUPPLEMENTARIES

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

MR. GILBERT A. McLEAN: Madam Speaker, without breaking the confidentiality of the police operations, could the Member give some indication as to what is really meant by "the police have made inquiries"? What have these inquiries entailed? Serious allegations have been made about this particular organisation in many articles in the newspaper.

HON. J. LEMUEL HURLSTON: Madam Speaker, the allegations touched upon various jurisdictions, and the inquiries of the police stretched across all of the jurisdictions involving the various allegations. I do not wish to go into any more details than that.

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say if there has been any inquiry, or if Government has looked into the various companies that this organisation is supposed to have in the

Cayman Islands? It speaks of monies being handled even for terrorist acts.

HON. J. LEMUEL HURLSTON: Yes, Madam Speaker, the inquiries have been all inclusive and comprehensive.

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

MR. GILBERT A. McLEAN: Madam Speaker, the Member then confirms that the persons so identified and connected with this in the Cayman Islands, are bona fide individuals as far as the Government of the Cayman Islands goes?

HON. J. LEMUEL HURLSTON: I mean exactly what I said. There is no evidence of any criminal offence being committed in the Cayman Islands. I cannot vouch at this time as to the propriety of the character of any individual. The question was related to offences and I have confirmed that there is no evidence of any criminal offence.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say if there have been any official representations made to the Cayman Islands Government by any outside agencies or governments concerning this operation in the Cayman Islands?

HON. J. LEMUEL HURLSTON: In the nature of inquiries of this sort, there is a cross-referral of information both coming into and going out of the various jurisdictions where these allegations emanate. It is true, therefore, to say that representations have come in as, indeed, representations have gone out of this jurisdiction in the process of those inquiries.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member say if there exists any concern in the Cayman Islands Government circle that allowing operations of this nature (seeing that this operation has been the focus of other international governments) a free hand in the Cayman Islands will not tarnish the good image that the Cayman Islands is seeking to maintain in international finance?

HON. J. LEMUEL HURLSTON: There is genuine concern on the part of everyone in Government, and elsewhere, as far as the reputation and image of the Cayman Islands is concerned. That is why these kinds of inquiries have to be done comprehensively.

MADAM SPEAKER: We will move on to question No. 33, 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 THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 33: Would the Honourable Member say what steps are being taken to recruit a second doctor for Cayman Brac and Little Cayman to replace the doctor whose contract has not been renewed?

ANSWER: A second doctor for Cayman Brac arrived in the Island on 9 February and has taken up his position. Steps taken on this recruitment were as follows:

15 August 1990: Vacancy form received by Recruitment officer (PSC);

16 September 1990: Advertisements appeared in the United Kingdom, Canada and West Indies;

20 November 1990: Interviews held;

27 November 1990: Selection made;

9 February 1991: Medical Officer arrived to take up post.

SUPPLEMENTARIES

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

MR. GILBERT A. McLEAN: Would the Member say if the Medical Doctor has any particular medical specialisation? What is his nationality or from what area was he recruited?

HON. J. LEMUEL HURLSTON: The Medical Officer is a General Practitioner and he was recruited from the United Kingdom.

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

MR. GILBERT A. McLEAN: Could the Member say if the West Indian doctor who was holding on at the hospital while the second doctor was being recruited is still at the hospital or has he now left?

HON. J. LEMUEL HURLSTON: The Medical Officer's locum contract had been extended until the end of February, so as to facilitate a proper change over. The Officer is, therefore, still in post until the end of February.

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

MR. GILBERT A. McLEAN: Could the Member say if either of the doctors at Faith Hospital has any training, or a specialty in any particular field of medicine?

HON. J. LEMUEL HURLSTON: Madam Speaker, there is a senior Medical Officer at Cayman Brac, and he is a qualified surgeon. There would therefore be a surgeon and a General Practitioner stationed on those Islands.

MADAM SPEAKER: The next question No. 34, 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 HEALTH AND SOCIAL SERVICES

NO. 34: Would the Honourable Member say how much progress has been made towards the hospital design works for which $1 million was voted in the 1991 estimates?

ANSWER: The Portfolio, with the assistance of the Chief Medical Officer, is now preparing the bidding documents for the engineering, equipment specification, design, construction documents and bill of quantities for the new hospital.

SUPPLEMENTARIES

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

MR. GILBERT A. McLEAN: Could the Member say if these design works cover designs for a hospital on Grand Cayman and a hospital for Cayman Brac? Or which?

HON. D. EZZARD MILLER: No, these will be the designs for a hospital in Grand Cayman. The design work for the 18-bed addition for the Cayman Brac hospital is covered under the contract that is currently being let.

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

MR. GILBERT A. McLEAN: Would the Member say if this design work is being done on the present site of the hospital here or is it for another site in George Town?

HON. D. EZZARD MILLER: It is for a new hospital on a new site.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Member please say whether International Healthcare Corporation, or Mr. Conti, is involved in the preparation of what will go out for tender?

HON. D. EZZARD MILLER: No.

MADAM SPEAKER: If there are no further supplementaries we will proceed to question No. 35, standing in the name of the First Elected Member for West Bay.

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

NO. 35: Can the Honourable Member say if Government will consider increasing the penalties for telephone tapping, and tightening provisions of the Law in this matter?

ANSWER: Yes. Government is prepared to consider both aspects mentioned by the Member. They can be looked at on the review of the Telephone Law and the Radio Law which was mentioned in the Throne Speech.

SUPPLEMENTARY

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

MR. GILBERT A. McLEAN: Would the Member say if the Law allows telephone tapping by Government in this country?

HON. RICHARD W. GROUND: Madam speaker, The Telephone Law talks about it being an offense to intercept and publish telephone communications without authority. I have always interpreted that as allowing for a form of authority in appropriate cases.

MADAM SPEAKER: If there are no further supplementaries we shall move on to question No. 36, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 36: The Government has been requested to convert the present Post Office in West Bay into a district library. Can the Honourable Member say what progress has been made in this matter?

ANSWER: It has been determined that presently the new proposed Post Office in West Bay is expected to be completed early in 1992. Therefore, the actual conversion of the existing building to a public library would be a project for 1992. However, the new Post Office and District Legislative Assembly Members' Offices complex as designed does not permit expansion of the existing building for library services and provides a total of five car parking spaces only for the proposed three facilities. This is considered inadequate and Public Works Department has therefore been requested to review the project. A final decision on the use of the existing building as a library awaits the outcome of this review.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementary. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Will the Honourable Member give an undertaking that he will keep the other two Elected Members for the constituency up to date on the progress of this project?

HON. BENSON O. EBANKS: Yes, Madam Speaker.

MADAM SPEAKER: If there are no further supplementaries, we will proceed to question No. 37, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 37: Can the Honourable Member say when the new playing field in West Bay will be opened?

ANSWER: The new playing field at the Commons on Birch Tree Hill Road will be open as soon as some uneven settlement of the surface of one of the two fields has been made good and basic toilet facilities are put in place. Public Works advises that this work should now be completed by the third quarter of this year.

SUPPLEMENTARY

MADAM SPEAKER: First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether at that point the field will be opened, or is that being left until 1992 also?

HON. BENSON O. EBANKS: Madam Speaker, I do not understand the question. The answer gave when the field would be opened.

MADAM SPEAKER: That concludes question period for this morning. At this time proceedings will be suspended for 15 minutes.

AT 11:30 A.M. PROCEEDINGS SUSPENDED

PROCEEDINGS RESUMED AT 11:48 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed.
Government Business. Suspension of Standing Orders 14(3) to allow Government Business take precedence over Private Members' Motions. The Honourable First Official Member, Leader of Government Business.

SUSPENSION OF STANDING ORDERS 14(3)

HON. THOMAS C. JEFFERSON: Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Order 14(3) to allow Government business to take precedence.

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

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. STANDING ORDER 14(3) SUSPENDED.

MADAM SPEAKER: Bills, Third Readings.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

THE COMPANIES LAW (REVISED) (AMENDMENT) BILL, 1991

CLERK: The Companies Law (Revised) (Amendment) Bill, 1991

HON. THOMAS C. JEFFERSON: I move that a Bill entitled the Companies Law (Revised) (Amendment) Bill, 1991, be given a Third Reading and passed.

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

AYES & NOES.

MADAM SPEAKER: The Ayes have it.

MR. G. HAIG BODDEN: Madam Speaker, may I have a Division?

MADAM SPEAKER: You certainly may.

CLERK: **DIVISION NO. 4/91**

AYES: 8
Hon. Thomas C. Jefferson
Hon. Richard Ground
Hon. J. Lemuel Hurlston
Hon. W. Norman Bodden
Hon. Benson O. Ebanks
Hon D. Ezzard Miller
Hon. Linford Pierson
Capt. Mabry S. Kirkconnell:

NOES: 3
Mr. John D. Jefferson, Jr
Mr. Roy Bodden
Mr. G. Haig Bodden

ABSTENTION
Mr. Gilbert A. McLean

MADAM SPEAKER: The result of the division is eight Ayes, five Noes. The Ayes have it.

AGREED BY MAJORITY: THE COMPANIES LAW (REVISED) (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

THE WATER (PRODUCTION AND SUPPLY) (AMENDMENT) BILL, 1991

CLERK: The Water (Production and Supply) (Amendment) Bill, 1991.

HON. LINFORD A. PIERSON: Madam Speaker, I beg to move that a Bill shortly entitled, The Water (Production and Supply) (Amendment) Law, 1991, be given a Third Reading and passed.

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

AYES & NOES.

MADAM SPEAKER: The Ayes have it.

MR. TRUMAN M. BODDEN: Madam Speaker, may I have a Division please?

MADAM SPEAKER: Certainly.

CLERK: **DIVISION NO. 5/91**

AYES: 8	NOES: 5
Hon. Thomas C. Jefferson	Mr. John D. Jefferson, Jr
Hon. Richard Ground	Mr. Truman Bodden
Hon. J. Lemuel Hurlston	Mr. Roy Bodden
Hon. W. Norman Bodden	Mr. G. Haig Bodden
Hon. Benson O. Ebanks	Mr. Gilbert A. McLean
Hon D. Ezzard Miller	
Hon. Linford Pierson	
Capt. Mabry S. Kirkconnell:	

MADAM SPEAKER: The result of the division is eight Ayes, five Noes. The Ayes have it.

AGREED BY MAJORITY: THE WATER (PRODUCTION SUPPLY) (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

MADAM SPEAKER: The House will go into Committee to consider the Merchant Shipping (Submersible Craft) Bill, 1991.

HOUSE IN COMMITTEE 11:50 A.M.

COMMITTEE ON BILL

THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT) BILL, 1991

MADAM CHAIRMAN: Please be seated. The House is in Committee to consider the Merchant Shipping (Submersible Craft) Bill, 1991. As is usual, the Second Official Member will be asked to make amendments of a typographical or other nature to this Bill.

CLERK: Clause 1 - Short title and commencement.
Clause 2 - Interpretation.
Clause 3 - Application of this Law.
Clause 4 - Restriction On the operation of submersible craft.

HON. THOMAS C. JEFFERSON: Madam Chairman, I have circulated an amendment to clause 3.

MADAM CHAIRMAN: All Members are in possession of copies of this amendment. The amendments are set out in the paper circulated to Members.

CLAUSE 3: AMENDMENT

(a) by substituting the words "Subject to subsections (2) and (4)" as they appear in subsection (1)", with the words "Subject to subsection (3)";

(b) by deleting subsection (2); and

(c) by renumbering subsections (3) and (4) for subsections (2) and (3).

HON. THOMAS C. JEFFERSON: Madam Speaker, this amendment was put forward as a result of representation made by the two operators in this field. They thought that whether the submersible craft was used for trade purposes or not, the craft should be subject to the Law because of the significant negative impact any accident would have to the whole tourism industry.

MADAM CHAIRMAN: The proposed amendment is open for debate.

MR. G. HAIG BODDEN: Madam Speaker, I would only like to say that I support that amendment. I think it is very necessary that all craft operating in the area should be subject to the Law.

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

AYES.

MADAM CHAIRMAN: The Ayes have it.

AGREED: CLAUSES 1 AND 2 PASSED.

AGREED: AMENDMENT PASSED.

MADAM CHAIRMAN: I am not sure how Members' copies of this green Bill are arranged but section (4) can be found after section (18). So this will be rearranged accordingly.

HON. RICHARD W. GROUND: Yes, Madam Speaker, it is simply a printing error where that page was carried forward and appears out of sequence.

MADAM CHAIRMAN: Yes. So, when the Clerk reads section (4) would you please turn and find it there? Thank you.

CLERK:
Clause 4 - Restriction on the operation of submersible craft.
Clause 5 - Register of submersible craft.
Clause 6 - Registration of submersible craft.
Clause 7 - Grounds for refusing registration.
Clause 8 - Notification of certain changes affecting submersible craft.
Clause 9 - Amendment of particulars of registration.
Clause 10 - Termination of registration.
Clause 11 - Display of registration number.

MADAM CHAIRMAN: The question is that clauses 4 through 11 do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM CHAIRMAN: The Ayes have it.

AGREED: CLAUSES 4 THROUGH 11 PASSED.

CLERK:
Clause 12 - Regulations for construction, equipment etcetera of submersible craft.
Clause 13 - Issue, duration and extension of safety certificates.
Clause 14 - Suspension and revocation of safety certificates.
Clause 15 - Reporting of modifications or damage.

MADAM CHAIRMAN: The question is that clauses 12 through 15 do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM CHAIRMAN: The Ayes have it.

AGREED: CLAUSES 12 THROUGH 15 PASSED.

CLERK:
PART V - REGULATIONS FOR OPERATION OF SUBMERSIBLE CRAFT
Clause 16 - Regulations concerning the operation of submersible craft.

PART VI - INQUIRIES AND INVESTIGATIONS
Clause 17 - Inquiries and investigations.

MADAM CHAIRMAN: The question is that clauses 16 and 17 do stand part of the Bill. I

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

AYES.

MADAM CHAIRMAN: The Ayes have it.

AGREED: CLAUSES 16 & 17 PASSED.

CLERK: PART VII - OFFENCES
Clause 18 - Offences general.
Clause 19 - Offences by officers of bodies corporate.
Clause 20 - Service of documents in proceedings.
Clause 21 - Service of notices.
Clause 22 - Detention.
Clause 23 - Non-application of the merchant shipping law.

MADAM CHAIRMAN: The question is that clauses 18 through 23 do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM CHAIRMAN: The Ayes have it.

AGREED: CLAUSES 18 THROUGH 23 PASSED.

CLERK: A Bill For a Law to make provision for the registration and control of submersible craft and to confer power on the Governor in Council to make regulations prescribing standards for the construction, equipment, survey and operation of submersible craft and supporting apparatus and for matters incidental and connected thereto.

MADAM CHAIRMAN: The question is that the Title do stand part of the Bill. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MADAM CHAIRMAN: The Ayes have it.

AGREED: THE SCHEDULE PASSED. THE TITLE PASSED.

MADAM CHAIRMAN: That concludes proceedings in Committee, on a Bill entitled, The Merchant Shipping (Submersible Craft) Law, 1991. The House will resume.

HOUSE RESUMED AT 12:03 P.M.

MADAM SPEAKER: Proceedings are resumed. Report.

REPORT ON BILL

THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT) BILL, 1991

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to report that a Bill entitled The Merchant Shipping (Submersible Craft) Bill, 1991, was considered by a Committee of the Whole House and passed with one amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.

THIRD READING

THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT) BILL, 1991

HON. THOMAS C. JEFFERSON: Madam Speaker, I move that a Bill entitled, The Merchant Shipping (Submersible Craft) Bill, 1991, be given a Third Reading and passed.

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

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THE MERCHANT SHIPPING (SUBMERSIBLE CRAFT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

DEBATE ON THE THRONE SPEECH
DELIVERED BY HIS EXCELLENCY THE GOVERNOR MR. ALAN J. SCOTT, CVO, CBE

(Continuation of debate thereon)

MADAM SPEAKER: The debate on the Throne Speech will now continue. The Honourable Elected for Member Health.

HON. D. EZZARD MILLER: Madam Speaker, when we took the adjournment yesterday, I was dealing with the area of responsibility with which I am charged under the Anti-Drugs Abuse Programme, outlining what has been done to date in these different areas, what will be done in 1991, and what plans there are for the future. Drug abuse gives all of us much concern. I had quoted statistics yesterday afternoon, which I think bear repeating, to show the continued effort by the Portfolio and the specific Department and Officers involved to increase the services, both in quantity and quality, being offered in the various programmes under the National Drug Plan.

For instance, in 1988 we had 129 new clients at the Cayman Counselling Centre. In 1989, we had 119 new clients; in 1990, we had 241 new clients. The total client visits for these respective years are as follows: 1988, a total of 674 visits; 1989, 973 visits; 1990, 2,415 visits. These visits involved both individual counselling on an out-patient level through the Primary Treatment Programmes for drug abusers and family members within the co-dependent on other programmes. The increased usage of the service is a reflection of the recognition of the problems of drug abuse by individuals, families affected and the community at large. I think that this recognition is a step in the right direction, and that more opportunities should be created to help these people who suffer from this dreadful disease of substance addiction.

In addition to these treatment programmes on the out-patient level, we have a group-therapy programme for young adults or children of dysfunctional families. This was just initiated in January, and we will be monitoring its success and usage closely. This programme is not limited to children of dysfunctional families caused by drug abuse, but includes children of dysfunctional families caused by other emotional problems as well.

The specific new programme for 1991 is the programme for adult children. This programme will follow a similar format as the existing Primary Treatment and Family Programme. They are conducted in a peer-group setting, with group time divided between educational input and emotional expression. This group is dissimilar in that it is for clients who have changed their compulsive behaviour, that is, alcohol and drug abuse, and the need to recover the source of their present inappropriate responses. The first one of these groups began 22nd January, and this is facilitated by one of our counsellors, Rene McClure, and the Drug Counsellor Coordinator himself. We have a waiting list, and it is anticipated that we will start other programmes as soon as staff and space allow.

We will be starting a specific programme for children of clients who are affected by drug abuse, and these will be enrolled in the family programme. The first will begin 1 February 1991. These are children of family members, or parents, who are actually undergoing treatment themselves at the Cayman Counselling Centre in one of its varying programmes. This will be organised in two groups - one group for six to 11-year-olds, and one for 12 to 16-year-olds. The programme format will be the same with peer groups and self-expression, etcetera. We are also about to launch a parenting programme which will run in conjunction with the children's group and this will be a ten week skills training programme given to the parents of the children who are already in the programme. This programme is meant to assist parents to establish a healthy relationship with their children allowing the child to have his needs identified and met in appropriate ways.

In relation to the programmes ongoing at Northward Prison, this programme is currently a half day each week and one of our trainees is running the programme at the moment. She has also expanded her programme during that half day to facilitate the women's, as well as the men's, group which was first started at the prison. It is anticipated that we will be able to expand this programme and strengthen it by the arrival of a Caymanian who will have finished his training as a qualified counsellor in the summer of this year. We expect to expand it to cover these people. Also, in conjunction with these programmes and something we have been working on under the Drug Plan for sometime, is the establishment of a halfway house facility. In our context the halfway house is a residential setting where chemically dependent persons can gain support while learning to cope with drugs. We have to understand that drug addiction is a disease for which there is no cure. We can simply provide help for people who are chemically addicted to live with their problem and encourage them to avoid any future contact with the substance to which they are chemically addicted. It is not a disease to which we have a ready cure. It is rather like diabetes; we can only help them to live with it.

In such a halfway house, the client will reside in a treatment setting, but would be allowed to interact with the community on a limited basis. A possible situation could be where the client maintains a job outside the house. The house in question is not meant to function exclusively as a halfway house, but to address the problems of treatment for the chemically dependent in Cayman. In other words, we are not just interested in providing residential housing, it has to carry along with it the necessary programmes to help the people. For want of a better name, I guess we could call it a 'Relapse Prevention Centre', and it is a place where recovering clients can reside, or return to from work, on a 24-hour basis and be encouraged to continue their sobriety.

Presently, clients frequently use the Cayman Counselling Centre

when they have a particular crisis with the disease. This is very limited, as counsellors are normally tied into an appointment schedule and all of the other programmes. These crises tend to occur at nights or on the weekends when the Centre is not staffed or open. We want to encourage the self-help community of these recovering addicts in a situation where they can help each other.

The primary treatment mode at the present time at the Cayman Counselling Centre has been changed from a two-evening-per-week programme to a one-evening-per-week programme, but has been changed back to a two-evening-per-week programme because we are trying to adjust it to the needs of the clients. We have found that the two-evening-per-week programme is more acceptable. The inherent problem for this primary treatment mode, which the halfway house will allow, is the need for residential care for some of our clients, to keep them from going back to the same environment where they got involved with the problem in the first place.

We realise that we will have a special situation with Cayman Brac. In fact, at the present time we are trying to organise a visiting counsellor to Cayman Brac, but that is really a stop-gap measure and we will not be able to get the programme off the ground on a continuing basis for that. We are also looking at bringing those clients who need help to Cayman for the several-week counselling sessions in order to be able to better help them.

We have found that approximately half of the clients treated at the Cayman Counselling Centre, and those referred overseas, need some kind of a centre which will provide them with an alternative residence while continuing the primary treatment mode. We also see the opportunity to use this centre as a social de-toxification centre in the same halfway house, specifically for withdrawal from crack and cocaine addiction, where medical supervision is not necessary. It would not provide in-house intensive medical de-toxification, but it will allow for social interaction between members and support staff. It could also be occasionally used as a shelter for battered family members who might be in an abusive situation due to chemical abuse, if we cannot get the client themselves to come to the centre.

We see it as a need. We have identified a house that is owned by Government and we hope to get the necessary funds for the recruitment of staff to start this halfway house programme this year. The mode that we see the halfway house operating on would be basically with a house manager and an assistant manager (in order to give the person some time off because it will be a 24-hour, seven-day-a-week job for whoever is in charge of the house). The whole operation of the halfway house would be the responsibility of the manager who, as I said, would be resident. We would provide him with periods off through the assistant house manager who could be a recovering person himself, who has had a lengthy period of sobriety. He also needs support while helping others. As I said earlier, it would be operated on the patient treatment programme and not just as a residential facility. We think this will have several benefits for the community, and we look forward to getting it started in the very near future.

The third aspect of the National Health Plan was the Prevention Through Education campaign, which we believe has been well developed through the educational system and voluntary organisations like CASA and others involved in community education. This is what we call the Employee Assistance Programme; the treatment of drugs and other causes which might lead to drug usage in the work place.

The Employee Assistance Programme (EAP) will be a confidential resource for employees, designed to enhance their quality of life at work. Benefits will spin off to the employer, who should get higher levels of productivity in the work place, and to the wider community, with its impact on families and the general society being positive. The EAP is designed for enlightenment at work, in which non-punitive posture is adopted. Its objective is to assist employees who may be experiencing impaired performance on the job, for reasons external to the workplace. While drug abuse might provide the main impetus for the EAP, the programme will incorporate other services such as marriage counselling, family and legal counselling and other counselling (whether financial or otherwise) depending on the needs of the client. The EAP is based on a system in which supervisors are trained to identify employees for referral to trained counsellors, who will assess the problem and make appropriate referrals to a network of professionals or support services. The system also provides the employee with the opportunity to self-refer.

Honourable Members who availed themselves of the various activities during Drug Free Week last year, in particular those who attended the luncheon sponsored by the Chamber of Commerce, will remember that we had a specific presentation by the EAP coordinator from Bermuda as to how this whole EAP programme would work. We got some commitments from the Chamber of Commerce to support it. In fact, on 26 February, 1990, an agreement was signed between the Cayman Islands Government and the Cayman Islands Chamber of Commerce for development of this whole EAP model programme. Initially, we required an individual experienced in this EAP, who was capable of organising seminars in the workplace, to provide full details of the programme to all employees and employers. While this information is being provided to the private sector, as the Government of the Cayman Islands is the largest employer, it is felt appropriate for Government to assume initial responsibility for the appointment of the EAP coordinator. Basically, the Government has agreed to pay the salary and benefit package of the person who has been hired as the EAP coordinator, and the Chamber of Commerce will provide office space and other support staff.

The development of this programme has been progressing well. The Public Service Commission, in association with the Chamber of Commerce, has completed the recruitment process and the candidate is expected to join and start working in early April. As I said, this person will be on secondment from the Government to the Chamber of Commerce. The office of the Medical Officer of Health will provide the technical supervision while the Chamber of Commerce will assume the administrative role. The Chamber of Commerce will provide space and secretarial assistance. Workshops will be conducted by overseas personnel, funded by the participants. We hope that soon after this person arrives in April, we will be able to complete the EAP package and market it to the various companies who have expressed an interest in it. Then we

will offer assistance to all these companies in developing their drug policies, specific to their organisation and their workplace. The Chamber of Commerce has asked that all of its members and employees develop and publish their own drug policies.

The Portfolio commends the Chamber of Commerce for their active role as partners in this development of the EAP. We look forward to great success from this venture and continued support from the Chamber of Commerce.

While, as I said earlier, we have made some achievements in the National Drug Prevention and Treatment Plan, we are all cognizant of the shortcomings for additional resources and space, as well as the need for a drug rehabilitation centre which has been touted in many quarters. Of course, this drug rehabilitation centre means a lot of things to different people. We have tried to concentrate on developing intensive out-patient programmes and contracting for overseas in-house medical detox, etcetera. We believe this has proven to be the most cost effective method for achieving what success we have.

We are giving priority to the completion of the implementation of the Five Year Drug Plan, and we will be conducting a survey later on this year on the whole effectiveness of our Health Education Programme in relation to AIDS and STDs and all the other diseases. We will incorporate into that questionnaire questions which will give us information on the level of drug use amongst teenagers and young adults within the community.

We recognise that a lot of the people in the prison are there for drug offences. We provide what services we can, but Honourable Members must be aware that in many cases these are short-term sentences, and we do not have any mechanism for forcing them to continue their treatment after they leave Northward. We try to encourage them, but the factor necessary to receive treatment for drug addiction is the willingness of the individual to accept it and the desire to want treatment for that particular disease. That takes me to another area, and that is the control of drugs.

I would point out that this is different from the abuse of drugs, which is covered under the Misuse of Drugs Laws. What we are talking about here is the control of drugs as medication more so than drugs of abuse, fully recognising that there are many drugs for medication which are also subject to abuse.

The Cayman Islands Government has always complied with international regulations in terms of the control of medicinal products. The Pharmacy Law, 1979, has served us well for a limited time, but it is inadequate in many respects. The Portfolio, with the full cooperation of the Cayman Islands Pharmacy Association, and with the consultant from the British Royal Pharmaceutical Society, has drafted a complete new Pharmacy Law which has been sent out to all the professional organisations involved. All of the comments are back and, by far, the greater majority of comments are in support of the Law, although there are one or two minor objections. They are all being reviewed at the present time at the Portfolio level. We expect to have that exercise completed, as well as the review of the Regulations, by the end of this week. This will be transferred to the legal draftsman for him to draft the Law, with the hope of publishing the final draft sometime in April for presentation to this Honourable House in the June sitting of Parliament.

This Law is a very comprehensive new Law. It will deal with the definition of all the various items of the business. It will provide for better administration; it will create the new Pharmacy Board, which under this legislation will not be chaired by the Chief Medical Officer but by the Chief Pharmacist at the Government Hospital with three other pharmacists on the Board. They will have many more administrative powers in terms of licensing facilities, not the professionals who will work, as they will still be covered under the Health Practitioners' Law, but in terms of licensing pharmacies and the requirements for operating a proper pharmacy and the proper requirements for storage of medicaments, etcetera. The second part of the Law will deal with the practice of the profession of pharmacy, and various guidelines necessary for conducting the pharmacy business. The central aspect of this Law is protection for the patient, guaranteeing them improved quality in the medicines that they will receive, i.e. the way that they are stored and labelled and all of the other important provisions.

It deals with the medicinal products. The schedules for the Law will carry Schedules similar to other jurisdictions of Schedule 1, 2, 3, and 4 for what are prescription drugs. It will carry a Schedule of medications that should only be sold in a pharmacy environment where you have professional advice readily available. It will carry a list of medicaments that can be sold in any environment, shops, supermarkets, etcetera. When the Bill is presented to Parliament in June, the Regulations will accompany the Bill.

Next, we move to the area of registration of medical and all other professional personnel under the medical profession. Here again, we have a Law that was done in 1974, and it has been a good Law in many areas. That Law provided for a Multi-Disciplinary Licensing Board - one Board, under the Chairmanship of the Chief Medical Officer who licensed all health professionals in the country. In 1974 we only had one doctor in private practice, and I think the staff at the hospital was three doctors. We have grown in leaps and bounds since then and we now have 50-some doctors on the register, 23 employed at the hospital and several specialists in the private sector.

It is proposed to amend this Law as well, this year, in conjunction with all the amendments being made to create the Health Authority; The Public Health Law; The Pharmacy Law. Under the new Law it is proposed to set up three boards instead of one. One will be a General Medical Council, which will license only physicians; one will be a General Nursing Council, which will license nurses only; and one will be a Multi-Disciplinary Board, which will license all of the other paraprofessionals in the health field. We believe that we can be much more effective in having these three Boards and having the associations of these professionals more involved in the disciplinary procedures, etcetera.

I expect to have on my desk, by the end of this week (if not sooner), the draft Code of Ethics that has been drafted by the Cayman Islands Medical and Dental Society. I think it

has already been approved by the membership. We intend to write that into the Regulations of the Law as we will do with all of the Codes of Ethics for the varying professions. The amendments to the Law will also improve the disciplinary procedures and outline the consequences for breach of professional ethics. We believe that will also enhance the whole area of the profession of medicine in the country.

Before I leave the area regarding the health of the nation, yesterday I mentioned quite briefly the idea of the introduction of health promotion in the country - the promotion of good health and encouraging individuals to accept some of the responsibility for the their own good health. I met with the Regional Director of the Pan-American Health Organisation, Mr. Sam Amer, at 9 o'clock this morning, to discuss a specific programme. That was, in fact, a very fruitful meeting, and he has agreed to provide us with necessary technical expertise in developing the health promotion programme that we want.

Under the whole health promotion we are setting up, the first project that we are going to tackle will be called 'Heartbeat Cayman'. As I said earlier, for several years it has been known that heart disease is always either the number one or the number two cause of death in this country. We will be setting this programme up as a community based prevention programme. Basically, it will be to promote good health amongst our population. It will be particularly concerned with reducing the risk of cardiovascular disease throughout the Cayman Islands by encouraging non-smoking, healthy nutrition, regular exercise, stress management, health screening and first aid for heart attack victims. In fact, in conjunction with this, we will be expanding our whole CPR programme at the hospital under the ambulance service. We will train individuals in cardio-pulmonary resuscitation at the hospital. So, we will have as many people as we can aware of techniques for first aid for heart attack victims.

We believe that the long-term aim of this programme and strategy is to have a sustained reduction in coronary heart disease incidents, morbidity, and mortality in the general population of Cayman, particularly those under the age of 60 to 65. The programme of Heartbeat Cayman will be officially launched later on this year, when this assistant Director General of the World Health Organisation pays his official visit to the Cayman Islands. The programme will be for a five year period and we will develop specific objectives and goals to be achieved through these various measurements that we will put in place to monitor the health of the nation. We will be involving as wide a cross-section as we can. In fact, this whole idea has come out of the fantastic results we got from our Drug Free Week, and the outpouring of support from the various organisations. We believe that we can talk to many of these same people in the professional or political arena, lay people, and the media and get an interest in this programme.

The programme will be administered through the Portfolio under the auspices of a Health Promotion Authority (to be appointed by the Portfolio). The programme will carry clear objectives which will be published, and we will develop a system with the assistance of PAHO for measurable targets which we will set for each year. The outcome of all of these surveys will be compared with those of similar international organisations that are conducting many of these same programmes.

As I said, it will be a multi-disciplinary team approach. We will be looking at various health risk indices. We will have some of it at the hospital, all the district clinics will be involved as will other community-based organisations. We will involve the schools, voluntary organisations, community groups, primary medical care, restaurants, workplaces, and we will have screening and health education catering to the Heartbeat Cayman programme to coronary rehabilitation and the whole cardiovascular disease.

On the national level, we will be involved in many areas to get people involved and motivated for their own health promotion. These will involve things like weekly press releases. Several television series were done by stations like the BBC and others, and we will be using these in all our district clinics. They will be available to all the voluntary organisations for meetings. We will be showing them in all the educational programmes within the hospital - out-patient, in-patient, the conference centre for the staff, etcetera. We hope to get involved with the supermarkets in food labelling, and educational programmes within the supermarkets to help people in the purchase of foods like lean meat and low-fat milk and the benefits of the like. We would like to educate the supermarkets in the proper marketing of these health-promoting foods.

We will also introduce a scheme for awarding restaurants involved in the programme which are prepared to put these kinds of meals on their menus. Of course, we will be involved in the 'No Smoking' policies, trying to get organisations like the Chamber of Commerce to voluntarily ban smoking from their environments or to at least confine it to a specific area. However, in the final analysis, the Government will give consideration to legislating no smoking in public places, and, certainly, we need to put the legislation in place to prevent smoking while patients are in hospital, which we are unable to enforce at the present time.

We will be involved in all of the health clubs and their exercise programmes, putting up award schemes for them, and will assist with their health screening and educational programmes. Of course, we will have the ongoing training of the health professionals, the development and dissemination of our health education curriculum in the schools and civic-minded organisations. We will have special materials produced to help with this programme. We will be looking at introducing a special programme called 'Pulse' into the schools, which will be correspondence about primary health care as it affects the whole idea of cardiovascular disease. We will try to set a local network of 'Look After Yourself' classes where people in the community can organise these classes within the various community centres that are available, and get involved in self-teaching and self-help, and make health their business venture. We already have programmes in place such as 'No Tobacco Day', as well as 'Quit and Win' for smokers. I have spoken to the Member for Tourism about the availability of a billboard at the Airport saying 'Cigarettes, Used As Directed, Kill'.

This whole programme will be designed to effect the behavioural change of people. There are probably many reasons why heart disease continues to escalate in Cayman - the changing work environment, less exercise, more sedentary jobs, fast foods. Certainly, a good fish

dinner carries a lot of cholesterol in it too. Some say that coconut has less cholesterol, but I agree that we cannot ban fish dinners. The whole idea is to motivate the population to change its behavioural patterns (its eating patterns) in order to promote better health. We will provide, as I said, through PAHO, the various tracking mechanisms for this five year programme, so that the public will be able to measure, not our success but its own success in achieving the goals that we have asked them to help us achieve. We cannot achieve this by ourselves. This is like the AIDS programme. This will depend entirely on the individual accepting the responsibility to adjust his own behavioural and eating patterns to improve his health care.

In this whole area of promotion, we are, in fact, in the process of setting up this Authority we spoke of earlier, which will be called a Health Promotion Authority for Cayman. This will be a little group set-up with a Chairman and members who will be appointed by my Portfolio. They will work in the context of the policy memorandum which will be approved by Executive Council and sent down through the Portfolio for the modus operandi, so to speak. This policy will build on the present work being done by our health educator under the AIDS programme and all of the other programmes that she is involved in. The work that has been done in the past will continue to be done by the Public Health Department of the hospital.

These are some ideas as to the remit of this policy. These are not carved in stone. At the moment we are working on them. In fact, the Chief Medical Officer, the Medical Officer for Health and Mr. Sam Amer, are presently in a discussion to come up with a formalised document which will be accepted by PAHO. Some of them will include: develop a strategy for effective health promotion which assesses and meets the special needs and circumstances including the need for advice, activity and materials through the Cayman media; stimulating and supporting effective health promotion activity by other national bodies in Cayman; stimulating and supporting effective health promotion activity at the national and community levels; providing advice to the Portfolio of HESS and other bodies on the health promotion implications of policies and programmes.

Again, going back to the Drug Conference that we had here last year, Members who were present and heard Professor Bupront's presentation on alcoholism, will remember that he had some very interesting statistics, and that he could predict the accident level and the deaths on Trinidad's roads, depending on whether the government increased the tax on alcohol or not. One of the things that this programme can look at will be the effect of increasing the price of alcohol and cigarettes, which we tend to refer to here as 'Sin Taxes'. Whether they are sinful or not we cannot say, but they are certainly unhealthy. I will not get into the morals.

MADAM SPEAKER: Would this be a convenient time for you to break off at this moment? I will suspend proceedings until 2:15 P.M.

AT 12:48 P.M. PROCEEDINGS SUSPENDED

PROCEEDINGS RESUMED AT 2:17 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed.

The Honourable Elected Member for Health continuing the debate on the Throne Speech.

HON. D. EZZARD MILLER: When we took the break for lunch, I was dealing with the policy remit and some of the areas that it is intended to cover under the Health Promotion Authority for the Cayman Islands. To continue that policy remit, also included would the production of health education materials for use at the national level; the monitoring and evaluating of the effectiveness of our health promotion activities; offering guidance and good practice on the monitoring and evaluation of the health promotion activity; stimulating, supporting and developing research into health promotion issues; assisting the provision of training in health promotion and maintaining an effective link with health promotion agencies internationally.

This remit will go somewhat beyond the present activities of our health education, but we think it is the right approach to some improvements in the quality of life and health of the nation. We intend to involve in a very active partnership the commercial sector, voluntary organisations, and the general public as well as the professionals in the health field.

Honourable Members will remember that last year we used a jingle called 'Health for all Caymanians, and all Caymanians for Health'. That will be the kind of theme jingle for this 'Heartbeat Cayman' programme. The whole health promotion activity is designed to take us into the twenty-first century with a higher level of individual health and greater awareness of our own responsibilities for good health and also to help us achieve the United Nations goal of 'Health For All' by the year 2000. We hope to produce a new dynamism for better health - more participation, ready information, clear targets and a carefully planned course of action for health promotion.

The strategy seeks to match Cayman's health needs with the interest of a large number of key organisations in the public, private, and voluntary sectors. The strategy is also being designed to help the planning process and engage the various sectors of Cayman in active debate about good health and what is good for the individual. It will define the major health promotion challenges facing Cayman, and go on to have some impact on these situations through educational services and policy measures, and present it under very broad strategy aims as Disease Prevention, Healthy Life-styles, Healthy Skills, Healthy Environment. We will come up with a goal for each of these major challenges and set some standards to measure whether we are achieving the objectives or not.

Under this title we will tackle many of the health issues of children, young people and adults. In the long-term it plans to deal with the general health concerns of the Caymanian people, the working people, the young adults, the children in schools, the elderly, and come up with the

problem of accidents within the society which is our number five cause of death at the moment. Part of the health plan calls for improved trauma capability to deal with accidents to maybe save more lives, improvement to our ambulance reponses, the capabilities of the staff in the ambulances and again, a public education.

We know that many of the accidents are caused by a combination of drugs, mostly alcohol and speed. We also have a lot of accidents in the work place and we will be working very closely with the Member for Tourism and Labour under his responsibility for accidents and safety under the Department of Labour, in the workplace. In fact, we have done some hearing surveys with employees, such as Cayman Airways maintenance people, CUC workers, Cable and Wireless workers and we have done some hearing tests and have established some base lines and found some people who actually have impaired hearing. We are coming up with suggestions of whether they should be provided with ear muffs. Again, in this general idea of individual responsibility for their health, because as one loses his hearing along with other impairments he becomes greatly exposed to risk for more traumatic accidents.

Mental illness will also be addressed under the same to get community participation and responsibility for the members of the community and the family who have these particular problems.

Division of this health promotion is simply a better health for the nation through this exercise. We appeal to people for support. We will be putting together the programmes. As far as the Government is concerned, we have the political will to achieve some of these targets. It is up to the rest of us to accept that responsibility as a Parliament to set examples, to provide leadership, to help in winning public support for these kinds of programmes, finding common agendas for helping people, demonstrating competence, communicating effectively with the people as to their needs regarding the promotion of better health. We have to become more preventive and more pro-active. We do a good job in the immunisation of preventable diseases at the early age. We do a fairly good job of curative when the diseases occur. We have made arrangements for secondary and tertiary capabilities which are working well. What we need now is to prevent diseases through health promotion and individual responsibility for good health.

Madam Speaker, I will now move on the area of social welfare, public assistance, probation and refugees, which fall under the Department of Social Services. The Department of Social Services continued in 1990 to deliver high quality case-work services and attempts were made to initiate some form of community development efforts to gain some sense of service delivery hereunder, and I will deal with some of the programmes that are ongoing and that we are expecting to further develop under the various titles.

The first, and in some instances the most pressing, is housing, as provided through the Social Services Department. During 1990, we had 45 requests for some form of housing assistance, whether it was repair to an existing house or the creation of proper toilet facilities etcetera. Of these requests, 26 were actually completed at a cost of $147,876. Of the remaining 19, six are provision of complete houses, 13 for repairs. We have developed a programme in conjunction with the Housing Development Corporation, where the Housing Development Corporation will build a number of houses and we have provided in the Budget under Social Services the cost of the mortgage funds. We have to be very careful because we do not want to convert or make any attempts at converting the Housing Development Corporation into a social agency; it must remain a financial institution that is viable, to deal with the people who really need or who are really indigent and cannot come up with the specified monthly mortgage payments.

We have set up a system where the Department of Social Services will be the mortgagee for the house from the HDC and will be responsible for the total mortgage for the HDC on monthly basis. For instance, if the mortgage on the house is $250, to use an arbitrary figure, Social Services will pay that $250 to the HDC so that they can remain financially viable and they can help someone else. However, the individual who needs the house, will have a separate legal agreement with the Social Services Department whereby whatever contribution they can make, whether it is $50 to start, they will gain equity to eventual ownership of the house, because the whole idea of the programme is to rehabilitate individuals or at least develop them with job skills and job placements to where they can take over the mortgage completely. But as long as they are making some payment, they will have an agreement which will give them a legal entitlement to equity being built up in the house.

Government has designated a piece of land for this purpose. It has been surveyed and divided into lots. We had, through the good auspices of a local architect, a four-plex designed free of cost. The quantity surveyors have done the work on it and the engineer is now giving his services free. To these people we are extremely grateful. This four-plex will be used by Social Services for different purposes but in that same area we intend to put on five separate lots of land, these additional houses which we can use for the purpose of indigent people who need shelter. We are looking around for properties in other districts that are owned by Government, where they have a need so that we can develop a similar type of programme.

The 13 cases for repairs have already been programmed for 1991 in conjunction with the Public Works Department, and planning is continuing in 1991 between the Housing Development Corporation and the exercise of getting proper housing for the indigent. The case-work services provided by the Department of Social Services, intake for new cases or existing cases that had to be reopened for a total of 889 in 1990, and we had a total of 3,111 persons serviced by the Department for a monthly average 74. This total figure is a decrease over 1989 which saw a total of 1,041 new intakes and the service for 3,643 persons served. Of this total, 57 cases where for abuse and neglect of young children.

Services continued in the same vein as 1989, during 1990 in respect of being concentrated in the area of the youth and the elderly. School lunches which we provide, rose to 205 during the school year of 1989-90 as opposed to only 186 in the period of 1988-89. Of this total, 39 of these children were in care with the Department. The remainder of 166 were part of the case load of families worked by the staff. Those 39 would be in the different homes that we have i.e. foster care.

Under Court and Rehabilitative Services: Looking at 1990, returns concerning juveniles convicted of criminal offenses, certain features are worth drawing attention to. The peak age for juveniles offending in Grand Cayman is age 16 years. Twenty-eight of the 68 individuals convicted of criminal acts were age 16. There were no eight or nine-year-olds convicted of offenses during 1990, and only eight individuals under the age of 12. Sixty-one of the 68 juveniles convicted in court were male, 90 per cent.

Of 189 criminal matters taken before the Court, 95 were traffic related. Of the 94 remaining, the highest portion, 30 were for burglary. There were only five convictions, having to do with drug charges amongst juveniles during 1990.

Looking at the 1990 statistics for Care and Protection, the following should be noted. Thirty-two new cases were brought by the Department of Social Services of juveniles in need of care and protection or beyond the control of their parents. Twenty-five other individuals had existing orders reviewed or revoked during 1990. Twenty-three individuals were placed on new fit person orders during 1990. Looking towards 1991, under the Court and Rehabilitative Services, it would appear that the growth area of work will continue to be abuse and neglect issues.

The other issues which are steadily growing are the area of teenage girls, 13 to 17 years, increasingly being at risk in the community due to a breakdown of control and communication within the family.

The whole area of juvenile delinquency and offending continues to be stable and not an immediate cause for alarm. Programmes and facilities for juvenile offenders will continue to be targeted, and a move made that they become more sophisticated, making further inroads into the population.

Part of the programmes that we described earlier at the Cayman Counselling Centre, are designed to help in the rehabilitation of these families and children, as well as the programmes that are ongoing in Social Services. We have set up a proper liaison between the children who show up or who are identified by the Cayman Counselling Services as being of troubled families for drug addiction, or other emotional problems, to notify Social Services, also to communicate with the Education Department to find out whether they are having any additional problems in school. We have set up a committee to look at all of those areas.

In the area of community development activities, some attempts were made to reach out to at-risk youth in less structured ways than the normal case-work approach of having individuals come to the Tower Building to attend sessions with the social workers. To this end they have set up weekly basketball sessions with an average of some 25 youth coming out each Wednesday.

Additionally, the Department held a camp during course of the summer, which served some 43 youth with an average daily attendance was 27. This programme was also an attempt by the Department to reach out to youth in a less structured, non-threatening atmosphere through a medium which quickly appeals to them. The activities, although basically recreational, were used as a therapeutic tool to reach some youth who would not normally respond to formal structured programme or setting. The various sporting activities provided healthy competition and was used as a medium of developing and strengthening self-control and enhancing self-worth and self-esteem.

Efforts in a similar vein will continue during 1991, with efforts being taken to set up a community outreach centre. It is felt that the presence of such a centre in our districts would, on the one hand, provide a wide cross-section of services, as well as affording the Department a more visible presence in the communities. Part of this gain was what we alluded to earlier under the enhancement of the district health centres because they can use some of these facilities which are provided there when the physicians are not using them.

Under Residential Services: The year 1990 has been a year of consolidation for the residential sector. Members will remember that during 1989 we did a review of the caring homes and that some of that was implemented during 1990 in an effort to improve the effectiveness of the programmes in the homes. We have recruited some new staff and they appear to have settled in well and are making positive differences in the lives of the children. In fact, we have some of the boys at Bonaventure House this year who are actually taking their 'O' level exams. Additionally, the leasing of premises to allow a more specialised unit to be set up for the short term care of pre-school children has gone some way to ease the burden of emergency placements in foster homes. We had a new caring home come on stream during 1990, provided under the good auspices of the Church of God in Bodden Town. That home in really working out well.

The past year has also seen the introduction of regular case-conferencing of the children in care, and this has led to the work being more treatment focussed and has ensured that children do not get lost in the system. This approach to a formal case-conferencing also allows the children's parents to participate in the decision-making in a more pro-active way, and allows less leeway for the evasion of responsibilities that they should assume.

During 1991, we will continue to build on the foundations formed in 1990, with the greater emphasis being placed on community development by the children, and involvement of the community with the unit. The formal review plan for 1991 should go a long way toward outlining a clear strategy for services for youth both within the confines of residential care as well as the quality of care provided through community intervention. This review for 1991 is taking shape. The terms of reference are just about completed. We expect to send it out for proposals to a number of different companies, to come back and conduct the review of our Children and Youth At-risk programmes. It will be handled by the Central Tender's Committee and we hope to have the tendering process completed by the end of March, with the middle of May as the deadline for the review. The programme is designed to be completed for tabling in this Honourable House in June, in order to allow for proper budgeting for the 1992 financial year. We will try to implement as much this year as we can manage to get funding for, by coming back to Finance Committee with programmes that are designed

and funded, but it will also give us the time needed to develop proper budgetary allocations for 1992. This is to provide a complete spectrum of care for troubled youth. We include foster care, residential care, treatment houses with an educational component in the homes. The preference, of course, would be to continue to allow them to be exposed to the public education system and to attend regular school as much as possible. But, if we have children who are so emotionally disturbed that they cannot cope with that, in addition to the Education Department setting up their special education unit for these children, then we will institute in-house residential education training for them to allow to work towards their General Certificate of Education.

In 1990, the foster care services saw an increase in the number of foster parents and a decrease in the number of children in care. Recruitment of new foster parents have been rather slow not because of unwillingness on the part of the public, but rather that the concept of short term family is still relatively new in Cayman and not fully understood. New strategies are being developed to be tried during 1991, in an attempt to match children needing longer-term family care with specific families who are interested in this kind of family relationship of perhaps seven to 10 years.

Under Community Care Services: Services to the elderly, handicapped and special needs youth totalled 53 persons in 1990. The year ended with some 12 persons awaiting these services. Of these 53 persons, 19 require full-time round the clock services. Services by community care workers are provided to clients who have no responsible adult to care for them, or whose family members are at work or otherwise unable to care for them. At present, it is only those clients who have the greatest need that receive the service. This programme of community care workers is under immediate and active review by the Medical Officer for Health, to determine what the health needs of these people are, and what type of paraprofessional (whether the person needs to be trained at some specific skill for nursing care, and a total evaluation of these 53 persons) in order to ensure that the person that they get fulfills the kind of need that they have.

During 1991, it is hoped to set up a day care programme for many of the persons served in West Bay. This programme would free up a number of community care workers to assist other clients not currently getting service. They have, in fact, concluded an arrangement with the United Church in West Bay to use their Church hall for this day programme for the elderly in West Bay.

Information and financial assistance the welfare side of the Social Services Department. We have 214 persons who receive monthly financial assistance. This varies from $50 per month to $90 per month, depending on the number of dependents the person has. Thirteen persons are on weekly permanent assistance of $282.50 per week and 12 families receive weekly food vouchers.

To put in perspective the client groups under the Community Care Worker Programme, that is being evaluated for medical reasons at the present time, they would fall into handicapped children in care, physically disabled children and adults, non-handicapped children in care, mentally handicapped children and adults, the elderly whether physically infirm or ill or mentally infirm, adults who are terminally ill and adults who are mentally ill. This programme as I said, is under active review and we expect to be in a position very soon to assure ourselves that they are in fact, receiving the individual quality and calibre of care that they deserve.

The Community Development Centre is something we are hoping to start as a pilot project in West Bay and we are looking at a house in George Town that is presently owned by Government. There may also be the possibility of one in Bodden Town which is also owned by the Government. These would be used to get additional programmes started. The whole idea behind this is that we believe that changes in the community are most usually possible when the individuals in that community are helped to see the importance of such changes to their individual lives and that of their families.

Over the years the Department of Social Services' efforts have largely been successful in its case-work interventions, but the time has come to diversify the nature of business in order not only to resolve specific individual family needs but to also develop programmes which address growing trends in deviant behaviours as well as changing social attitudes.

Community development programming is a process rather than a product. It involves awareness education and attitudinal change and is the essence of the community members taking responsibility for their own lives. Such project aims through community social development to contribute principally to the physical, psychological and socioeconomic well-being of the communities they serve. Services would be available not only to those who request help and are motivated, but also to those in our community who are recognised by others as needing help, but are unable to take the initiative to get it.

Basically, these community development services are designed to enhance the quality of life in our community, retaining those aspects of traditional Caymanian family life to which today's families can relate and respond to the rapidly changing social fabric. The objectives of this community centre are to provide a centre to coordinate various community activities; to provide a forum for young people; to conduct and to meet and discuss issues related to youth, elderly and all the people in the community; to conduct independent living programmes for youth old enough to be out on their own but who lack the basic skills to care for themselves; to conduct family life education sessions for parents and youth; to develop programmes for young parents which would focus not simply on child care, but also goal planning for further for these young parents; to establish a resource library of videos, books, and other materials available for youth by these groups to foster other types of programming for and by the community; to develop training initiatives for youth who would otherwise not have access to such information and to provide group and individual counselling to youth and their parents in support of the renewal of traditional family values.

Care and protection of young persons and children also falls under the Social Services Department and I have dealt with that in detail as to our intentions to develop a complete programme and continuum of care for these people and to set in place mechanisms where the community can get

much more involved in the programming and skills provided and needed by the youth.

Also falling under the purview of my responsibilities are pensions. Most Members are aware of the Government's effort to put in place some kind of comprehensive pension plan for the Island. It is safe to say that the National Pension Bill, which was drafted and circulated was deferred through the lobby of special interest groups, in my opinion, purely for economic reasons. They did not want to pay to improve the lot of those who had worked hard and honestly all their lives in our community. I believe that is a travesty of justice to the people who actually make this economy work.

Unfortunately, we have seen some companies starting to lay people off. I can only hope and pray that those voices which so strongly opposed the introduction of the Pension Bill under the guise that the private sector could do it better, more thoroughly, cheaper have ensured that those people who have been terminated have had their pension rights transferred with them to whatever new job they have gone on to and that they have not lost all of those productive years in being able to secure some pension for their twilight years.

I have noticed that unfortunately, some of these companies that were touted as having these better pension plans have begun to convert themselves to other pension plans at what I believe, is financial gain to the beneficial owners of the company and risked and reduced benefits for their employees who have worked with them for many years. Some of them decided to convert their defined benefits plan to defined contributions plan and they have sold this to the employees that they are going to get cash at the end their retirement and that they can buy a pension plan at the age of 60. I made a few phone calls this week and I enquired from some companies that sell pension plans as annuity, that if I was 60 years old today and I wanted a pension of $1,200 per month for about ten or 12 years, a similar figure to what was guaranteed under the proposed National Plan, what would be the cash premium. From one company it would be $138,131.31, from another it would be $114,327.

So, my advice to those people who are being talked and coerced into converting a defined benefits plan, which had a fixed pension for them, from the date of retirement until death to a defined contribution they ensure that they at least are going to have this kind of money in those plans to be able to buy them some kind of monthly pension for an extended period of time. I also have some other advice for those people who are being asked to vote to change their defined benefit pension plans.

I am going to suggest that they ask their employers the following questions: What is the guaranteed salary per month from the date of retirement (at age 55 or 60) until death? They should ask for the actuarial review conducted by the company to ensure that the funds collected can fund it. Do they have a death benefit? If they get killed tomorrow do they get any funds from their pension plan? Do the children and spouse have any survivor pension benefits, what is the amount and under what conditions will it be granted? Do they have any disability pension benefits under these defined contribution and how much? Is it controlled whether they are injured on the job or injured else where?

Ask to see the accounts of the pension fund and actuarial review and where it is being invested, and what kind of investments. Is the company itself controlling it, and are they using this to buy products for the company at lower interest rates than at the bank; or do they have it in a separate account in escrow for the employee? Who is paying all of this, because even the percentage that is supposed to be contributed by the employer is the employee's money, and if he does not believe so, ask the employer for a raise in pay tomorrow, and he can tell him that he is paying a big pension contribution for you as part of your remuneration. Who guarantees the fund in the event of bankruptcy? Who prevents the directors from taking the money and spending for whatever they want to spend it for? What is the vesting period? How long do you have to work for the company before you have any rights to a pension plan? Do you have to contribute for ten years and be 40 or 50 years old before you earn any rights? Do you have to contribute for 20 years before you get any rights? Or do you have to contribute for one, two or three years? These are the kinds of questions that they should ask when they are being sold this bill of goods, otherwise we are going to wind up with them as wards of Social Services, and they will have to go to the Tower Building and seek financial assistance. They should not have to do it after they have worked for these companies for 20 to 30 years. The only reason that they opposed the Government plan is because they were going to have to contribute to it. That is all.

Now, I would like move on to garbage collection. As Members are no doubt aware, the garbage collection has always been under the Environmental Health section of the hospital. And, Members are no doubt aware from the Budget that this is being set up as a separate department, directly under the Portfolio and in fact, it already has its own accounting centre in the Budget this year.

Members will also be aware that we have purchased additional property on to the present garbage dump site and that there are also funds in the Budget to provide a building on that site during 1991, for all of the sanitation workers and the garbage trucks to be cleaned properly and moved from the present location at the Public Works compound.

Members are also aware from the Budget that a study is being conducted on the whole area of solid waste management in the Cayman Islands. This is also funded in the 1991 Budget. The purpose of this study is to advise the Cayman Islands Government on the social, environmental and economic implications of the various technological alternatives for the disposal of solid waste and to determine the most appropriate method of solid waste management for the Cayman Islands. This will also include reviews of Cayman Brac and Little Cayman.

The terms of reference for that study: review the existing disposal practice and the organisational administrative and legal framework relating to solid waste management in the Cayman Islands; undertake any local investigation necessary to determine the composition, volume and projected trends in solid waste generation in the Cayman Islands, identify the problems, deficiencies, and implications of existing disposal practices, transmit up to date technical and economic details on the construction

and operational aspects of relevant solid waste disposal alternatives with particular emphasis on recycling, landfilling and incineration with or without energy recovery; basic design and operational plans for a sanitary landfill; prepare a comprehensive solid waste management plan for the Cayman Islands to deal with the above-mentioned objectives.

The Solid Waste Management Plan should include: advice on land, building, equipment and personnel requirements; priority scheduling and estimated cost of the proposed works and improvements; adjusted economic considerations due to local factors i.e., loan cost, construction cost, electricity, etcetera, advice on an appropriate method of hazardous and toxic waste disposal; advice on administrative organisational changes with would improve the management of solid waste including the establishment of a financially independent Solid Waste Authority; recommendations for remediation of any leach-aided pollution and we do believe that there is some existing leach-aided pollution at the present dump. This will give us a comprehensive approach to the solid waste management of the Cayman Islands.

In addition to this, and as was mentioned in the Throne Speech, a pilot project is about to get underway in conjunction with the National Trust, for the recycling of aluminum cans. The Environmental Health Department is providing technical input, the land on which this recycling plant will be sited and the National Trust is providing the equipment, the operational costs, and will accrue whatever profit is made from this recycling exercise.

We believe that at least two items in the solid waste generated in the Cayman Islands could lend itself to recycling and that is, aluminum and glass. Paper might be more useful as fuel for any form of incineration that we might go to.

The other aspect of the Environmental Health Department which we are spending a lot of effort on during 1991, is public education. Again, last year we started a 'Trash Busters' programme with the National Trust. This was entitled to be used as an educational tool for children to get them involved in the community aspect. We are looking at the possibilities of doing what some Members may have seen in other jurisdictions of adopting a highway or adopting a street or a particular section of town by some civic organisation to keep that particular area of town in good condition.

We will continue to keep in hand the responsibility of cleaning the streets and as mentioned in the Throne Speech the commercial solid waste management will be completely mechanised by 1990. Members will remember funding through the Budget process, containers which carry compactors for the large commercial operations like hotels, which prior to this we had in some hotels to offer twice or three times daily service because of the amount of solid waste being generated. These containers which are capable of compacting the solid waste contained in it, will at least reduce that to once a day.

The Government over the past several years, has maintained an Island-wide clean-up campaign through the daily activities of the Sanitation Unit of the Environmental Health section of the Health Services Department. Litter along roadways, main, feeder and dyke roads has long been identified as one of the Island's foremost environmental problem. Consequently, sanitarians are routinely assigned to collect litter throughout all districts of the Island. Additionally, a special grab truck was purchased and put in service during 1990, to further assist with clean-up campaigns and the reduction of illegal dumping on public and private properties.

One of the problems we have in enforcing this is that the 1974 legislation under the Public Health Law carried with it some teeth for enforcing it. It is rather unfortunate that when that Law was rewritten in 1977-78, a lot of those teeth for enforcement of this kind of illegal dumping were removed, and the process of having someone convicted is a very elaborate and time-consuming and often it is easier to go and pick up the garbage. It is less costly to recover the garbage then it is to convict the person. We are looking at some other things to do under the true amendments to the Public Health Law, like reducing the fine and allowing the environmental health officers who do inspections, to issue tickets to people who drop wrappers all over town for $10 or $15. Not many people want to report someone for throwing a bottle at a car window, if it is going to cost them $500. I think there have been only two or three convictions under that Law since it has been put in place. We would like to reserve that for people that we catch dumping large refrigerators and all the expired furniture from their house on dyke and side roads.

We need a more immediate system of consequences for littering. During the same time we intend to continue our attempts to educate the public for general cleanliness and awareness and the respect they should have for the environment in which they live.

The new Medical Waste Regulations have been completed in their final draft, and are being reviewed by the technical people involved, so we should be able to implement that service in the very near future. The building for the medical incinerator is nearing completion and we should have the medical incinerator operational. We will then be able to license all medical facilities as generators of medical waste and provide the proper service to pick up on a daily basis their medical waste, proper containers for them to put the medical waste in, proper instructions on how to store the medical waste, how to dispose of needles, syringes, scalpels and so on, what kind of equipment and chemicals they must have on hand in the case of spills for medical waste. All this is contained in the Medical Waste and Infectious Waste Regulations and they should be published in the very near future.

Now I would like to turn to our activities and programmes and what we have done during 1989-90 as I have stated in all these various areas, what was done, what is being done and what we intend to do for 1991 and beyond.

The Housing Development Corporation. We have a Housing Development Corporation that is set up through legislation. The Government provides the staff to operate it through a joint management of the Agricultural Industrial Board and the Housing Development Corporation. They are done by basically one and the same staff. The funds for financing housing through the HDC comes from the sale of

bonds. To date we have sold US $2,019,500 worth of bonds and CI $1,655,990 in bonds. Now, the most recent issue of these bonds at 7.5 per cent, if Mr. Greenspan will cooperate with us a little more and send through the Federal Reserve Board if can send an international on the US lending rates one or two points lower, all of a sudden our 7.5 per cent debenture bonds guaranteed by the Cayman Islands Government should become a very lucrative and sought after investment vehicle. We hope to sell the remaining $3 million as soon as he will cooperate with us and bring the US bank interest rates down to about 6 or 7 per cent. That comment aside, it really is and should be with the falling interest rates the 7.5 per cent 20-year debenture of the Housing Development Corporation. The fact that it is guaranteed by the Cayman Islands Government we hope and we intend to launch a publicity campaign in the very near future to try and sell the remainder of the bonds. Because we believe that the programmes that we are putting in place under the HDC, we can certainly use the funds.

Almost two years ago we reviewed the policies and under the HDC and the loan guidelines, it appears inflation may have overtaken these changes and where the ceiling is now at $45,000 for building a house, we lend $45,000 for the house and up to $10,000 for purchasing land. These might be a bit low. We are looking at reviewing them in the context of inflation and the other dynamics, to look at raising those to some more suitable levels.

We also have in hand a pilot project with a developer who is doing a ten-townhouse unit. I think we have clients for all of these units. We are in the process of going on an advertising campaign to attract other developers because we are looking to build about 50 houses this year. We would like to spread them around, 15 in West Bay, 15 in George Town, five in Bodden Town, five in East End, five in North Side and five in Cayman Brac.

What we are trying to do is to encourage developers to come forward and offer to do these developments and HDC will endeavour to find clients for the houses once they are complete and maybe even offer the bridging finances to the developers to get these low cost houses built. Once a developer has his plans approved by the Board of the HDC we will then endeavour to get clients and we are really not interested in a programme of building ten houses in one place with all the little pink porches and all have red roofs and all have the same hibiscus tree located three feet from the door and all have the same yellow light over the door. What we are looking for is a diversity within the community and we are not prepared to look at any more than 20 in any one more location or to look at more than ten units in any one multi-dwelling unit.

We believe that developers can come up with designs and buildings that can meet certainly the revised criteria, but the revised criteria will be in terms of maximum loan from the HDC and I invite those people who think they might qualify for housing development financing to contact the staff of HDC and make the necessary applications and contacts for these houses, because we have reason to believe that we can in fact, get these programmes off the ground.

I mentioned earlier the programmes we are doing with the Social Services Department to cater to those who cannot qualify under the financial restraints of the HDC. Of course, we would encourage all the banks to hurry and get over to the HDC and buy those 7.5 per cent bonds before interest rates get to five per cent. We do not have to sell them to the highest bidder then so, I would suggest that they all go over between now and Friday and subscribe to that other $3 million that is left. Then they can sell them to investors at a profit. We would like to sell them.

We are also looking at the possibility of approaching (in fact, we have had an exploratory meeting with the representatives) the Caribbean Development Bank with the hope of getting some funds over a three year programme to upgrade the mortgage portfolio of the HDC to try to get it up to $4 or $5 million where it will be self-perpetuating.

Honourable Members will remember that in tabling the report of the HDC last year, I suggested that one of the things that the Board was looking at was some form of working capital, contribution from Government at about $200,000 a year over the next five years or so, in order for Government to demonstrate to the private sector that it, too, is willing to support and understand the need for it. The Chairman of the Board and the manager are now putting together the relevant information for me to approach Government to try and get some commitment for this kind of capital injection from the year 1992 on. We have reason to believe that it will be forthcoming.

Now, I would like to comment very briefly on one or two of the Statutory Boards. We have dealt with the Pharmacy Board, the Health Practitioners Board and these are all going to be largely restructured to allow for better management in the future.

The other Statutory Board for which I am responsible is the Adoption Board. We have some peculiar problems with adoptions in this country. Most of the adoptions do not appear to be situations where people really genuinely want to adopt some person into their family and if they want to raise this child, there are legal reasons why they should adopt them. A large per cent, in fact, the last time I checked a couple of days ago, we had 50 applications on file. Most of them were for the adoption of teenagers and mostly appeared to be an attempt to circumvent Immigration and Protection Board Legislation.

People are wanting to adopt extended family members or wanting to adopt step-children in order that they would be able to pass on Cayman Status and we are looking at ways to amend the Adoption Legislation and maybe the Custody and Care Law in order to provide other alternatives for people who feel that they need to assist in raising an extended family member without having to adopt them and try to find a way that maybe there is something that the Committee on the Protection Board Legislation might want to look at. Although, I am not sure that it can be prevented under that because we certainly want people in the case of genuine adoptions to be able to get Cayman Status and be able to pass it on. But, we have to do something about the problem of the large number of adoptions of 16 and 17-year-olds.

NCSS (which everyone knows is now renamed NCVO, National Council for Voluntary Organisation) is very active and doing a good job in managing the Pines. They have their

Nadine Andreas Children's Centre well under way. They hope to get their therapy pools started in the very near future. We have asked them for a proposal to manage the Sunrise Centre in East End and we believe that they might be able to do it more efficiently and effectively than the present Government Department is doing it.

The Advisory Council on the Misuse of Drugs have produced two reports and have been very active. They will probably be taking a break for awhile now and up-dating the reports now at a later date, but will keep the situation that they are charged with under the Law of keeping the drug situation under review and raising whatever flags they deem necessary to bring to my attention.

Now, to deal with my first and primary responsibility and that is to my Constituents, the people of North Side who have given me this high honour to represent them. I would like to deal a little bit with what is going to transpire in my district in 1991.

The major plans for the district in 1991 are the Post Office and Public Beach facility. These are well in hand, and the Post Office should allow all families in North Side access to their own private post-box for their own convenience, in the very near future. I am assured by the staff of the Public Works Department that it will be completed within this financial year and we look forward to having the Member responsible for Communications cut the ribbon no later than November or early December 1991.

Of course we will have continued improvements to our District Clinics and weekly doctor visits have now been instituted. We will have a pilot project by the Social Services Department using the Clinic facilities.

We have put in a request for street lights on every fourth pole from Grape Tree Point to Rum Point.

The channels are being properly marked and we expect that the Scott Brothers who have done such a good job on the channel at Cayman Kai and the one at Ironshore Flats in Old Man Bay will soon be starting the one at Driftwood Village and when that is finished that will be properly marked and lighted.

Of course the roads will continue to be maintained as well as possible. We are re-designing the junction between the Queen's Highway and Old Man Bay Road for improved safety and visibility into a proper 'T' section with a stop sign coming from the Queen's Highway.

We will continue to improve the school with staff and supplies, and I will continue to represent them to the best of my ability; but I am sure that they understand that the work for them, and the additional jobs that I have been describing for the last few minutes that are going on in my Portfolio, keeps me fairly busy and I do not have the time that I would so dearly love to have to socialise with the members of my community and to enjoy their wonderful company. But, we will get together at times.

Now, allow me in summary and in conclusion to make a few general comments. I have implored and urged Members at the beginning of my speech (and I have tried to be as non-adversarial as I can possibly be during my debate) to depart from the adversarial politics of the recent past and to forget about one-upmanship and political gain and to work for the common good for the country; and to make what criticisms they have in a constructive mode and to offer serious alternatives and not just resort to negative criticisms in the hope of trying to embarrass someone.

This is a good country we are talking about, and the civil servants are making their best efforts to put together programmes under the direction and policies that they are given to seriously attack and overcome the problems that our country is facing. I implore Honourable Members, where they have nothing constructive to say, to remain silent.

On the Constitutional Review, I hope that this Review can be conducted with the objectivity I have implored Members to use for the needs of the country, that we can be honest and factual with ourselves and with the public. In many instances the public at large is less informed than we, who actually work with the Constitution on a day-to-day basis (or at least the four times a year that Parliament meets), and they should not worry about who is going to be what, and what is going to whom, because of some particular charismatic ability of some individual, but to evaluate proposals objectively in light of the needs of the country and not make statements which make people believe that the creation of a Chief Minister is going to lead to corruption because people making that statement can only speak for themselves. Ezzard Miller is incorruptible, whether as a Chief Minister or as a serving Member of Cabinet under any Minister.

We have to be very careful that during this exercise we are conducting, that we do not get so emotionally involved that the country goes backwards politically. Let us be objective, and try to decide on what is necessary for the country, not on what is fancied (or feared) by one political individual who may not be able to engineer himself into the position of Chief Minister. The country needs to advance, we need to do it timely and we need to do it properly and we need to do it in a planned format.

I have great concern over the emotional outcries by some individuals who intend to run politicians, and they are simply playing on getting the vote and playing on people's emotions to prevent any change that they might not want or to engineer changes that they want. I was extremely disappointed in the attitude taken by Members of the Chamber of Commerce that because they could not get their statistics in of having phoned 16 or 20 people or whatever it was to say that three out of six people said, "yes", that meant that 50 per cent of Cayman wanted something and because the Constitutional Commissioners did not swallow that hook, line and sinker, but questioned it and said, "look we accept your representation, we will put in the pot, we will boil it all up, and come up with what we think is best", they resorted to charges of partiality and other things. That is unfortunate.

I would hope that when the Review comes back, the Select Committee can look at it objectively, we can invite people in and people will give us their honest opinions of what is being done and we can evaluate it properly for the good of the country.

Madam Speaker, I hope that 1991 will be a good year. I and my

Portfolio staff, and the staff of the various departments, will continue to do whatever we can to improve the quality of life for the people of the Cayman Islands and to maintain the high standard of living that we have set for ourselves, along with the hopes and aspirations of the people of this country.

Thank you very much.

MADAM SPEAKER: This will be a convenient time to suspend proceedings for fifteen minutes.

AT 3:30 P.M. PROCEEDINGS SUSPENDED

PROCEEDINGS RESUMED AT 3:46 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed, the debate will continue on the Throne Speech. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

In my contribution to the Throne Speech I shall try to take up the challenge laid down by the Government speaker and stay away from the more negative aspects of adversarial politics - a term he so aptly borrowed which I brought here. I will try to be as engaging as I can, and I crave the indulgence of the Chair because it seems that, try as I might, I am not comfortable with speaking from notes, so I shall have to rely on my computer upstairs to send out thoughts that are logical, cohesive and sensible.

Having said that, let me begin by saying that notice was taken of the last speaker's approach. While it is true that in our commentary we are going to be critical, I do not think that any Government Member can quite logically and realistically expect Members of the Backbench to lavish praise where praise is not due. The tactics employed by the Member who last spoke is the most convincing piece of evidence that this Government has recognised their policies as a political and economic tar-babies. There can be no graceful exit from these kinds of policies, and when Government policies fail, the Opposition Backbench (as we are) bears a special responsibility to bring those failures to the public of this country. That is the task for which we are very well equipped. The seven of us see ourselves as the architects of the new Cayman; the people who will put Cayman confidently and efficiently into the twenty-first century.

During my presentation I will be touching on a number of topics raised in the Speech from the Throne. The majority of the time will be spent on matters dear to my heart, having to do with education, recreation and culture. Also, at some length, the matters which affect my constituency.

Let me begin by saying that the myth that economic prosperity was guaranteed in the Cayman Islands has been shattered by recent events and compounded by the mismanagement and failure of Government to heed the advice from the Backbench when we told them it was necessary to be cautious in certain undertakings. We realise that responsibility for the fiscal management and progress of this nation lies to a small extent with us on the Backbench as well. That is why we are always careful to be responsible and contained in any alternatives that we put forward.

Might I say that it is now common knowledge that the breakdown came when Finance Committee was restructured, allowing the Government (who were in the minority) and the membership of the previous Finance Committee to take over the reigns? History will record that providence was on the side of the Backbenchers, because had the Government allowed the Finance Committee to remain in its original structure, what a convenient scapegoat they could have had by saying the Backbenchers and their majority ruined the country's finances. That is an omen which bodes well for the Backbenchers.

History is on our side. Providence is smiling favourably upon the seven of us, because it allowed us to escape that dragnet. I contend that the financial pressures that we are feeling now, and the negative ways in which the country's economy is effected, has nothing to do with the recession in the United States, nor with the war going on in the Middle East. We have not yet begun to feel those effects, so that excuse is not a valid one. What we are feeling now comes from economic mismanagement and the negative fall-out of the $10 million tax package - the exact effects we told the Government they would have.

The lesson we have to learn from this is that our economic prosperity is only guaranteed if we manage our resources. There can be no better time to emphasise and to highlight this than now. A nation only does well when its people are prudent and when they save. I have repeated that from this forum many times before, that is why Japan is the foremost economic power in the world. On a per capita basis, it is a country which has the highest percentage of Government's coffers and reserves are not bulging with money. We, as leaders and legislators of the people, and more so the Government must set the example. They must manage the resources of the people well. That is the challenge for the next Government, because the present one cannot boast of managing it very well.

I would like to make some brief comments on the judiciary, a very important element in our society. The challenge of the judiciary is great, indeed. From the reports in the newspapers, the radio and from the police report which has just been handed to us, I see that we are in a battle. The forces of Law and Order are against those who are striving to break down our society. We are in a peculiar position because we are a country where all of the judiciary are foreign nationals. I would suggest that, because of that, the challenge is greatest because certain elements have to be taken into consideration, which are not always easy for these people to have access to. I do not necessarily believe that Caymanian people are any worse than people anywhere else. I contend that certain types of criminal behaviour is influenced by extenuating factors which sometimes are not always taken into consideration. For that matter, it is difficult sometimes to evaluate whether some of the sentences are as effective as they could be. Were these extenuating factors brought to the attention of

the judiciary and those members passing sentence?

I say all that to show that the time has come now for us to consider introducing members of the Cayman Islands who are practicing, or who have experience, into the judiciary. And, might I suggest that we may begin from the very bottom, if we want to be sure, and traverse slowly. I think that this would be a positive step. It would be a step that would allay many fears, including fears that I hold legitimate. It is difficult sometimes for people from the outside, who cannot be expected to have intricate and important knowledge, to pass sentence on me, when they do not know all of the social, psychological and other such circumstances. It is a challenge that I throw out. I would welcome some kind of comment or suggestion from the relevant authorities when it is their turn to reply, if they deem fit.

The Portfolio of Finance and Development plays an integral role in the overall economic prosperity and development of our country. I welcome the new and sophisticated changes proposed. I am confident that we are in the most capable hands available. However, that does not mean that there should be any let-up. That does not mean that there should be any ease of vigilance. I am confident that the new proposed Economic Development Unit and the PSIC are steps in the right direction, which will enable us to develop sophisticated planning.

There was a time, when we spoke of planned economies, that people thought it was a facet of socialist or communist economies. It is an internationally accepted fact now that the best economies are planned. The best economies are managed intricately and seek to have input from various and diverse sectors of the country. Our success here in the Cayman Islands, as a sophisticated financial centre and as one of the most economically prosperous in the Caribbean, can only be continued with the development of sophisticated planning and efficient management of our financial resources. So I, as a Member of this Honourable House, am looking forward to the work of the National Growth Management Committee and all of the other related agencies. I would like the relevant people and members of that organisation to know that I am offering all of the moral support I can give and that I wish them well and that I challenge them to rise to the occasion and I expect that the Cayman Islands will have continued good management because that is the only way in which our Islands can continue to progress.

The field of banking: Again, this is an intricacy because most of our banks are what is termed in development economics, multi-national corporations. That carries with it a certain given that most of the principle officers and the management structure will have come to these Islands from the headquarters. It poses as a consequence of that a dilemma or dilemmas. An obvious one is with the increasing access to professional qualifications of Caymanians. What are the chances of ambitious Caymanians being what we call upwardly mobile and achieving their objective and dreams past the middle-management level now and into the higher echelons of higher management.

It is a challenge. The reason it is a challenge, I contend, is that the Cayman Islands now are embarking on what I heard a colleague of mine describe as a policy of sensible nationalism. Therefore, the next generation of politicians to come to this Honourable House will be, on average, more educated and more nationalistic in their outlook. If we move smoothly, and if it is seen and appreciated that when Caymanians are qualified they can achieve more than token positions, then we will continue to have a smooth transition and good relations between Caymanians and foreign nationals. But if it is an exercise in tokenism, as I often hear, then we are going to have problems. So, it is a challenge for those people in the banking profession, which is perhaps the single most important profession and employer of young Caymanians, to work out some kind of system where young, educated and ambitious Caymanians can rise to positions beyond those of mere tokenism.

As regards to the Customs Department, we have a Department which continues to do well and which I understand is 100 per cent Caymanian staff. That tells me that we as a people, have the potential to take major sectors and sections of the Government and not only manage them but manage exceptionally well. It is a credit to the Collector of Customs and his staff that they continue, sometimes under trying circumstances to do so well. I would to place on public record in the *Hansards* of this House my congratulations and support for these people. Some officers have to work long and late hours into the night. Sometimes hours that offer little or no letup in terms of the number of people that they have to deal with. I would admonish them to continue to be as courteous and as fair as they have been, but to carry out their duties to the best of their ability and to the letter of the Law.

With regard to the Legislative Assembly: no accolade is too great to bestow on the staff, both the Clerk and her office staff, and those people whom we called at the Mico, the junior staff. I would like to commend them for the job that they have been doing and to wish them continued success. I think I might pause here, to say that there is a welcome change which is obvious to the whole nation since you have occupied the Chair. It gives me a sense of pride because you are the one Caymanian whom every Caymanian wanted to see there. I hope, Madam Speaker, from the bottom of my heart, that one of these days your position can be made full-time, because you deserve no less. I feel confident that I speak for my seven colleagues on the Backbench when I say that we are looking forward to your stewardship. All indications are that you are a good captain, and I wish you a long and pleasant stay on the bridge.

The Attorney General of any country has an ominous task, and this is no less true in a small country like the Cayman Islands. We are in the forefront of the world because we are a sophisticated financial centre. Every book and every soap-opera that you read has some negative aspersions about laundering money or dodging drugs or stopping off here to run some scam or set up some scheme which is frowned upon in other places. I am currently reading a book called Deep Cover written by a DEA agent based on he experiences. The subtitle is How The DEA Is Losing The Drug War and there are numerous references in that book to the Cayman Islands as a haven for laundering money and for running schemes having to do with drugs. It is not a fictitious novel. It is based on the author's over 30 years experience as a DEA undercover agent. In that

book he has said that he knew people in the Cayman Islands who were mentioned in that book, as being conduits or friends of people who were running scams.

I say that to show that on the shoulders of the Portfolio of Legal Affairs lies the heavy responsibility for the maintenance of a clean image for the Cayman Islands. We have been doing well, and I only hope that we can continue to do well. Being a true nationalistic Caymanian, I look forward to the day when we can see a Caymanian in the position of Attorney General. Then we can become the envy of the world, not only as a financial centre but as a clean financial centre.

Passing now to the Law School, I have some queries. I take note of the fact that in the Speech from the Throne, mention was made that the school now has a total of 42 students enrolled - 21 in the five-year Attorney at Law course, and three in four-year degree programme of the University of Liverpool. This is noble, indeed. I look forward to the day when our country can be self-sufficient in producing lawyers, because that will be a true manifestation of sophistication, not only in the sense of knowledge of the law and available expertise, but in the sense of our appreciation of such a noble, worthy and necessary profession. The challenge is that Caymanians who wish access to the school and who have the qualifications to enter the school should be able to do so, and that we do not degenerate into a school which mainly supplies opportunities for foreign nationals to qualify and compete with our Caymanians for an economic livelihood in the profession of Law.

The Law School could also serve us well by exploring the potentialities and the prospects of offerring seminars so that the layman can better understand the ramifications of some of our Laws. Perhaps a challenge and a launching point could be their participation in some of the debates and their offering of some seminars and some instruction on certain aspects of the Constitutional Report when it is returned. Because, these kinds of activities afford a certain amount of PR which helps the school to become more widely known, which will help its students and eventual graduates to be more respected while at the same time serving to educate the Caymanian on the street as to his rights and responsibilities. It is a contention of mine that Laws are well and good but the society works better when people have knowledge of these Laws and especially when they realise the importance of obeying the Law and are made to understand the punitive sanctions which must follow when Laws are disobeyed or broken.

I would like to see the Law School take a more active part in the ordinary life of the nation, by offering from time-to-time these kinds of seminars out in the districts and the outlying parts of the community and perhaps on the Sister Islands on topics of common interest.

The Portfolio of Internal and External Affairs is perhaps after the Portfolio of Finance and Development, the most important Portfolio in the sense that with it and under its umbrella lies the responsibility for the maintenance of peace, order and good Government, the Police, the prisons etcetera.

It is true to say that in a society which is developing or has developed at the rate at which we have developed, that there are vast challenges and sometimes much criticism levelled at our social control forces. In the last year or so, the Police Department conducted what I would consider, a successful recruitment drive. I would hope that these can continue because I am one of those people who will only feel satisfied when the majority of the police in the constabulary or in the Royal Cayman Islands Police Force are Caymanians by nationality. For, I am a firm believer that no one can know us as we know ourselves and with great respect, no one recruited from outside can be expected to take the interest in us, as we take in ourselves.

So, the immediate challenge is for the recruitment drive to continue, but not only for this, but for Caymanians to be so desirous of serving and so patriotic that they may enlist, and when they enlist they do their best to perform their duties creditably and to the high level expected of such an honourable position. There are a promising number of young Caymanian recruits now and some of them I hope, in a few years hence can have embarked on the rungs of promotion and the nature of their service and commitment is such that they will be deemed fit for promotion to the senior ranks.

By and large, the greatest challenge facing our Police Force, is probably the containment of drugs. From the report and from my knowledge of the streets, it is safe to say that drugs are the greatest contributing factor to a large number of certain crimes. Burglary is one and I am very concerned because in annals of criminology and criminal sociology, it is said that anyone who burgles will kill as quite frequently a burglar when surprised will strike or lash out. I am perturbed at the number of young people who have serious criminal records. When the opportunity presents itself I admonish these youngsters and I speak with them on the importance of maintaining law and order and of being responsible citizens.

But, I have to sadly conclude that it is a losing battle because they are preyed upon, sometimes by their very own families, and relatives, so much so that drugs, particularly cocaine has led our society to become cannibalistic, in the sense that we have Caymanians selling other Caymanians drugs. I just a few days ago had a relative visiting here from the United States and I forgot to warn him about certain people. He went up the road one evening and when he returned he was angry and he told me that he was approached by some people to buy drugs. That, is a sad indictment on our society, on my constituency of Bodden Town. I do not know how we can win a war like that and I am not so unrealistic as to think that the police alone can do it. They need help. That is why I would I ask that young, honest, able and ambitious people enlist. If all of us are corrupted then all of the efforts made by good Caymanian people will be to no avail.

It is not only cocaine that is destroying. There is a legal drug known as alcohol that is equally as destructive that we must come to grips with too. I do not know if we have any statistics on this but I am beginning to be concerned that a number of young Caymanians, men and women, have problems with alcohol. You just have to pass by the bars sometimes. I have to say that I have problems with these establishments promoting happy hour. The unhappiest hour is the hour we have to spend at churches viewing somebody that has been mangled because someone had two drinks for the price of one.

I am not pontificating or preaching any redemption, I am just

being realistic. I wish that there were other ways that we could have fun. I abhor the fact that these establishments can do that. I am saying that although marijuana and cocaine are responsible, alcohol is equally responsible for the destruction in our society. From page 8 of the Throne Speech, in the middle paragraph, I quote: "Analysis of fatal accidents over the last 10 years shows that alcohol and/or excess speed often combined are far and away the principal causes of death..." of fatalities on our roads.

The Prisons Department: What is its purpose? Is the prison designed to contain people, to protect them or to protect society from them, or to protect them from society? Or is it also a function of the prison to effectively rehabilitate the inmates? I would like to think that the latter is true because what we have happening now is a system of recidivism. We are losing a lot of young people by their repeat offenses - permanent residency almost, in the prison. And, there are certain aspects of it which, pardon my saying so, can be described as a joke.

I believe that what we should seek to do is, where the sentence is beyond a certain length of time make it mandatory for certain types of education, irrespective of whether that person was sent to prison for that type of offense or not. I believe that any sentence lasting longer than three months, the person should be mandatorily expected to undergo drug education awareness because that is one of the great problems in our society. And, I also believe that any sentence lasting longer than six months, particularly if the person is a young person, should be mandatorily expected to take some kind of literacy test. If that person is found to be deficient then he should be encouraged to take some kind of educational training which will allow him when he has completed his prison term to become employed within the society, and give them an alternative to breaking the Law by earning a livelihood by illicit means.

Now, I understand that there is some semblance of an educational programme - largely under the auspices and through the efforts of one officer. That is to be commended. Certainly, that officer is to be commended but I believe that one man is not an island and the officer needs help and the programme needs help. My knowledge of the situation informs me that there is a shortage of textbooks that there even is an unwillingness among some of the prison administrators to allow some of the prisoners who wish to attend these programmes, to attend as necessary. The philosophy of some of the prison administrators is that the prison is not for such a purpose, but that is a part of the rehabilitation, that is the part of the containment, that is a part of the safe-keeping because if we are successful in reducing our prison population, we are also successful in developing a more productive society. I would like to see this done. I would like to see an efficient and working educational programme, where more students can be encouraged and coached to take subjects and pass them at the GED level, which is the American High School Equivalency Level. But, it should not only end there, where those prisoners do not have a serious criminal record, upon their release there should be some organisation which lobbies on their behalf with members of the society and general public to give them a chance. To take them in, to develop in them a self-confidence, a sense of self-worth, that they may be able to have alternatives other than those which are illegitimate and illegal.

Such programmes have been working in some parts of the United States. They have one of those programmes in New Jersey, where the prisoners, when they attain their High School Equivalency there is some organisation that lobbies on behalf of the released prisoners. They are then placed in jobs, and are not left there cold-turkey; their progress is followed continuously. I would like to see us adopt a programme like that, because we have to find a way to stem the loss of young Caymanians through recidivism.

Prisons should not only exist to cage people, it should exist to help them make a smooth transition back into the mainstream society. I admit that we will never be able to obliterate crime completely because the laws of nature argue against that. But, we can keep it at the lowest possible level and certainly we can protect a lot of our young people from becoming permanent inhabitants of the prison by trying to instill in them a sense of self-worth, self-esteem and pride.

I see that the time is fleeting, with your permission, Madam Speaker, this may be a good point on which to break.

MADAM SPEAKER: Thank you, Honourable Member. It is now time for the Moment of Interruption, 4:30 P.M. May I ask for an Adjournment until tomorrow morning at 10 o'clock?

ADJOURNMENT

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

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

AYES.

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

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM FRIDAY 22 FEBRUARY 1991.

FRIDAY
22ND FEBRUARY 1991
10:07 A.M.

MADAM SPEAKER: Prayers by the Third Elected Member for George Town.

PRAYERS

MR. 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, the 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, Amen.

Let us say the Lord's prayer together: 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.

MADAM SPEAKER: Proceedings are resumed.

Presentation of Papers and Reports. The Honourable Third Official Member.

PRESENTATION OF PAPERS AND REPORTS

ROYAL CAYMAN ISLANDS POLICE ANNUAL REPORT FOR 1990

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to lay on the Table of this Honourable House, the Royal Cayman Islands Police Annual Report for the year 1990.

MADAM SPEAKER: So ordered. We will next proceed to questions.

QUESTIONS TO HONOURABLE MEMBERS

MADAM SPEAKER: Question No. 38, by the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 38: Would the Honourable Member say what are the crops presently produced on the Lower Valley Demonstration Farm?

ANSWER: Presently only orchard crops, i.e. citrus, avocado and mango, are being produced at the Lower Valley Farm. However, some ornamentals are still being propagated there for sale to the public. These are ficus, oleander and croton.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Elected Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, I wonder if the Member could say how and where these crops are marketed?

HON. LINFORD A. PIERSON: The marketable crops are marketed at the Farmer's Market and the unmarketable ones have been sent to the Girl's Home, Bonaventure and the Pines.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say if there are any plans afoot to develop the farm to where farmers could benefit from it?

HON. LINFORD A. PIERSON: Yes, Madam Speaker, this an integral part of the Five Year Development Plan, of which the first phase will come into effect this year.

MADAM SPEAKER: The Member for East End.

MR. JOHN B. McLEAN: Madam Speaker, we were told yesterday that the produce was not sold because the Department was not in competition with farmers. How is it then that ornamentals are being sold in competition with those who sell them on the Island?

HON. LINFORD A. PIERSON: Madam Speaker, the sales would not be considered in competition with farmers. These are propagated in very small amounts.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, could the Member once again say what is the aim and the practical use of this demonstration farm? as it seems he has implied that it is not to help farmers.

HON. LINFORD A. PIERSON: I do not think that I ever gave that implication. What I made abundantly clear in my answer yesterday was that the demonstration farm is primarily there to assist farmers by helping them in investigative works and otherwise. I made that quite clear yesterday.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: What, then, is the statement relating to the first phase of the Five Year Plan, which will make the farm into helping farmers. This is what I do not understand. Is this going to help them more, or what?

HON. LINFORD A. PIERSON: I was stating a policy position of Government. The Member is aware that the Five Year Agricultural Development Plan was laid on the Table of this House, and hopefully he has taken the time to read it. I was just stating that the first phase of that Plan will be implemented during this year hopefully. It is planned that under that, these demonstration farms will be developed to a greater extent, with the main focus of assisting farmers. This is the main focus of the Plan.

MADAM SPEAKER: The next question is No. 39, standing in the name of the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 39: Would the Honourable Member say who is in charge of the day-to-day operations of the demonstration farms on Smith Road and at Lower Valley?

ANSWER: Two Agricultural Assistants are responsible for the day-to-day operations of the demonstration farm, one on Smith Road and the other at Lower Valley.

SUPPLEMENTARY

MADAM SPEAKER: Supplementaries. The Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say whether these officers have other duties such as visiting farmers on their private farms?

HON. LINFORD A. PIERSON: Yes, these officers have other duties and I would like list them for the Member. The Agricultural Assistant responsible for Smith Road is attached to the crop production area of the Department and his duties also include:

1. Giving technical advice to farmers and household gardeners.
2. Plant quarantine inspections. That is, inspections of containers that bring in plants and sod, etcetera, to the Islands.
3. Dock inspections. That is, boats and ships that bring in agricultural produce.
4. Airport Duty, one week-end per month.
5. Coordination and erection of tents from which the Department receives revenue.
6. Other duties assigned by the Chief Agricultural and Veterinary Officer and the Agronomist.

The duties of the Agricultural Assistant attached to the Lower Valley Farm include:

1. The coordination of the stud service provided by the bulls at Lower Valley. This service is free to farmers.
2. The care of all animals on the farm including their week-end maintenance.

Also it should be noted that since the acquisition of the bull-dozer for use in farm development, the Agricultural Assistant's expertise has been fully utilised as an operator and the Agricultural Officer has taken on more responsibility for the every day functioning of the Lower Valley Farm.

MADAM SPEAKER: If there are no further supplementaries, we will go on to question No. 40, standing in the name of the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 40: Would the Honourable Member say when will the Blow Hole project in East End be commenced and the estimated date of completion?

ANSWER: Some years ago, at the request of the Portfolio of Tourism, Aviation and Trade, the Public Works Department prepared plans for the development of the Blow Holes at East End. However, it was established that the property on which the Blow Holes are situated is privately owned, and Government initiated proceedings to purchase this property. Those proceedings did not materialise and it was learned that the owner intended to develop the area himself.

In researching the reply to this question, it appears that during 1990 the owner gave permission to the Public Works Department to carry out works on the property which included improvements to the road shoulder and a pedestrian walkway to the iron shore. However, the Portfolio of Tourism, Aviation and Trade was not made aware of this development. According to the Public Works Department the improvements to the road shoulder have been completed and as a result access to the area has improved. They have now recommended, however, that to make a permanent improvement to the Blow Hole area to allow easier access, that a formal lease agreement be arranged with the owner before proceeding further.

In view of the foregoing, it is now Government's intention to renew its efforts to improve this prime tourist attraction, subject to the conclusion of a satisfactory lease agreement and availability of funds.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries, the Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say whether Government considers this as one of the main attractions on the Island?

HON. W. NORMAN BODDEN: It has been so considered for a long time and has been listed, I think going back many years, on all of the tourist information that is published by the Department of Tourism. The Blow Hole area in East End has always been listed as a prime tourist attraction.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: Taking into consideration the dangers that tourists are faced with trying to get to the Blow Holes and the importance of the attraction, would the Member give an undertaking to the House that this will be placed on a priority list to have something done, before it is too late.

HON. W. NORMAN BODDEN: Yes, I can give that undertaking. Of course, it was the consideration that the Portfolio gave to this area as a prime tourist attraction that caused the Portfolio several years ago to take the initiative to further develop it and to make it safer for tourists to visit that site. We will certainly actively pursue this and try to conclude any agreements. If there is any necessity to come back to Finance Committee for additional funds, I would expect certainly the support from the Member asking the substantive question and the supplementaries.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: You have my support, sir.
Madam Speaker, I would like to ask the Member if Government has any future plans to develop the other two Blow Holes within that same area?

HON. W. NORMAN BODDEN: To my knowledge no consideration has been given to the other Blow Holes referred to.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Could the Member say when in 1990 Public Works received permission from the owner? Can he also say whether they have told him what the cost of the pedestrian walkway? Would he tell them, please, that this is regarded as a major tourist attraction in the event that they may not appreciate that?

HON. W. NORMAN BODDEN: To the best of my recollection (I do not have the exchange of correspondence with me here which I referred to and which was uncovered in my research for the answer to the substantive question) I think it was around the middle 1990, probably June or July of 1990. I do not have the cost with me either. I do not think it should be a substantial amount. If there are funds already provided for under some of our votes for tourism, we certainly will do it without coming back for any supplementary funds. I think it is common knowledge that this is a prime tourist attraction and we will certainly do what we can to expedite the improvement that has been requested.

MADAM SPEAKER: If there are no further supplementaries, we will proceed to question No. 41, standing in the name of the Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 41: Apart from the clean-up of trash on the roads by civic-minded individuals, can the Honourable Member outline Government's programme for general Island-wide clear-up during the last three months?

ANSWER: During the last three months of 1990, the following ongoing programmes for Island-wide clean-up were in effect.

A complement of four full-time sanitarians was responsible for roadside litter collection, and for beaches and litter bins on a daily basis. Cemeteries were cleaned on a monthly basis. The total cost of the programme for the period was $26,615.80. 109.7 tons of garbage was collected during this period.

In addition, the Environmental Health section gave the following assistance to community service groups: 600 garbage bags distributed; "grab" truck cleaned 6 locations; 20 containers were loaned.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I would like to ask the Member how much of this work was done since the question (which he has just answered) was tabled.

HON. D. EZZARD MILLER: None. The question is very specific. It refers to the last three months of 1990. The question was tabled 11 February 1991.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I would like to ask the Honourable Member if there is a regular schedule or routine maintained by his Department for this clean-up?

HON. D. EZZARD MILLER: Yes, Madam Speaker.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say what steps have been taken to prevent this 109 tons of garbage and littering in three months?

HON. D. EZZARD MILLER: I thought I explained that very thoroughly yesterday. There is an ongoing education campaign. One specific example was 'Trash Busters' conducted by the Environmental Health Department in conjunction with the National Trust. We are looking at a system of adopting a highway by some of the service clubs. There is a fine of $500 for littering, but no one wants to come in and give evidence, and we are looking at smaller fines which can be handed out by the Environmental Health Officers.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Has the Member thought of putting up signs saying 'Littering: Fine Up To $500' or something like that all over the place? There are a few now but has he thought of increasing

this?

HON. D. EZZARD MILLER: There are literally dozens of those signs erected. There is at least one at the entrance of each small community or district at both ends. Also many signs were distributed and put up under the Public Education Campaign, such as: 'Put The Garbage In The Bins'; 'Every Litter Bit Hurts' and we have placed garbage containers all over town in strategic sites for the convenience of people.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could outline the schedule maintained for the clean-up campaigns Island-wide?

HON. D. EZZARD MILLER: The schedule is contained in the answer. The roadside collection is on a daily basis, including beaches, and cemeteries are cleaned on a monthly basis. The four sanitarians start at one end of the Island and work their way to the other end of the Island on a daily basis and come back to start over again.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: What I attempted to elicit from the Honourable Member was something like this: The clean-up campaign will be at Bodden Town every third month. Is there such schedule existing?

HON. D. EZZARD MILLER: There are additional campaigns to this for picking up large pieces of waste like refrigerators and stoves, and we do put a lot Public Service Announcements on the radio when we are going to conduct those specialised campaigns for litter collection. That is an ongoing programme.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Could the Member say how many of these litter fine signs are in George Town and whether these have been placed at areas where there is a high congestion of litter?

HON. D. EZZARD MILLER: I do not have the exact number here, but we do not want to put up so many signs that we are accused of littering the roadsides ourselves. I would suggest that they are in strategic locations and I think that most people are aware of the signs.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member agree that the programme cannot be very effective if he does not know how many he has up and where they are?

MADAM SPEAKER: Shall we move on to question No. 42, standing in the name of the Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 42: Would the Honourable Member say if Government would consider contracting out the construction of the Bodden Town boat ramp so that the work may be completed before the end of 1991?

ANSWER: As the Member is aware, the land which was identified for the Bodden Town boat ramp and Public Beach is no longer available, but a new site is being investigated across from the monument in Bodden Town.

In answer to the second part of the question, it should be noted that Government would consider contracting out the construction of the boat ramp when the land is available.

SUPPLEMENTARY

MADAM SPEAKER: Supplementary. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I would like to ask the Member if he can give the House any idea when he will conclude the purchase or lease of the property for the boat ramp in Bodden Town?

HON. LINFORD A. PIERSON: This in not possible at this point in time, as the information on this piece of property was brought about two weeks ago by one of the Members for Bodden Town. But we are looking into this and giving it top priority.

MADAM SPEAKER: If there are no further supplementaries, we will proceed to

question No. 43, standing in the name of the Second Elected Member for Bodden Town.

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

NO. 43: Would the Honourable Member say if Government has formulated any contingency plan for the Cayman Islands to deal with possible effects of the Gulf war?

ANSWER: The potential effects of the Middle East war on the Cayman Islands may be divided into economic and security aspects.

I shall deal first with security, simply to say that there is at present no indication of any problem, but certain additional measures have been taken in regard to control of entry to the Islands. Honourable Members and the public will also be aware of additional measures in regard to passengers and baggage at the airports. Honourable Members will, I trust, accept that it would be inappropriate for me to provide details.

Second, on the economic side, the Government is aware of the potential effects. In the light of our known vulnerability to world economic conditions, specific contingency planning is not easy. Monitoring of the economic situation, which is a regular part of my Portfolio's work, has intensified since September last year. Information is collated, as it becomes available, of the effects of reduction in activity in the tourist industry and related service industries; and close contact is being maintained with representatives of the finance industry. This information "net" is being widened and will enable recommendations to be formulated for Executive Council as to what steps, if any, can, and should be taken.

Government is very sympathetic to the worries and problems of individuals who may have already been affected. Information is being collected, as I said, and any input from Honourable Members and members of the public is most welcome, and should be forwarded to my Department.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: May I ask the Member if Government has considered putting any of its multi-million dollar major capital projects on hold until such time as it can be determined what will be the outcome of the war?

HON. THOMAS C. JEFFERSON: The Government has not taken any such decision, but the situation is being monitored on a daily and weekly basis and a monthly basis so that, if it is necessary, Government will consider that aspect as well.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say if Government has been discussing the possible credit squeeze which may be applied by the banks to the consumers on the Island, because of the world situation?

HON. THOMAS C. JEFFERSON: The Government has not been considering or deciding on any credit squeeze that the Member believes may be happening.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say whether Government has considered removing the 13 cents that was put on fuel last year in their large tax package, to ease the impact of the high prices of oil caused by the war, even if this is only a temporary removal?

HON. THOMAS C. JEFFERSON: Madam Speaker, the Government has not taken any decision as regards reduction of the 13 cents imposed in the summer of last year. I believe that if we watch the price of oil on the international market, we will see that some of the things forecasted in early January have not happened. There were times when the economists and petroleum specialists in many parts of the world said that it was likely that a barrel of oil will go to $65 or $70 or $100. It has not materialised.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: May I ask the Member if he would agree that the Government is oblivious to what is happening?

MADAM SPEAKER: That calls for an opinion and...

MR. G. HAIG BODDEN: I will withdraw that.

MADAM SPEAKER: Thank you. May we proceed to question No. 44, standing in the name of the Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 44: Would the Honourable Member say how air arrivals for December 1990 and January 1991 compare with the period December 1989 and January 1990?

ANSWER: The comparison of tourist air arrivals for the months in question is as follows: December (1989) 21,509, (1990) 22,290 for an increase of 3.6%. January (1990)19,894, (1991) 17,773, for a decrease of 10.9%.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if it would be possible for to provide us with a statistical breakdown with regard to destinations from which these visitors travel?

HON. W. NORMAN BODDEN: The statistics for the origin of traffic would be divided into various regions and each region has a breakdown on the ADIs from that particular region. So I need to ask the Member if he would like this information distributed to the House or sent just to him. It is in great detail, and if he gives me the exact period that he wants then I can let him have copies.

MR. JOHN D. JEFFERSON, JR.: That will be fine.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: May I ask the Member this question? The arrivals in December 1990 show a 3.6 per cent increase over December 1989. Will the Member say if December 1989 was a good December for air arrivals?

HON. W. NORMAN BODDEN: Yes, December 1989 was up on December 1988. As the House will recall, 1989 was a difficult year for tourism as well; but it started to recover from a downturn towards the end of 1989. In fact, 1989 ended up with something like a 4.6 per cent increase over the previous year. December was a good month.

MADAM SPEAKER: If there are no further supplementaries, we shall proceed to question No. 45, standing in the name of the Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 45: Would the Honourable Member state what measures have been taken by the Department of Tourism to address the slowdown in tourist arrivals?

ANSWER: The Department of Tourism has in place an aggressive Marketing and Sales Programme which has further been strengthened to address the slowdown in tourist air arrivals. The following are details covering the first quarter of 1991:

1. The Marketing Plan provides for 12 major travel agent presentations and seminars in the Chicago Region, 11 in the Houston Region, 4 in the Los Angeles Region, 20 in the Miami Region, 15 in the New York Region, 2 in Canada, and 28 in the United Kingdom and Europe. In addition the Department of Tourism will participate in 91 Travel Trade Shows in North America and 32 in the United Kingdom and Europe.

2. Additional selective Travel Agent Familiarisation Trips have been arranged, and increased sales calls are being made in all regions to targeted producers.

3. The Department of Tourism's advertising media schedule includes 7 weeks of television in New York, 5 weeks of television in Miami, 10 weeks of television in Chicago, 4 weeks of television in Houston, and 8 weeks of television on CNN nationwide. All television advertisements are placed at prime times on major television networks. It also includes 8 weeks of radio in New York, 4 weeks of radio in Atlanta and Tampa. Magazine advertising will include advertisements in *Travel and Leisure,*

Travel Holiday, Conde Nast Traveller, Caribbean Travel and Life, Islands, Architectural Digest, Bon Appetite, Gourmet, Saltwater, Sportsman, Pleasure Boating, Skin Diver, Underwater USA, Ocean Realm, Destinations, Travel A La Carte, Wedding Bells, Diver.

4. The Public Relations agency has issued a massive mail out of press releases to the Travel Trade and Consumer Press highlighting the safety, stability and ease of access to the Cayman Islands. Travel Weekly magazine recently featured an interview with the Governor and the Director of Tourism which resulted in the Cayman Islands receiving additional favourable exposure. This will be followed up with other press and publicity campaigns on the Cayman Islands. A full programme is being arranged in the gateway cities for interviews with the Governor and television and radio appearances. The agency will continue to focus on the high image of the Cayman Islands tourism product as portrayed in our advertising.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I recognise that the question was with regard to the activities of the Department of Tourism, but I also recognise the fact that the Department works very closely with Cayman Airways. I wonder if the Member would say what role Cayman Airways is playing in the plan to stimulate visitor travel to the Cayman Islands?

HON. W. NORMAN BODDEN: Cayman Airways participates in joint advertising programmes with the Department of Tourism on the television programmes that have been referred to. Cayman Airways also conducts their advertising campaigns in magazines but mainly in newspapers in the gateway cities and to some extent on radio. That is in general terms what Cayman Airways is doing.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: It would appear because of the slowdown that maybe the airlines, including Cayman Airways, should be looking at offering some package deals in conjunction with the hotels. I wonder if the Member could confirm whether or not plans of this nature are in the works?

HON. W. NORMAN BODDEN: There is in place attractively priced packages which were in the marketplace prior to January, for example. These were part of the plans which were made in 1990 to be implemented in 1991. So, I would say that there is in the marketplace at the present time attractively priced packages which have been arranged through the airline and the hotels.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member would say whether there is any indication for the month of March and April that there will be a turn around in tourist arrivals?

HON. W. NORMAN BODDEN: There have been some improvements in February. I think we all know that January is a very slow month even under normal conditions. But business has picked up in February, and advanced bookings for March still look favourable. A lot of this has been covered in the press and the Department of Tourism conducts almost on a daily basis its own survey to see how the airlines and the hotels are doing. So, there is some improvement over January and I would say at this stage March looks favourable. However, we have to accept that under the conditions, due primarily to the Gulf war, people are not planning very far in advance. It is a very impromptu market. People who are travelling are booking only two or three days before they decide to travel.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say what is the annual cost of this marketing plan, the advertising and what have you, and where do Caymanians feature in this sales pitch that is abroad, as it appears that the Governor now seems to be representing the Department of Tourism, abroad at least?

HON. W. NORMAN BODDEN: The cost of the advertising campaign that I have outlined is covered in the Budget. We have not changed anything. It is identical to the amount that was submitted in the Budget. The additional sales and marketing activities that we are doing I think will be covered under any savings that they have from other areas.

In regards to the Governor's involvement in promotions for the Cayman Islands, these are specific areas in television and radio that will be arranged at the gateway cities served by Cayman Airways primarily. The suggestion came from our Public Relations firm and I support it. I am pleased that the Governor has agreed to participate. We have held a view that our success in tourism has been in major part attributable to the political stability in this country which is derived through our Crown Colony status and secondly, our close proximity to the United States, our main market. In focussing on the stability and safety that we have in the Cayman Islands to offer the American tourist, it was decided that the Governor's participation would

help us get that message across and reemphasise the stability we enjoy because of the close connections we have with the United Kingdom. I think it is a good programme and should produce favourable results.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: If I could go back to my original question, which is where in this programme do Caymanians feature? I merely used that as an example because it was the only example that was in here. Surely, we must have some Caymanians out there telling people abroad about Cayman because they seem the best equipped to do so.

HON. W. NORMAN BODDEN: I am sorry that I left the last part of that supplementary off. I apologise to the Member.

Caymanians feature, I would say, very prominently in our marketing efforts. The collateral material that is produced features our Caymanian people in our posters. In some of the regions, primarily Miami, we have Caymanian sales staff attend these travel agent presentations and trade shows and they are able to give firsthand knowledge of the Cayman Islands. I will also be participating in some of the sales promotions with travel agents and trade shows next month and, in the course of the year, I will attend as many of them as I possibly can. So, basically that is the Caymanian element in our marketing efforts in tourism.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Can the Member say what is the minimum circulation of the magazines in which the advertisements are placed, as some of these magazines appear to be not so well known?

HON. W. NORMAN BODDEN: There are many magazines involved because there is a distribution of the magazines which are stronger in a particular region in the United States. I would not have the distribution figures on these, but I would dare say that those magazines that I have called out are top-of-the-line and their distribution could be on average of 350,000, that is the type of circulation they would have.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say why he has not considered magazines such as the New Yorker?

HON. W. NORMAN BODDEN: We have been approached by the New Yorker and we gave it consideration last year, but it is a very expensive magazine and in the Budget cuts we had to drop our plans to participate in that magazine.

MADAM SPEAKER: It is now 11:00 o'clock and end of question time, unless a motion is moved for suspension of Standing Orders.

SUSPENSION OF STANDING ORDER 23(7) AND (8)

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe that I may be again correct when I say that it is the wish of the House that we suspend, in accordance with Standing Order 83, Standing Order 23(7) and (8) to allow the supplementaries and other questions to be taken this morning.

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

AYES.

MADAM SPEAKER: The Ayes have it. Standing Orders are suspended accordingly.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED.

MADAM SPEAKER: The next question is No. 46, standing in the name of the Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 46: Would the Honourable Member say what is the status of Cayman Airways Limited's negotiations for resuming the Turks and Caicos route?

ANSWER: Cayman Airways Limited is still open to negotiations for providing a service between Miami and the Turks and Caicos Islands subject to agreement being reached mainly on the amount of a financial guarantee, the type of aircraft and cost per flight.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker. I wonder if the Member would say whether or not this is proposed to be a regularly scheduled flight or would it be charter?

HON. W. NORMAN BODDEN: The request from the Turks and Caicos government was for a scheduled service to be operated between Miami and the Turks and Caicos Islands.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Some time ago Cayman Airways cancelled the arrangement with the Turks and Caicos Islands, under which they provided a service to them. Can the Member say why that arrangement was cancelled and can he also say what advantage the airline hopes to gain now, that it could not have gained had it continued the former arrangement?

HON. W. NORMAN BODDEN: My recollection of the service which was previously provided by Cayman Airways to the Turks and Caicos Islands, was not under a lease arrangement. I think it was a decision by Cayman Airways itself to provide a scheduled service to the Turks and Caicos Islands. That service was withdrawn in 1985 because of the substantial losses that the company was having to absorb on the operation. It was very uneconomical, the company had piled up substantial losses on it and the decision was taken to withdraw the services in 1985.

Under this new proposal, if it is completed and finalised, the Turks and Caicos government, along with members of the private sector, would be providing a guarantee through a letter of credit. There would be an agreed price that would be paid to Cayman Airways. This arrangement reduced any risk to Cayman Airways, whereas under the other arrangement, the risk to Cayman Airways was substantial.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Has the Member considered that the Turks and Caicos Islands has become a major competitor, at least a serious competitor, on the offshore business to Cayman; and that one of their main problems has been a lack of airline service in developing this?

HON. W. NORMAN BODDEN: Yes, we are aware that it is a competitor. With respect to Turks and Caicos from a tourism point of view, they are not at this stage a strong competitor. They have a slightly different tourism product from us. But provision is made in the agreement that in the event that there are any developments which Government may consider damaging to the Cayman Islands, we would be in a position to take a decision on that service as to whether it would be operated or withdrawn.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: I was really pin-pointing, when I said the off-shore industry, companies, banks, insurance and that area. I wonder whether you have considered that area because their problem has been that they could not get businessmen in and out quickly and regularly.

HON. W. NORMAN BODDEN: Yes, we were aware of the business developments there regarding off-shore companies. I think their transportation problem is that they need additional air service because they are currently served on a daily basis by Pan-American. It is our understanding that space is very scarce, at least prior to January there seemed to be a lack of seats. I think their main concern and their need for improved service was from a tourism point of view more than from a business point of view.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say how, since a news release this week indicated that the airline is having difficulties supplying Cayman Brac with jet service, they will profitably be able to supply the Turks and Caicos Islands when they cannot take care of their own business?

HON. W. NORMAN BODDEN: I think I explained that the proposal to operate the Turks and Caicos service is an agreement where Cayman Airways has no risk at all. It is provided through a guarantee. I believe that the comparison is not the same thing. Let me say this, if the agreement were to go through with Turks and Caicos, Cayman Airways would have to get additional equipment and that additional equipment would be at the disposal of Cayman Airways and would enable the company to offer an improved service not only in Cayman Brac but in all its other routes as well.

MADAM SPEAKER: The last supplementary, the Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Can the Member say how much the guarantee is and whether

the lease of the proposed fourth jet will be such that the jet can be returned if there is a breach or a termination of the Turks and Caicos routes?

HON. W. NORMAN BODDEN: I do not have the amount of the guarantee with me. I know that it varies based on the type of aircraft that was going to be used. Various types have been discussed. Very definitely, Cayman Airways will not be providing any service unless the guarantee through an unconditional letter of credit is in place to cover whatever period the lease arrangements are for. Certainly, there is provision for the aircraft leased specifically to help with that service for it to be returned whenever the agreement has been terminated between the two countries.

MADAM SPEAKER: Question No. 47, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 47: Can the Honourable Member say if the Hospital employs general practitioners in excess of the number of established posts and, if the answer is in the affirmative, will he make a statement thereon?

ANSWER: There are three groups of doctors (general practitioners and specialists) employed by the hospital on a part-time basis. These are covered under votes for temporary relief and specialist care and are not part of the establishment. The groups are:

1. Long-term specialist care:

   (a) maxo-facial specialist - 2-3 days, once per month.
   (b) dermatology - 2-3 days, once per month.
   (c) geriatric care for ECU - 20 hours per month.
   (d) psychiatric care (Cayman Brac) - 30 hours per month.
   (e) paediatric care (public health clinics) - 24 hours per month.

2. Short-term arrangements with local general practitioners and specialists to provide cover for specialists on short leave and some week-end call out duty. This coverage is in the areas of surgery, paediatrics, obstetrics, gynecology and psychiatry.

3. Short-term locums to cover casualty officers on annual leave, or short-term temporary contracts to keep the establishment on full strength while medical officers are being recruited.

The Portfolio and the Chief Medical Officer are at present developing a policy on locum coverage which will provide, whenever possible, coverage from within the hospital. Local doctors will be used whenever possible. It is the Chief Medical Officer's intention to reduce the use of the third group, short-term locums, by as much as possible through tighter control of the roster and of leave arrangements.

SUPPLEMENTARIES

MADAM SPEAKER: If there are no supplementaries we shall go on to question No. 48, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 48: Can the Honourable Member give details of the number of doctors employed outside the ambit of the Public Service Commission since January 1989 to December 1990, the cost thereof, setting out details for their employment and budgetary provisions?

ANSWER: Given that there is a need to provide 24 hour, seven day-per-week coverage in General, Casualty and Specialist Clinics, several years ago the Personnel Department agreed, and General Orders reflect, that the Chief Medical Officer be allowed to employ locums at his discretion.

The cost of the locums is approved as part of the annual budget under the following subjects: temporary relief, specialists and consultants.

Year	No. of Locums	Cost
1989	32	$181,808.05
1990	38	$275,995.90

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether these are short-term or long-term locums?

HON. D. EZZARD MILLER: Most of these would fall into the short-term category, but some of the local people hired might be on a repeat basis. The actual employment would be for a short period of time. You might have one local doctor who has been employed four or five times through the year.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Honourable Member say how many of these were from outside of the Islands?

HON. D. EZZARD MILLER: Five were overseas specialist for Specialist Clinics. Eighteen other doctors from overseas were hired for short-term services and to cover for Casualty.

MADAM SPEAKER: If there are no further supplementaries we shall deal with the last question, No. 49, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 49: Will the Honourable Member make a statement on the matter of plans for eye care in the Cayman Islands?

ANSWER: Plans for eye-care in the Cayman Islands are the same as for all specialist care. The aim of the Health Plan is to develop the quality, accessibility and quantity of eye-care provision in the Islands.

Government recognises that one of the main projects of the Lions Club is sight conservation and it has raised a significant sum of money toward building and equipping an Eye Clinic. Government is appreciative of the Lions' efforts in this area and committed to supporting it in this important venture. Toward this end, discussions are in progress to develop such a clinic on the present George Town Hospital site.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker. Can the Honourable Member say how far the plans have reached in the development of this clinic?

HON. D. EZZARD MILLER: The Lions have a proposed floor plan layout. We have tentatively identified a spot for the clinic which is dependent on the architects' concurrence in their development of the Master Development Plan for the present site. Negotiations are ongoing as to the type of services that will be conducted in this clinic.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Can the Member indicate how extensive the eye-care will be? Will it cover operations, fitting of glasses, etcetera?

HON. D. EZZARD MILLER: This is a matter which is currently under discussion. The original proposal from the Lions was to build an all-inclusive clinic. It is the opinion of the Portfolio and the hospital staff that we would be better served with an out-patient only clinic for examining rooms and that the equipment, such as lasers, which they are going to purchase be installed in the Operating Room because then the hospital can use that equipment for additional services to the public. The Lions have agreed to this and are now redoing their floor plan. The reason is because quite recently the Portfolio made a decision that the only place anesthesia is to be given at the hospital is in the Operating Room, and for some of the operations that they were proposing to do in this clinic, for instance general anesthesia for lens implants, would have been necessary.

MADAM SPEAKER: If there are no further supplementaries, that will conclude Question Time for today. Proceedings will be suspended for 15 minutes.

AT 11:22 A.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 11:45 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed.

Statements by Members of the Government. The Third Official Member responsible for Internal and External Affairs.

STATEMENTS BY MEMBERS OF THE GOVERNMENT

ELECTORAL BOUNDARIES BODDEN TOWN/GEORGE TOWN

HON. J. LEMUEL HURLSTON: Madam Speaker, in accordance with the provision of Standing Order 30, I wish to make the following statement on the subject of electoral boundaries between Bodden Town and George Town.

In order to define the locations of the electoral boundaries for the Elections Law 1983, the Chief Surveyor obtained from the then Supervisor of Elections a small-scale plan which recorded the location of all electoral boundaries. The Chief Surveyor transferred this information to a larger scale plan in order to be able to correctly scale the latitude and longitude coordinates of the boundary terminals. Unfortunately, the boundary line in question was transferred incorrectly, being drawn on the new boundary plan approximately 1,000 feet further east of its true location on the ground. The mistake was caused by the original plan being at such a small scale, that the Chief Surveyor thought the boundary in question was running north from Bat's Cave, whereas in point of fact it runs north from a part of the south coast of the Island approximately 1,000 feet to the west of Bat's Cave.

Now that the transcription mistake has been identified and verified with inspection on the ground, with reference to more modern maps which were not available in 1983, the boundary plan and schedule description of the relevant boundary can be corrected to record the proper alignment and coordinates.

The Government declares its intention to seek an amendment to the Schedule to the Elections Law 1983, to correct this alignment of boundaries.

MADAM SPEAKER: The Honourable Member's statement has been noted.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR, MR. ALAN J. SCOTT, CVO, CBE

(Continuation of debate thereon)

MADAM SPEAKER: Government Business. Continuation of debate on the Throne Speech. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

When we took the adjournment yesterday, I had reached that section where I was attempting to offer my contribution on some matters under the Portfolio of Internal and External Affairs. Before I conclude on this section I have two important observations to make. The first has to do with that topic on which I was speaking about yesterday afternoon prior to the adjournment, namely, prisoner rehabilitation. I would suggest that it is high time that we consider some formal programme to reduce the rate of recidivism, particularly among the younger element of the prison population. In this regard, I would implore the Government to consider the implementation of a programme which could be for publicity purposes called 'Second Chance', whereby when they are released, if they have done well, especially in the education programmes, the Government would try to start some kind of campaign to encourage employers to give them a chance to move into gainful occupation thereby allowing them to fit smoothly back into the mainstream of Caymanian society.

I also think that it is high time that we consider an extension of the rehabilitation service, with regard to setting a formal probationary system to monitor people, particularly in the months immediately following their release, to ensure that they continue on the right track and do not backslide. I know that in the United States and Canada, these officers are very important, for example, in monitoring people keeping them away from bad company and old haunts. We would have an advantage here in the Cayman Islands in that it is a small place and it would be fairly easy to keep track of people. We do not see them every day. The probation officer schedules his visit perhaps once or twice a week, depending on the seriousness of the offence committed, and it is graduated downward after that. The visits becoming more infrequent when the probation officer is satisfied that the released prisoner is fitting well into the mainstream of the society.

It is true that this might cost a few more dollars. It might involve taking on some more employees. But the question is: Is it not worth the price to spend a few more dollars on the prevention and the maintenance? because we are going to have spend it anyway for their incarceration. It seems to me that it is better to try to prevent them from returning to the prison population and to criminal the subculture.

I am a little mystified at the inferences in the answers to two questions raised yesterday and the protracted obsequiousness of those inferences. I cannot understand why the Government would seemingly, on the one hand, countenance telephone tapping while on the other occasion fail to investigate a foreign company which is reputed to be carrying on shady business, irrespective of the fact that that company is not breaking Cayman Islands' Laws. The allegation has been made that they are breaking laws in other countries and we are supposed to be a civilised country.

I would find that faintly comical, except for the seriousness of the situation. What we are saying on the one hand is, we will snoop on our Caymanian people, of whom I have no evidence or knowledge of them breaking any laws; yet, when we get complaints about questionable outside entities, we would prefer to say that is unimportant. I must admit that the kind of leadership style that I am accustomed to differs significantly from that approach.

As regards immigration, let me say that the announcement in the Speech from the Throne that the Select Committee on the Caymanian Protection Law and its related legislation has been completed, and that the report and a discussion Bill will soon be made available to the Members of the Legislative Assembly, is timely indeed. I know in my constituency there will be a lot of relieved residents, because in some areas we have many people who have been domiciled here for many years, and for all intents and purposes have established themselves well and integrated themselves into the society, but as far as their status and their tenure in the Cayman Islands is concerned, it is very precarious indeed because they have not been granted Caymanian Status. Many of them still have to go through the rigors of work permits. It is not only uncertainty for the parents but there is even greater uncertainty for the children. So I would look forward to the timely release and discussion of this, and I can only tell those people who are under these anxieties that they must demonstrate a little more patience, and that as their representative I will strive to give them what they can rationally be happy with.

I would like to make some brief comments on the Civil Service. The Civil Service, as all Honourable Members would admit, is an essential service, and that civil servants are doing very well. As legislators, we appreciate the efforts that they are making and we recognise that our country could not exist at the sophisticated level it does without their dedication and expertise. Indeed, we have demonstrated that we have confidence in them by the raise which we recently voted for. There are, however, other problems.

The Service is burgeoning, and there are those people who contend that Caymanians are not as upwardly mobile in the Service as they could be; and that there are some areas which demonstrate certain inherent weaknesses. We now have in place a Management Services Division and we are expecting great things from this division, but I have a concern. My concern is that this division will evolve into a little empire unto itself. I will be looking to see that as soon as it is conveniently possible, those Caymanians who are seconded to this division would be in positions where they can eventually take over. It makes little sense for us to create additional departments and divisions to be populated and manned by foreign nationals at the expense of our own people.

Allied to this, I have to make some comments about the training. I have heard some complaints, one of which I think is very significant from an educator's point of view. I understand that there are some officers on secondment (on University courses, four-year courses) and that they have to break their training, that is, they have to do two years and at the end of that two years they have to come and work for one year. I have been reliably informed that there are at least two of these cases at present. I would like to respectfully suggest that this is a nonsensical move. When you break someone's training in the middle of a degree programme, that is four years, you run the risk of that person after two years not wanting to return to continue his training. It is an established fact in academia that once you break the momentum it is difficult to achieve that motivation to return and pick up at the same level, especially if you are introducing the person to work. The life of a student is very difficult, and when you introduce him to the luxuries that can be acquired by working for himself, if the salary is attractive, it dampens his motivation to return. I would think that it would be better to encourage the officers to continue the four-year programme and be in a better frame of mind to return to the mainstream of the Civil Service, and allow the people in charge of the students to be in a better position to assess their potential for eventual further training in the future.

I also understand that the relationship between the person directing this and the Caymanian understudy is, as we used to put it at Mico College, far from ideal. We cannot achieve optimum results if the working relationship is stressful. It is an area to which I will be paying close attention.

We were informed on a subsequent occasion, that Government has a significant investment in the Computer Services Unit. I wish to know that at all times the Government maintains the necessary expertise for a continuous evaluation of this Unit because, as I understand it, the area of computers is a continuously evolving area. I know from experience that within a few years equipment is made obsolete. Such is the revolutionary nature of computers and computer services. What should perhaps be borne in mind is that any significant investment should be amortised over a realistic period so that the Government is not caught with antiquated and obsolescent equipment, which has only sentimental rather than cash value.

This too, is an area in which Caymanians must be allowed opportunity to rise to the level of their abilities. I would hope that the next manager of this Unit could be a Caymanian, as I understand there are several young, promising Caymanians now working in the Computer Services Unit.

I do not plan to say much on tourism, aviation and trade. I will leave that to those of my colleagues who have greater experience and expertise in that area. But I would like to say that we recognise that this is a crucial area. The Government has been making some strides and we have greater challenges now, in that we have a recession in the United States and we are bound to feel some of the effects of the hostilities in the Gulf - although, according to the latest news reports, there nay be some chances of those hostilities abating, and possibly a cease-fire.

What I am concerned about in the area of tourism has to do with cruise ship arrivals. There are varying opinions, but there seems to be one school of thought that cruise ships are not exactly the panacea that they are often made out to be. What frequently happens is that they only have less than 24 hours in port. Since it is a mostly packaged, in the sense that a lot of expenses are covered at the beginning of the cruise, then the arrivals may not have a lot of spending money. It is sensible to say, however, that in the business of tourism one cannot always afford to be a chooser. What we have to bear in mind is that quite

frequently people will come ashore for a couple of hours and like what they see and return at a subsequent time as an air arrival. So, we have to, as it were, live with the negative aspects of the cruise ship business.

What we might need to do for future development, and to tap into this as much as we possibly can, is to try to arrive at an effective cruise ship berthing facility. This may be something which we can give some thought to, with a view to developing in the future.

Cayman Airways: We have said enough about that. All I would like to say is that in tough times I would wish it well, and I am prepared to give it as much support as I possibly can as a Member of this House. We have to continue to monitor it and all work together because we cannot allow it to fail. It is our own national airline, and, indeed, it is the only line to the outside world that we can, with some degree of confidence and reliability, depend upon.

I have now reached the section of the Speech from the Throne which deals with education, recreation and the environment. This is, as every Honourable Member would know, an area which is closest to my heart. In my response to the Budget debate, I made a proposal regarding the direction in which education could take in this country. At the end of that, when it was the Honourable Member's turn, he said that there was little in my contribution that he could disagree with, but he had to admit that I gave a very good precis of his preliminary report by the consultants. I am glad that the final report is not out, so that the Member will not have the excuse of saying that my contribution now is a good precis of the final report.

This is an area in which I have never lacked confidence in delivering my ideas. In what little of the consultants' final report that came out, I gather that there is the suggestion that we may move to smaller schools, rather than one big high school. In the absence of further information and reasons as to why this suggestion is being proffered, I would say that this is a good move. It offers and affords me the opportunity to make certain other proposals which the Cayman Islands are amply geared to take advantage of in the development of education. I shall try, bearing in mind that I am usually a brief speaker, to make some sense out of these proposals. These have to do with developing the area which is known in educational circles as CAI (Computer Assisted Instruction) or CBI (Computer Based Instruction).

That quintessential leader, and some would even say warmonger, Winston Churchill, once said that "War was too important to be left to the Generals." I would like to say that education is too important to be left entirely to politicians and bureaucrats, although I am trying to be a politician. I believe that if we are to develop a sensible system of education in these Islands, we have to be prepared to solicit ideas from various sectors of our community. I outlined this very well last time, and I will not repeat it now, except to say that we are often given the excuse that the business of changing education (of revolutionising education as I would prefer to term it) is so mystical, so complex, that it can only be done by consultants and experts and people with 20 and 30 years experience; by Ph.Ds and D.Eds and M.Eds and whatever else. Nothing could be further from the truth.

It is simple, if we go about it the right way. If we seek input from those people who are affected, in the sense that they are the learners, the teachers and the employers, then we have all of the ingredients to make a good system and plan. I am saying that the future of the Cayman Islands depends on our ability within the next decade to develop a system of education in these Islands which is relevant, useful and marketable. One step further: We will not be successful if we do not, now as of this moment, use computer technology and computer based instruction more efficiently than we have been doing at the beginning. It is not all that expensive because the development and the evolution of the technology makes it cheaper and more attractive to do so with each passing month. Another reason is that knowledge is expanding daily. It is impossible, literally impossible, for someone who was trained ten years ago in a particular area to keep up with all the new developments in that area, especially in a country where it is not mandatory for people to take refresher courses every year or two. Computer assisted instruction, when it is used efficiently, eliminates that weakness.

Such a learning revolution has made the classroom teacher, when that classroom teacher does not keep up with the professional journals and the developing trends, almost as obsolete as a blacksmith's shop. Learning has become a strategically central enterprise for national growth and competitiveness in the Cayman Islands, like ironwork was in the Industrial Revolution. We have to find a way.

I was recently reading an education journal. I came across two very important reasons for the promotion of computer based instruction. The first reason is that over 20 years of research has shown that computer based instruction produces at least 30 per cent more learning in 40 per cent less time at 30 per cent less cost. The survey also said that there are some 125 technologies or methods that proved at least double the productivity of traditional teaching producing twice as much learning for the same amount of money.

I would like also to say that I was struck by the number of cases of suspensions in our schools. I was led to believe that some of that must have do with the fact that some of these children are not motivated at all. They are not interested because the subject matter is not presented in an engaging and interesting way. It is impossible to have in a small system, even though it is spread over the whole system, that number of suspensions. It is alarming. I definitely know from my experience that no teacher, however loquacious and eloquent, can be successful in presenting certain concepts all of the time. But, in most cases, particularly in mathematics and natural science, a teaching machine - a computer programme - would get across a difficult concept in algebra, physics or chemistry in half the time. What is attractive about these is that they can be used on a one-on-one basis much more effectively than time will allow a teacher to do. If we are going to schools where the population is going to be not more than 500 pupils, according to my information, this is the ideal number of students with whom to introduce these kinds of techniques. But the problem is not a simple as that.

In my address last time, I spoke of the profession being noble, and how those people engaged in the profession present a certain image, as we were taught at Mico College to do. I understand from reliable sources that when I suggested we begin by effecting a proper dress-code, the next day a

certain foreign element at the High School was parodying and making fun of my suggestion of wearing a tie. All I have to say to them is that when Noah told the people he was building an ark because the floods were coming, they laughed and said he was crazy. "He who laughs last, laughs best." I will yet have my turn to laugh. So, we need to think about this, and I would certainly welcome any effort that the Member would make to investigate to see if it could be feasible in his new plan when he drafts such a plan. Certainly, if I can be of any help, however small, I will be more than willing.

I would like to see more dialogue, more communication, and a clearer sense of direction between the education authorities and the public, particularly those consumers of the educational product who are employers. I think that we will not have an effective educational system until we get input from these people, telling us what skills they would want their employees to be able to master.

I am going to conclude on this section, by saying that I am serious when I say that we should seek to set up a National Advisory Council on Education so that we may be able to monitor the continuing development of education in the Cayman Islands, so that we may be able monitor the effectiveness of the Community College, which is just coming on stream, and so that we may be able to see what place, if any, we are going to give the International College of the Cayman Islands. We brought a motion here sometime ago asking the Government to examine the feasibility of bringing this institution into the mainstream of Caymanian education. I understand that since that, the institution has been re-accredited by the Association of Independent Colleges and Universities in Washington D.C. Our Government, thus far, has not made any statement as to its intention towards this.

I wonder if it is not a question of educational snobbery; if someone thinks that because this is the American system, it is any less prestigious or sophisticated than the system to which we may be familiar. I said before from this forum that it is a myth to speak of educational prestige and educational superiority, because a B.A. is a B.A.; whether it is a Russian B.A., an American B.A., a Jamaican B.A. or an English B.A., all it says on the Degree is that the University who sent it has seen fit to accord the student with all its rights and privileges. If it is a B.A. in Sociology, it is a B.A. in Sociology because there is a certain international understanding that theses institutions have. The only differences are when you come to Honours in all the varying Degrees - first and second class, and so forth. But the British system of education is not necessarily better or worse than the American system. So I hope that the reluctance is not because of snobbery.

Lastly, any education is a positive quality; irrespective of whether it is a small college of 300 or 1,000 students, or whether it is a big University like Syracuse with 21,000 students. It should be looked upon as such. I would hope that the Government will eventually come to accept the International College as having some educational potential in the future development of our Islands. It has played its part, it is playing its part and it will continue to play its part.

I listened intently yesterday to the contribution made by the Member for Health and Social Services. His objectives and his plans are noble and ideal, and I commend him for them. But I ask the question: What did he do with his mandate other than leave with us a bunch of pious aspirations? Two years have passed; situations have become worse. What he proposed yesterday is a very good breakfast, but it will make a very poor supper. We are losing our youth to drugs. I contend that the key to developing an effective health system will not necessarily lie in a $20 million physical structure. Quite frankly, I have to say that I am disappointed. When my shadow Member comes, I know that our plans will be more sound, and when we get the chance, more effective. Enough said on that.

I would like to turn now to my constituency. It is an honour for me to be able to represent the people of Bodden Town. Although I have had my share of disappointments, I, along with my worthy colleague, continue to struggle to get for them as much I can. I trust that they will understand, now that the composition of the Finance Committee has changed, it is difficult for us to get as much as we would like. But, we are aware of the needs, and we are fighters and we are continuing the fight.

With regard to road works: There have been some accomplishments. We continue to work amicably with the Portfolio of Communications, Works and Agriculture. We are emphasising now and struggling to get in the central part of Bodden Town, as it is the desire of many of the boat owners and fishermen, a launching ramp. We thought we were on the verge of a breakthrough as far as the acquisition of land went on two occasions. Those did not work out. We have since then suggested to the Portfolio a third piece of land, namely, that opposite the old Queen Victoria monument. We are in the process of writing to the Portfolio and asking them that if this cannot be acquired any other way, would they consider acquiring it compulsorily? It is our understanding the land has never been developed, and that it is owned by people who are not now resident on the Island. I do not believe that the people are Caymanians. Short of this piece of land, we cannot think of any other more suitable site for the development of a launching ramp and possible public bathing area in the Bodden Town constituency that would be convenient to our boaters and fishermen.

The Beach Bay road has been constructed and we are in the process of developing a little public bathing area at the end of that road on the beach and lands that we have. At least the proposal has been given, and I forwarded the proposal to the Portfolio of Communications, Works and Agriculture. The owners of Beach Bay Condominiums have given the Government a section of beach or they have allowed them to use and develop a section of the bathing area and they have fenced it off. We hope that the Government may see fit to develop this so that the people in the area of Northward and Pedro can have a convenient beach area.

As regards the back road that we proposed, the Government accepted, and I think that they voted $50,000 for a survey. But thus far, nothing has been done. If one were to be realistic one would have to say that in light of the stringent financial circumstances and straits in which the Government now finds itself, little or nothing beyond this can expected in the near future. But, rest assured, the representatives of Bodden Town will not let this matter die easily, and every opportunity we get we will be plugging

for the development of this back road.

We also have just received the keys to the MLA's office in Bodden Town for which we have been crying out for every so long. At a later date my colleague and I will be making some public announcements as to the office hours we will be keeping, and we will encourage our constituents to come up to the Civic Centre and visit with us, to bring to our attention their complaints, their concerns, their requests - even their well wishes if they have no other reason to come and visit.

We are doing very well working in conjunction with our other colleagues on the Backbench to see that our constituents get what they deserve. I now come to the last topic to which I will be paying any significant attention, that of the Constitutional Review. This is a sensitive issue and at one stage in my contribution I am going to cut very near the bone. So I am serving a warning that there may be some tender spots exposed. The Japanese have a word that they use to describe forbidden subjects: it is 'kinjite'. When you raise a question with the Japanese on something that they do not want to get into, they will quickly say, "Boy, I am sorry, but that is kinjite", meaning that it is a forbidden subject.

For a long time, any talk of the Constitution in these Islands was "kinjite". Anyone who attempted to raise that was quickly branded a radical, a communist, or wanting independence. I am glad that the 'shrettgeist', the frightening ghost as the Germans would say, has now gone. That has been exorcised and the Constitution and Constitutional Review is a subject that everyone can talk about. How good; how sensible; how progressive.

I believe that this position which allows us this latitude is a symptom of the change which supersedes the menopause between a stagnant period and a period which is bound to usher into the Cayman Islands true representative Government. We, the Backbenchers, never supported the motion as it was brought by the Government. But, being the pragmatists and the sensible representatives that we are, when the motion carried we decided to go along with it. What is significant about the Constitutional Review and the Constitutional matters discussed thus far, is that it is of a nature and of a latitude which allows us, even within and amongst our little groups and cliques, to have varying opinions in certain sensitive and significant areas. I take cognizance of the fact that in his closing yesterday, the Member with responsibility for Health and Social Services, made mention of a newspaper article attributed to one Member of the Backbench, as the late Sir Alexander Bustamante, who used to say, "One Member, my group!" If that was done in the hope of sowing any seeds of division, it cannot be done. While I would concede that the comment may have been ill-advised, I am not splitting with my Member for that. It is too trite. As the Italians say: It is a family matter, and we will discuss it amongst the family.

So the Government need not hope that they are going to drive any wedge between the Backbenchers by that. I will say that I do not believe that the post of Chief Minister, when it comes, will necessarily bring any corruption. I am not prepared to castigate my good friend beyond that in public.

I believe that Caymanian people, for the most part, have made their position known to the Constitutional Commissioners. Certainly, when they came to our constituency, my colleague and I attended two meetings, one in Savannah and one in Bodden Town, and we feel proud to be the representatives of those people because they made sensible presentations, and might I add, neither my colleague nor myself prompted them. On the occasions that we attended, we sat at the back, considerably far away and we only participated when there was need for clarification based on our experiences in here. The Commissioners were impressed and we are honoured to be able to represent such intelligent people; but then we have always known that Bodden Towners were politically intelligent because that still is the political capital of the Cayman Islands.

There is no need, nor is this the forum to give any personal opinion on the Constitution or the Review; but I think it is incumbent upon me to say that our system could work better. From what I have read in the newspaper, and from what I have gathered, the representations were to the Constitutional Commissioners. I am prepared, when the report comes back, to go to my constituents with it; to debate it, to discourse with it among my colleagues and with the Government and then settle down to proposing what is in the best, long-term, interest of the political development of these Islands. Let me assure you that this review did not take into question any concept of full internal self-government or independence. Let no one attempt to mischievously lead people into thinking that is what we are going to get. That should be clear to all and sundry.

The last thing I am going to say about the necessity for us to have a Constitution which is sensible, is that such a Constitution will help us evolve an effective political system. I hope that one of these days we can reach the point where we have clearly defined party systems because there is nothing wrong with that. That is the route to which the next generation of Caymanian politicians occupying these Hallowed Halls will expect, because they will be more educated, more committed and they are going to have that kind of fire burning in their souls.

We have to seek to arrive at a situation where our political system is such that it eliminates ambitious satraps who are made powerful by the spoils of politics and seditious temptations of a distant office, so that they try to stomp out the rest of the people and monopolise the politics for the benefit of the people who see eye to eye with them or who are their surrogates.

I would like to end by saying that I saw a lengthy article in today's *The New Caymanian* outlining and elaborating on a concept originating from my colleague, the First Elected Member for West Bay, on sensible nationalism. How fitting for those of us on this side (the seven of us, who see our selves as the architects of a new Cayman). How fitting that is to have come from one of us. I think maybe that we should think about taking it into 1992. It made me remember the greatest teacher and mentor that I have ever had. Years ago he taught me a little poem, which was authored by Sir Walter Scott: "Breathes there a man with soul so dead, who never to himself hath said, 'This is my own, my native land?'" I realise now that I did not have to go to any University to realise that my preparation for the service of my people began with my mother. It was she who taught me that poem; it was she who instilled in me a sense of pride in being Caymanian. I am glad that not

only she, but other Caymanian mothers, lived to see their sons and daughters take their rightful place in this country. May we continue to do well. Thank you.

MADAM SPEAKER: This may be a convenient time to suspend for lunch. Proceedings are accordingly suspended until 2:15.

AT 12:43 P.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 2:20 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Debate continues on the Throne Speech. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I realise that you would have had difficulties as the First Official Member is not here to wind up. So to avoid those difficulties I will make my contribution and hopefully at the end of this you will not have any problems getting Members to their feet.

I think the Speech from the Throne was a complete disaster in that it never addressed vital areas which should have been touched upon. It never put forward anything at all to encourage the hopes and aspirations of the public, and was but a simple Government Minute which attempted to whitewash Government's poor fiscal management in 1990. In fact, this speech may have been called a mini-Budget Address. As I move through my debate I will draw the attention of listeners to areas which have sought to whitewash Government's mismanagement of the country's affairs.

The Speech opened up by attempting to blame the Gulf war and the economic recession in the United States for the problems which we are experiencing today. No one believes that the Gulf war is the cause of our problems. No one believes the recession, which has just started, in the United States is the root cause of our problems here.

I remember last year while debating the large tax package of $10 million and the very large increase in the taxes on oil, that I said that we would feel this in the months to come, and that the $10 million Government was taking out of the economy would hurt because it was simply taking the money from the private sector and putting it into the Government coffers where it would do less good. Other Members on this side of the House expressed the same sentiment. So it is no surprise that we have come to the bad end we have come to. Instead of admitting that the Government has failed, or made a mistake, the Government seeks to find excuses. I know full well, as I said in a debate on a Bill last week, that we are going to feel the US recession; we always do. Statements about the US recessions have been made many times by Financial Secretary, the present Member and the previous Financial Secretary. They have all said the same thing: When there is a recession in the States, we feel it. But the pinch does not come until about six months afterwards.

The United States has entered a recession which they predict or hope will be very short. This will be very good for us. We will feel it. Also, we will feel the effects from the Gulf war, but the bulk of the damage to our economy from the Gulf war has not yet been felt. What we are feeling today is simply the result of Government's own faulty planning, its bad policies and reckless spending, and so on.

The Government bemoans the fact that the Mutual Legal Assistance Treaty (which they signed prematurely with the United States of America) has increased the work load of the Chief Justice. I believe that Mutual Legal Assistance Treaty is one of the many things done by the Government in recent years that has hurt our economy. Every day there are stories of investors being afraid because they no longer have the confidence in our confidentiality which they once had. I recall during the time when the Government was about to sign this Treaty when the Law was passed through this House. The Honourable Member of Executive Council (who is now responsible for Communications and Works) being an accountant and a student of economy, stood firmly against this Treaty and I believe even walked out of the Assembly when the Bill was passed. At least one Member of Executive Council knows that the Treaty does have something to do with what we are seeing here today.

The year 1991 has been declared by the Government... just like the Chinese have their Year of the Rat and the Year of the Horse, this is the Year of the Post Office. We know that only on the day the Budget was presented in November, the Member from North Side mentioned that he was going to build a post office in North Side. We have never seen Government move with such lightning speed to produce any bit of architecture as they did. I wonder if he said to other Members, "Boys, I am in trouble up in North Side. I need something," because they have really performed. This has been done despite the tardiness that has been shown by the Elected Members in Executive Council in getting other more needy projects completed.

We see from the police report which was presented, that we are losing the war on drugs. The 1991 report shows that for the year 1990 we have 546 cases of drugs compared to only 433 in 1989; a huge increase. One hundred and three cases more than the previous year. Drug crimes are up 23.878 per cent. A total of 1,297 of drugs, burglary and theft; all drug related crimes. One of those crimes committed every 6.85 hours. While it is true that the report shows that burglary and theft is down, it shows that hard drugs are on the rise. Ganja arrests are up 97 per cent over 1989. Cocaine arrests in 1990, up 46.3 per cent over 1989. I am saying this to show that the Elected Government is failing this country - because they are out building when they are not looking at the play field in Bodden Town.

More than six years ago I requested the Member responsible at that time for playfields (the Member who is now the Member for Education), to complete the playfield at the Civic Centre in Bodden Town. Six years later it has not been done. Why? I know if had been done then, a little credit would have come to the late Jim Bodden and myself. I know that if had been done in 1989, a little credit would have

gone to Mr. Franklin Smith and the First Elected Member for Bodden Town. Perhaps if it were done even now, a little credit might wipe off on the two Bodden Town Members.

This is a needed facility, and if we are to continue to win the war on drugs... because it will not be won by CASA, although they are doing a tremendous job. It will not be done by conferences, or speeches in the Legislative Assembly. It is going to be fought on the streets and on the playfields in the districts. I know it is good to say that we win gold medals in the Olympics or at CARIFTA Games, but that is one of a thousand children. What about the other 999 we never hear about? They have nowhere to practice, nowhere to engage in organised sports. Why is it not done? Why does the Member responsible not do his job? This is an indictment against those Members.

I mentioned in the beginning that this Speech from the Throne performed the function of a Government Minute, trying to make last year's fiscal position look good. I read in this speech, on page 3, that the preliminary revised position for 1990 (including, as usual, the 1989 surplus brought forward) is a surplus of $4.3 million after the transfer of $7.8 million from Reserves. I wonder if anybody is silly enough or gullible enough to accept that 1990 had a real surplus, when the amount drawn from the Reserves was actually almost double what they are claiming for a surplus - nearly a complete destruction of the Reserves, to make it appear that there is a surplus. Then, as if this were not bad enough, in the process they have used up, as the Speech says, all the surplus brought forward from the previous year. On top of that, they have borrowed the largest loan this Government has ever had.

Things are going to get worse because for 1991 they are going to borrow approximately $14 million. That money will be borrowed from the local banks, which means that the money which the local banks would normally have available to lend to the citizens of this country for their consumer goods, has been eaten up by the Government. When one goes now to get a consumer loan, one could well be told, he may not have it. Our very money for loans has gone to your Government. They will take care of you. To make matters worse, in 1991 the private sector, as I mentioned earlier, has been deprived of $10 million of good currency, which has gone to satisfy the thirst which cannot be quenched.

To say, as the Speech says, that 1990 ended a little better than the final revised estimates, is a statement that will bring laughs down at the Coconut Comedy Club. Because, my God, had it been worse than the prediction we heard in November, we would be worse off than the Iraqis are today.

We are told in this Speech that the Constitutional Review is well underway; a fact that I find no fault with. But it is time for the public to start agitating for the Government and His Excellency the Governor, to set the date for the registration of voters for the next election. According to all that we have heard from the Constitutional Commissioners and from the many visitors that we had from London and from the Executive Council (the few times that they have dared to open their mouths on this subject), is that when the Commissioners get back to London, they will be writing a report which will go the Secretary of State, then will be sent back to Executive Council and will, we expect, be made public. We have been promised that, with a few exceptions, there will be no significant changes without a General Election.

A General Election is a long process. Everyone knows that if the Election is to take place in November, registration of voters usually starts about March. We should have the Constitutional Commissioner's Report in our hands by 1 March. We will have from March to November to get the views of the public on this report. I am saying that it is time to hear something about the electoral process which will put the new elections in place. It would be good if one of the Government Members could tell us if the date has been set for the start of the registration of voters, because this is a prerequisite to the General Election.

The reason why I am stressing this is because foreign investors are watching this Constitutional Review. They are waiting to know what will happen. They are worried about the indecision in Government. They are worried when they do not know what course we are taking. I believe this indecision is one of the reasons for our drop in investors. Investment had slowed before 15 January. Investment had slowed before the US entered the first quarter of its recession. I think that this Constitutional Review, which Executive Council had brought about at this inopportune time, is one of the causes for the poor or the slow investment at this stage. They have an opportunity to take the bull by the horns and do something about it. The challenge is up to them; they are the leaders.

I need not rehash what has happened. The public knows that it was not the Backbenchers who asked for the Constitutional Review. It was the Member for Education who put forward the motion. It was his complete Executive Council who voted for it. I believe they were also able to have the support of the First Elected Member from Cayman Brac. They are the ones who gave us the Review. The Backbenchers, being the gentlemen that they are, and being unable to stop the Review, now support it completely because although we could not stop the Review, we recognise that a motion has passed the Legislative Assembly and, as Honourable Members, we will uphold that motion. We do not do as they have done when Finance Committee put stipulations on spending they come and tell us six months later that Finance Committee has no right to do it. When private members bring motions to the Legislative Assembly and they are passed, they tell us they consider it and they have done nothing about it. We do not ignore the will of this Parliament. Although in the minority, we uphold the will of the Parliament. This is why I personally am delighted to see the Office of Speaker, and enjoy the dignity of this House and the privilege of being a Member during these historic days.

So, the Constitutional Review must not be unduly delayed. When the report arrives we do not want to hear any nonsense - like we heard about the Education Report that some Portfolio is going to give us excerpts from it and tell us what we should put in the plan. We do not want that; we want the full report. We want it laid on the Table right away, we want it taken to the public, we want it dealt with once and for all; and we want it done speedily.

In this Speech I am debating, one sentence catches my eye. That is with regards to the Marine Survey Department. It says: "The image of our register is improving steadily." I

wonder what good that is doing us. I really wonder. When the revenue is declining, when we are losing the ships from the register; I think we ought to close it down and save the big salaries that we are paying.

One of the few things that the Government was able to boast about was the performance of the Law School. I welcome the changes which are to be made, but would like to make the point that the school is successful only because it has been recognised for what it is and supported accordingly. We have seen so many other good programmes in Government come to naught because this present Government failed to recognise and support the projects.

1990 was a sad year. There were 20 fatalities on the road; this is bad. I wonder how many people remember 1984, November, and the campaign promises that were made? One of the promises made in that election was that there would be a new Traffic Law. Six years later there has been no Bill put before the House to revise the Traffic Law. Of course, I know that no Law will keep careless drivers from harming themselves or others. I believe if we were spending the time on our traffic problems that we are spending on the Cayman Brac parrot and the Cayman parrot, trying to find out how to shoot stray dogs and so on, we would be doing more for this country.

The money is being spent. We see in the beginning of the Speech that last year was a year for spending. Expenditure for the year stood at $117.2 million. Plenty of the money was wasted on consultants that did not produce any benefit. It is time that the Government... and I hold the Elected Members of Executive Council responsible because they are charged with the policy-making under the Constitution. They must exert themselves as a cohesive force of four and start making local policies that make sense.

I did not wait until the week-end to laugh at this part of the Speech. I laughed outright when His Excellency was reading this. He said:

> "When there is employment available on Grand Cayman, then if necessary those whose jobs temporarily disappear on Cayman Brac will be prepared temporarily to move to Grand Cayman to find employment.".

I say that part is nonsense. Cayman Brac with a failing economy. We are telling the little brain power that they have left there to come to Cayman to look for jobs.

Every person that comes here from Cayman Brac makes Cayman that much richer and Cayman Brac that much poorer. This in not the solution to Cayman Brac. This is a short-sighted excuse for getting rid of the problem. I cannot see how our Elected Members of Government could allow the Governor to present this in his Throne Speech because this is their speech. We know what the Throne Speech is: This speech has been approved by the Members of Executive Council. We know the Governor presents this speech on behalf of Her Majesty The Queen, as her representative, but the Speech is vetted by Executive Council. So, are they saying that what the Cayman Brackers must do is to close up their houses and come down here to look for jobs? No! They must find ways of improving the economy in Cayman Brac.

I believe one of the main reasons for the problems in the Brac is the madness that has gone on with the Cayman Airways schedule to the Brac. They have some 12 or 13 flights weekly to Cayman Brac. They leave from here, and check-in time is 4:30 a.m.; then they leave Cayman Brac in the late hours of the night maybe 10:00 p.m. or 12:00 a.m. Tell me honestly, how many tourists are going to use this service? We have the Member sitting here. I feel it is his responsibility. If he has the responsibility for the airline, he must see this is madness. We cannot lay the blame upon the passengers. We cannot lay the blame upon the baggage handlers. We cannot lay the blame upon the clerks at the check-out counters. They may grumble, but they have to appear there at 3:30 a.m. to open the counter. This needs a new look.

Cayman Brac has serious problems, very serious problems. They are nearly as bad off as we are here. I do not think that our leaders are too concerned. I am calling upon the Member responsible for Cayman Brac and the other Members of Executive Council, to produce a plan to get the economy of Cayman Brac going again, or to stop its state of decline.

It must have been heart-rending to the Civil Service to have heard the Governor read these words from the Throne:

> "The financial situation has compelled the Government to inform the Service that the usual review in the light of the cost of living cannot at present be undertaken for 1991, but the position will be kept carefully and sympathetically under review.".

Is it not sad for Government to have to admit its failure to its own workers? It cannot give them the cost of living increase, despite the fact the Government's $10 million tax package has been the major reason for the cost of living increase in these Islands. If the Government had a surplus, as they would try to let us believe in this speech, why can they not do the review? Can you not see it? I think it is a phony surplus. It is just a manipulation of the figures. If they had a real surplus, they could at least examine the cost of living increase.

Cruise ship arrivals were down by some 10 per cent after the record levels of 1989. That is a matter which I would like to hear the Member address. I believe we have to take steps to get tourists here. For the last six years the Government has continually put up the cost of living. This is what keeps the tourists away. The tourists cannot go anywhere in the world where they can find better, friendlier people, or better beaches, better communications by air, better overseas telephone system, better hotel accommodations in the Caribbean, better scuba-diving. There has to be some reason why we are showing this decline. I think it is the Government.

From 1985 I started to fight this war against the Government when they introduced the duties on the full amount of air freight. Most of the food in the hotels, the vegetables, the meats, were coming in by air. The Member for Tourism smiled and went on with the Government. He did not help me fight. So, I hold him responsible, and I want to hear what he has to say about it.

I believe that the three year moratorium on the hotel development which Executive Council proposed, is now hurting this Island. I was not here to vote against it; had I been here I would have voted against it. I think with our declining fortune it is time the Member review this moratorium.

MADAM SPEAKER: Would this be a convenient time for you to take a suspension?

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

MADAM SPEAKER: Proceedings are suspended for 15 minutes.

AT 3:16 P.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 3:36 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Debate on the Throne Speech, the Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, one of the worst revelations in recent times was that the Member for Education had no intention of releasing the report from the consultants which had been hired. However, he seems to have changed (under very severe pressure), and has now acknowledged that the report will be available in June. I am still not satisfied with this. I do not see why the report should be held and locked away in a cabinet until June. I believe it should have been tabled in this meeting, since the report is mentioned in the Throne Speech, and then Members would have had an opportunity to debate the report and make suggestions as to what would go into the draft Education Plan.

On 14 February, the *Caymanian Compass*, had this to say in an editorial: "In any case no one could really blame people if they were to wonder whether the report is being kept secret because it is damning of the current system or of the people administering it.". I trust that if the Member gives us an explanation on this matter, he will be able to tell us why this report has not yet been given to the public.

My colleague from Bodden Town emphasised the importance of education, and I agree with him. I feel what goes on in the schools affects every person on the Islands in some way or other. This is not a matter that we can afford to trifle with. I would hope that in future the Member will be more open with Members and the public on these important matters.

In commenting on the section of the Speech that dealt with sports and recreation, I would just like to say that in addition to my mention of the playfield at the Civic Centre in Bodden Town, we have also been trying for a long time now to get a playfield at Breakers. It is my understanding that some of the men in that district would be willing to help the Government with fill for the field. But, here again, this is one of those projects that has been earmarked by tardiness. This is one of the projects that I believe a decision must have been taken not to do. I cannot see how these simple projects which cost so little and would take so little time and would mean so much to the districts, cannot be done; yet projects involving large sums of money can be carried out at the snap of a finger.

Maybe I am a bit too abrasive in my debates, and they are getting back at me; but I would ask them to remember that they are Members of Executive Council, charged with responsibility for providing these facilities in the districts. They now control Finance Committee and they must carry out these jobs.

Mention is made in the Speech of the ambulance service, and there was a question on the ambulance for the Eastern districts. I can only say that I am disappointed that the ambulance which the Backbenchers provided for the three districts has been stationed in North Side. This is wrong. My recollection of the matter is that a Private Member's Motion had been brought to the House in order to procure this ambulance.

Questions had been brought to the House from time-to-time to no avail. This side of the House was continually told that they could not find staff, it would have to wait and it would be considered. When the Budget for 1990 was prepared and brought to the House, there was no money in it for the ambulance. The Backbenchers got together and changed that Budget, as the whole Island knows, and procured money for this ambulance. The Member for Health who had put forward his portion of the Budget, I imagine, had provided no such funds. Yet as soon as it became a reality that an ambulance would be provided for Bodden Town, East End and North Side, I heard an announcement that the ambulance would be stationed at North Side. To my mind the public will suffer, because the ambulance should be where the three districts could each benefit as equally as possible.

I know if I were the Member for North Side I would probably want this shiny new ambulance parked under my MLA office window so that I could gaze lovingly on the signs emblazoned on the side of it. But are we acting prudently and are we giving the correct service to the public? This is the question that bothers me. I trust that one day that ambulance will be stationed at Frank Sound, which is where it should have been. I see no reason why it could not have been stationed at the Fire Station in Frank Sound.

For the last six years all we have ever received in East End or

Bodden Town have been promises. It is a good thing the people of those two districts can live by faith. Here again, I see in this Speech a proposal to extend the supply of water to Pease Bay has been examined. The analysis is presently being reviewed by the Economic Development Unit. I hope that is not one of those little recesses into which crawl projects for Bodden Town, where they are lost in everlasting darkness.

Turning to my constituency, I am not able to boast (as the Member for North Side has) of the hundreds of thousands of dollars that the Executive Council will spend in my district during this year. I can truthfully say that the First Elected Member for Bodden Town and I have made many requests for many worthwhile projects and we get the same answers all the time, but we never see the fruit.

My colleague from Bodden Town mentioned the boat ramp. I believe the first request ever made for a boat ramp in Bodden Town was made in December 1984, when I met with the present Member for Tourism and the present Member for Education at Bodden Town. They inquired what projects I would like to see in Bodden Town. Almost seven years ago now, I told them of four projects that I thought they could do. Being a very believing person, I went away from that meeting believing that at least one of these projects would have been done. Up to date, neither one has been done. Subsequent requests were made. My colleague from Bodden Town has also made those requests and Mr. Franklin Smith made similar requests I understand and the late Jim Bodden told me, "Don't waste your breath, you need not ask them for anything." We all desired to see this boat ramp in Bodden Town because there no place in Bodden Town from which a boat can be launched. I hold the Members responsible for not getting it done. I know a new site is under investigation, but this has been going on for years.

The second project I already dealt with at length, the playfield at the Civic Centre. That makes the Member for Education blush every time he hears about it because he knows the part he has played in keeping this work from being done. The third project was the clearing of the channels, and the fourth project was the back road in Bodden Town. I am sad to say that those four projects have not been done. It is my honest opinion they will not be done until after the Constitutional Review, when this country puts in an Executive Council that will look at the whole Island and spend Government's money in a fashion that will allot to each district and each Member, regardless of his minority position, the facilities which the district deserves.

A few days ago, I was surprised to learn from a constituent that a well (which was needed because the road has been built up and is throwing the water in the yard) which I thought had been dug a long time ago, has not been dug. I am asking the Members of Executive Council that when this meeting is over, that they visit the districts and see for themselves. Instead of bringing in foreign consultants, go out and do some work, because, believe me, they have not functioned well.

I, too, listened to the Member for Health as he spoke about the many grandiose schemes that he has in mind. The Pension Plan, The National Insurance Plan and the hundreds of other items that he mentioned. While his speech was being aired on Radio Cayman, I had two calls from different people, and both of them posed the same question: "Where is this Member going to get the money to do these things?" I said, "You know he will find it." I went on to say, "Did you not know that they have control of Finance Committee? All he has to do is put it there, he will find it." What I would have preferred to see was for him to have come with one or two specific projects that were manageable and get them done. It is all right to set out the ideal. It is wonderful to live in the land of Utopia. But, we have to keep our feet on the ground at the same time.

So I am worried by the direction that this country has been going, and I believe the whole problem is that the Government (and this speech has not lessened my fear) is trying to do too many things at one time. We have, each Member of Council, trying out for one big scheme. One multi-million dollar scheme. I think the Member for Tourism already got his two jets. But, according his answers last week, I think he is working on the third. If they get Turks Islands again, then they will probably need a fourth one. So, he has not done too badly. But the day of reckoning is coming.

I listened last week as the Member tried to reply to a question setting out the attractions that have been put in place over the last eight years for the tourists. Although it was a very lengthy reply, I could only find one item that was truly his - because all of the others were in place or had been started before. I honestly believe that we did not get any more substance from the Throne Speech simply because there was nothing to give.

The Member for Health did make one statement I support, and that was that he would like to see a Law to prevent smoking in public buildings. I agree with that. Smoking was alright in the old days when we did not know any better, but the medical evidence now is that the person who does not smoke has more harm done from second-hand smoke than the person who does smoke. In that, the person who smokes is usually getting his smoke through a filter and the person who does not smoke does not have the benefit of that filter. They have found that the passive smokers are developing lung cancer if they are exposed to a lot of tobacco smoke. I promise my support for that Bill when he brings it.

I must say, in fairness to that Member, that I can work with him because I am never in any doubt about what is on his mind. He is the only Member of Executive Council that has told us where he stood on the Constitutional Review. We may agree with him or we may not but. He has his opinions and I think that he has the will to carry through or to fight for those convictions. To other Members, I would love to support them also, but, honestly, I do not know where they stand on anything.

I believe that apart from the playfields in the districts, a social worker in each district would be of great benefit to the districts. We find that people with problems do not like to go to complete strangers. If a person has a child getting into trouble with drugs or staying away from school or any other problems, that person would not hesitate to discuss these matters with a social worker who lived in the district. If they knew the person on a first name basis. When these Members get re-elected and have completed all the grandiose schemes which they are now in a position to put through, that if there is any money left they will start looking at these matters.

I would also like to congratulate that Member on the efforts he has made with the Housing Authority. I recall a day in Cayman Brac when the original Law was passed and when the present Member for Tourism and the present Member for Education voted against this vital Law. I recall that in the four years from 1984-88, very little was done in the Housing Authority simply because nobody seemed to be able to put his heart into it.

I believe in the last two years that positive steps have been taken. I have to give credit where credit is due. If the Member were making a commercial for the banks to sell his bonds, I would say all the glory to him. Of course, I understand the First Member for West Bay may have had the original idea. We know that it is serving a useful purpose, and I believe it is the right way to go about it because we cannot help people that are poor. We cannot provide housing unless we give them an opportunity and unless we give them the desire to do some things for themselves.

I would also like, although this was not mentioned in the Speech, to thank the Government Member this morning who made the statement on the electoral boundaries. As the Speech mentions the Constitutional Review, I trust that all of the little details will be put in place long before the election.

I would like to close on this note: The Backbenchers must realise the power of Parliamentary questions, because sometimes our questions and our motions do get action. Finally, I would like to say, Madam Speaker, I have enjoyed this, my first debate under your speakership.

MADAM SPEAKER: Does any other Member wish to continue the debate on the Throne Speech?

MR. GILBERT A. McLEAN: Madam Speaker, I wonder, since it is Friday evening, if the House would consider an early adjournment, with your approval? There are only about 10 minutes left.

MADAM SPEAKER: Actually, there are 15 minutes left. The First Elected Member for West Bay.

CLOSURE MOTION

MR. W. McKEEVA BUSH: Madam Speaker, I am rising under the Standing Orders to put the Closure Motion.

MADAM SPEAKER: If that is the wish of the House. Do you have a Seconder for that?

MR. ROY BODDEN: Madam Speaker, I Second that.

MADAM SPEAKER: First Elected Member, would you formulate your motion please?

MR. W. McKEEVA BUSH: Yes, Madam Speaker.

It looks to me that no Member is willing to rise. I am not ready to go, therefore I will put the motion. I formally move the motion that we close the debate, seeing that the Government has failed to put anything that is worthwhile to debate, except for a few areas in the Throne Speech.

MADAM SPEAKER: Do you realise, Honourable Member, that if this question is put Tthat this concludes the debate on the Throne Speech? Are Honourable Members aware of that?

MR. GILBERT A. McLEAN: Madam Speaker, I would like to rise to debate on the Throne Speech.

MADAM SPEAKER: Thank you, Second Elected Member for Cayman Brac and Little Cayman. I will not put the motion now. Second Elected Member for Cayman Brac and Little Cayman, continuation on the debate on the Throne Speech.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. It is the first time, in my short time in the House, that I have been able to rise to debate a Throne Speech at which time a Speaker of the Cayman Islands Legislature is in the Chair. That, in itself, is very significant to this particular debate. I, for one, have been very pleased to play my role in this Honourable House over the past several days. There is an atmosphere here which I like, and one I believe which is conducive to fair and unbiased debate.

As mentioned in the Throne Speech, the Office of Speaker has come about after many years of having Commissioners, Administrators and Governors presiding in this Legislative Assembly. To now be able to debate in this House and to carry on the business of the Legislature under the scrutiny and the guidance of a Speaker is, indeed, something that has made history. I think that this particular area is very integral to the political development of our times, as it takes us toward a very significant element under the Westminster System of Government. It gives this Legislature the opportunity to formulate positions, defend them and speak to them, without the Executive being present within the Chamber in the form the Chief Executive. To me, that is very significant. It is something which has shown a position of maturity in this country. I believe that it is something which has been in the wings for a long time, along with Members, the Government, or whoever, being

brave enough to say the word "constitution" without causing a major national alarm. Truly, it has brought about an added element to our political economy. I think that is something we need to look at very closely and carefully in these three Islands.

We talk about the financial economy, the physical economy, and so on; but there is a political economy. I am not sure if over the years (and perhaps right up until now) this country has not taken too lightly the whole serious part of our lives which makes up the political economy of our country - an awareness of where we are heading, being directed to politically; and an awareness of the significance that Government plays in the lives of every citizen; the significance of the Law-making body, this Legislature, and the role it plays; a significance of the part that we play in this big world, although we are such a small part of it. While it is good and desirable (and fortunately we have the well-being of a good financial position, we have a lot of good physical development in this country), we should look at the fact of whether we are infants or giggling school children on matters which are political.

While I would not want to take the happiness and the laughter from the lives of Caymanians, I think the seriousness of our position, where we are and what is expected of us in the world in which we exist, is indeed very important; and to constantly be reassured that our external affairs and affairs related to the police and all the rest of it are taken care of by the administering colonial power of the United Kingdom. Is that truly sufficient for our development? Was that what God and nature intended of any particular people? Without some serious thought to how much we should assume and when and how?

Cognizance was taken in the Throne Speech of what this side of the House has been saying now for some time, that we are but a small dot in the Caribbean. While we have and enjoy a high standard of living, we really have no control over those good times that we enjoy.

I noted in the Speech delivered by His Excellency the Governor, that he said that the prosperity of Cayman has been based on years of rapid economic growth and is reflected in the physical development of Grand Cayman in particular. At this point in time there is a recession in the United States. With the world at war, so to speak, in the Persian Gulf, I think it has brought us to a call of reality. We are affected by those conditions, and those conditions are upon us and we must deal with them.

In replying to questions put in this House in this meeting as recently as today, it has been said by the Honourable Financial Secretary that there are certain things happening which we cannot plan nor stop. If anything, we become the victims of them, and we hope that they will go in our best interest. But, as for there being any guarantees that they will, we have none.

I believe that it is a signal call for us to be prudent and realise that we should move very cautiously. While it took many years for us to reach this position, it could actually change over night. I well recall in July, when this House was debating an Omnibus Bill, tax measure, that this very thing was pointed out, particularly by this side of the House, that while we have tourists now, we should be careful where revenue was increased because it could affect the tourism product; it could affect visitors here. Things could happen in the world which could change our situation simply by the people not visiting our shores anymore.

None of us could foretell then that there would be a man called Saddam Hussein taking the position he did, and we here in this part of this world are affected by it. I believe it signals prudence and sound thinking and that we should understand very clearly that grinning about every situation or making light of every situation and simply believing that tomorrow will be like today, is indeed the wisdom of anyone but the wise.

MOMENT OF INTERRUPTION - 4:30 P.M.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: I move the adjournment of this Honourable House until Monday morning, 25th February, at 10 o'clock.

MADAM SPEAKER: The question is that this Honourable House do now adjourn until 10 o'clock Monday morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

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

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM MONDAY, 25th FEBRUARY, 1991.

MONDAY
25TH FEBRUARY 1991
10:00 A.M.

MADAM SPEAKER: Prayers by the Honourable Third Official Member.

PRAYERS

HON. J. LEMUEL HURLSTON: Let us Pray.

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

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

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.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Presentation of Papers and of Reports. The Honourable Elected Member responsible for Communications, Works and Agriculture.

PRESENTATION OF PAPERS AND OF REPORTS

THE ANNUAL REPORT AND AUDITED ACCOUNTS FOR 1989 OF THE PORT AUTHORITY OF THE CAYMAN ISLANDS.

HON. LINFORD A. PIERSON: Madam Speaker, in accordance with Standing Order 18, I beg to lay on the Table of this Honourable House the Annual Report and Audited Accounts for 1989 of the Port Authority of the Cayman Islands. In accordance with Standing Orders 18(2) I wish to make a few short explanatory notes thereon.

Madam Speaker, the Port Authority of the Cayman Islands was established in 1976, to operate all ports in the Islands. The George Town Port facility which has played a significant role in the development of the Cayman Islands, was open on 16 July 1977. The total cost of the project was just over $4 million. The Port Authority Law requires the authority to operate without subsidy though the Government guarantees the loans which funded construction of the George Town Port and the facility at the Creek, Cayman Brac, that was completed in 1981, for $2.95 million. The Authority is responsible for repaying the loans with the Grand Cayman operations subsidising those of Cayman Brac, at a figure of approximately $200,000 per annum.

The economic cargo handling capacity of the old dock in 1976 was 50,000 tons per year. The total cargo handled by the George Town Port in 1989 was 143,000 tons. This was the highest annual total since 1980, when the first condominium boom was underway and large quantities of bulk-aggregate were imported for construction companies. A record number of 333 cruise ships called during 1989 and 23 cargo ships made a total of 287 port calls. The number of containers landed topped the 13,000 mark for the first time, showing a rise of over 60 per cent in three years. The rate of tonnage landed per hour, again showed an increase averaging 65 tons compared with 64 tons in 1988, and 55 tons in 1986.

The port at the Creek in Cayman Brac inaugurated in 1981, can handle the same size vessels as the George Town's, though at present, the flow of cargo is only 1/20th that of Grand Cayman Port. In 1989 there were 110 port calls at Cayman Brac by cargo ships and 7,358 tons were landed compared with 8,500 tons in 1988.

Over the years the portion of freight in containers in Grand Cayman has steadily increased to reach a new high of 89 per cent in 1989. This increasing use of containers assists in the speed of unloading and loading but puts a strain on the amount of space available at the Port for container storage. The acquisition in 1987 of a second fork-lift with the ability to stack 20-foot or 40-foot containers three high alleviated to some degree the storage problem. But, pressured continued to increase on the 120,000 square feet of storage space at the Port. To meet this problem the Board in 1989 embarked on a $3 million scheme to establish a new cargo distribution centre on six acres of land acquired at the airport industrial park. The Port's own fleet of

tractor trailers will convey all containers from dock-side direct to this new centre, where all unpacking, Customs and other procedures will be completed in adequate warehouse space.

This new cargo distribution centre will not only relieve congestion at the Port terminal, where the limited storage area will be used only for the marshalling of the empty containers, but will also reduce the road traffic generated at present in the busy central area of George Town. The new cargo distribution centre will provide the Port with sufficient storage space for the remainder of this century.

Difficulties of administration from cramped converted accommodation was ended for the Port Authority staff in October 1989, when they moved into a new purpose design head quarters building on a site which housed the first warehouse at the Port. The new building built at a cost of nearly $1 million including the furnishing and office equipment, such as computerisation, also provides offices for the Customs and Immigration offices engaged at the Port. A building costing about $150,000 that provides a canteen, showers, toilets and offices for the 40 or more dock workers was started in 1989 and opened during 1990. Also for the dock workers benefit a contributing pension scheme for permanent daily paid employees was started in 1989 and was followed in 1990 by the establishment of a health insurance policy.

During 1989, plans were finalised for rest room facilities and tourist information booth added at the cruise ship landing dock with work finalised in 1990 to provide a more attractive arrival setting for visitors and at the same time improve security for Immigration and Customs purposes. Madam Speaker, plans are also afoot for a purpose design building next to the cargo distribution centre to serve as a central location for importers, where goods can be cleared by Customs, the Port Authority and shipping companies, to avoid the inconvenience of importers having to travel to these different locations as at present to clear goods.

Hopefully, the Customs and shipping companies will cooperate fully with this new initiative by the Port Authority to improve the general efficiency in this system.

Madam Speaker, in our Unaudited Financial Statement, the performance generally in 1990 surpassed 1989. The projection in trends thus far, in 1991, despite the recession promises to be another good year. Thank you.

MADAM SPEAKER: The Report is ordered to be laid on the Table. Questions to Honourable Members.

QUESTIONS TO HONOURABLE MEMBERS

MADAM SPEAKER: Question No. 50 is standing in the name of the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 50: Can the Honourable Member say: (a) when Cayman Airways Limited will take delivery of its third 737 aircraft; (b) whether this 737 will be a new one; and (c) whether it will be purchased through the same arrangements as the others?

ANSWER: (a)It is the intention of Cayman Airways Limited to take delivery of its third Boeing 737-400 aircraft in January, 1992.

(b)The third Boeing 737-400 will be a new one, delivered to Cayman Airways Limited directly from Boeing.

(c) It will not be purchased. It is being contracted, like the other two which Cayman Airways Limited has, on an operating lease. The initial term of the lease is for 12 years, with options for subsequent extensions up to a period of twenty years.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say what will be the cost of this lease arrangement?

HON. W. NORMAN BODDEN: It is $316,000 per month.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: A further supplementary. Taking into consideration the present financial position of CAL, would Government consider stopping this lease until such time as the financial position improves?

HON. W. NORMAN BODDEN: There are arrangements in the lease arrangement for the aircraft to be sub-leased and there is also provision reassignment of the lease. Admittedly, the financial position of the

company at the present time is not very good but not unlike the majority of airlines around the world. If the lease were to be cancelled at this time, the company would lose in fact, the security deposits. So, we will be monitoring this very closely and these are the company's plans at the present time but I am sure if the situation were to be such that the company had to take that decision they would only do so as a last resort.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether there are rights similar to those under the 727-200s, which at the end of the lease the aircraft could be sold and Cayman Airways could keep substantially the full proceeds of the sale? Or whether at the end of the lease there is nothing left?

HON. W. NORMAN BODDEN: It is my understanding that it is a straight leasing arrangement, but there are two things in the lease. As I understand, there is an option to purchase the aircraft at some stage during the lease after 17 or 18 years. Also there are similar arrangements as were with the 727s, that the sale of the remaining lease time can be sold.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: The right that I was asking you about Sir, was not the sale of the leasing, but at the end of the capital lease of the 727-200s there was a right to sell the two jets and keep all of the proceeds of the sale other than $2 million. Whether that exists or not?

HON. W. NORMAN BODDEN: No, that similar arrangement with the 737 does not exist to my knowledge.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: May I ask the Member if this lease is more in the form of a rental arrangement rather than a purchase agreement?

HON. W. NORMAN BODDEN: That is correct. It is more in the form of a straight lease, but the company does have an option to purchase at some stage if they so decide.

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

MR. GILBERT A. McLEAN: Would the Member say why Cayman Airways postures itself in a position to take 737s which come off the line of Boeing rather than watch the market conditions and lease aircrafts perhaps other than 737s, 757s perhaps, when they really have a need for it rather than placing itself in the position it is in now of uncertainty and the possible loss of $200,000 if it is not taken?

HON. W. NORMAN BODDEN: When a company decides that it needs an additional aircraft the first consideration is to try to standardise the type of equipment that the company is operating because the crews and mechanics and those personnel responsible for servicing are trained in that type of aircraft. The spares package is also adaptable to that type of aircraft, so, most smaller airlines try to standardise their fleet of aircraft.

Aircraft are not easy to go out on the market and find, when you decide that you want one. The company took this decision back in 1990, admittedly when conditions were different than at present and it is looked at as a long-term arrangement. Aircraft are not equipment that one can pick up one day and get rid of the next. So, it is looked at from a long-term planning of the company's needs and requirements.

MADAM SPEAKER: We will move on to question No. 51, standing in the name of the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 51: Can the Honourable Member say: (a) who is presently instructing in auto mechanics at the Cayman Islands' High School and/or the Middle School; and (b) what are the qualifications and experiences of the instructor or instructors?

ANSWER: (a) It is not customary to name civil servants in answers to Parliamentary Questions. Two instructors at Cayman Islands' High School are involved and for the purposes of responding to part (b) of the question they shall be referred to as Instructor I and Instructor II.

(b)Instructor I instructs fourth year and has a Diploma in Building Engineering; Technical Teacher Diploma; Teaching experience of 15 years; Extensive industrial experience.

Instructor II instructs fifth year and has: Ordinary and Higher Certificates in Mechanical and Production Engineering; 12 years os industrial experience.

Auto mechanics is not taught at the Cayman Islands' Middle School.

SUPPLEMENTARY

MADAM SPEAKER: Supplementary. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member please confirm that Instructor II has no Teaching Certificate or Teacher's Diploma?

HON. BENSON O. EBANKS: That is correct. Therefore, he functions under the supervision of a qualified teacher in the Department. He is, in fact, regarded as a substitute teacher filling in because of an absence caused by an early and unannounced departure of the instructor in December last.

MADAM SPEAKER: If there are no further supplementaries, we shall go to question No. 52, standing in the name of the Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 52: Can the Honourable Member state the number of students qualifying in any trade at the Cayman Islands' High School such as auto mechanics, carpentry, woodwork, electricity, technical drawing and basic plumbing?

QUESTION NO. 52 DEFERRED

HON. BENSON O. EBANKS: Unfortunately my office was not given notice of this question when it inquired this morning. We are now attempting to get this answer. So, I wonder if this can be deferred until later during this question period?

MADAM SPEAKER: Yes, that can be done, Honourable Member. Question No. 53, standing in the name of the First Elected Member for Bodden Town.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 53: Would the Honourable Member say whether Government has formulated any policy with regard to bringing the International College of the Cayman Islands into the mainstream of education in these Islands?

ANSWER: Government has not formulated any policy on the International College of the Cayman Islands as yet.

SUPPLEMENTARIES

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

MR. ROY BODDEN: May I ask the Honourable Member if the Government intends to investigate the possibility of bringing this institution into the mainstream? Secondly, what is the reason for their delay?

HON. BENSON O. EBANKS: The Honourable Member will recall that during a debate on Private Members' Motion on this subject sometime last year, Government undertook to have the Education Council look at this question. Although it was placed on the agenda for the Education Council, certainly for one meeting, it has not yet gotten around to that and the Education Council will be asked to do so as soon as it can.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Will the Honourable Member undertake to keep this Honourable Assembly up to date on the progress made in this particular venture?

HON. BENSON O. EBANKS: To the extent that that is possible, I give the undertaking.

MADAM SPEAKER: We shall proceed to question No. 54, standing in the name of the First Elected Member for Cayman Brac and Little Cayman.

THE FIRST ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 54: Would the Honourable Member say: (a) what is Government's policy in regards to the Government

Land Surveyor stationed in Cayman Brac carrying out surveys for private land owners and when was this policy put in place; (b) whether a similar policy is in effect for Little Cayman as in Cayman Brac; and (c) give this House the undertaking that the policy will be reviewed carefully, taking into account the down-turn in the country's economy and the need to encourage the development of Cayman Brac and Little Cayman?

ANSWER: (a) Government's policy, in regards to the Government Land Surveyor stationed in Cayman Brac, is to carry out all Government surveys in Cayman Brac and Little Cayman and also supervise the day-to-day running of the Lands Office at Cayman Brac. When the Land Surveyor first took office in Cayman Brac in 1989, the following policy guidelines were put in place:

(1) Government surveys would take precedence over private work;
(2) Private surveys would not exceed an estimated cost of $1,000;
(3) Government would not compete with private surveyors for jobs on Cayman Brac and Little Cayman in 1989.

(b) The same policy is in effect for Little Cayman as Cayman Brac.

(c) Following approaches made by the First Elected Member for Cayman Brac, Government is in the process of reviewing the existing policy by taking into account input from the surveyors in the private sector regarding the competitiveness of their rates, the existing work load of the Government surveyor located in Cayman Brac and the need to encourage the development of Cayman Brac and Little Cayman.

SUPPLEMENTARIES

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

CAPT. MABRY S. KIRKCONNELL: A supplementary. Madam Speaker, will the Honourable Member confirm that he is aware that presently there is no private surveyor resident in Cayman Brac or Little Cayman, therefore, the rates quoted are not competitive as the rates quoted in Cayman Brac and Little Cayman have to include air fare plus accommodations in addition to the rates charged in Grand Cayman?

HON. LINFORD A. PIERSON: I am of the difficulties that exist in Cayman Brac and Little Cayman. It is for this specific reason why I have had ongoing discussions with private surveyors here together with the First Elected Member for Cayman Brac. Efforts are now being made to have a private surveyor stationed in Cayman Brac, in order to carry out the necessary survey work in the two Islands of Cayman Brac and Little Cayman.

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

CAPT. MABRY S. KIRKCONNELL: Can the Honourable Member give any indication if this negotiation will be successful in getting a private surveyor to locate there?

HON. LINFORD A. PIERSON: I am informed that within one month there should be a private surveyor located in Cayman Brac.

MADAM SPEAKER: If there are no further supplementaries, we shall proceed to question No. 55, 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 EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 55: Would the Honourable Member say what is the present status of the construction of the Community College and whether any section is being utilised as classroom space for teaching at this time?

ANSWER: The construction of the technology block is now complete. The two other blocks (hotel studies/business studies and administration) are scheduled to be completed by the end of this month (February 1991). Since 7 January 1991, the technology block has been utilised as classroom space for teaching.

SUPPLEMENTARY

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

MR. GILBERT A. McLEAN: Would the Member give the House an idea of the number of students who are presently occupying the technology block at the school?

HON. BENSON O. EBANKS: I am afraid I am not in a position to do that. It is far removed from the original question.

MADAM SPEAKER: If there are no further supplementaries, we shall proceed to question No. 56, 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 COMMUNICATIONS WORKS AND AGRICULTURE

NO. 56: Would the Honourable Member say what number of employees of the Port Authority, if any, have been retired since its establishment and if any pension or similar benefits were paid to these employees?

ANSWER: Three employees of the Port Authority have been retired during this period. Full retirement benefits were paid to these officers upon their retirement.

SUPPLEMENTARIES

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

MR. GILBERT A. McLEAN: Would the Member say if any particular period of time was taken into account when calculating these benefits?

HON. LINFORD A. PIERSON: Yes, the benefits are calculated in accordance with Government's Pensions Formula, so the period would have been taken into account.

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

MR. GILBERT A. McLEAN: Would the Member say if, for example, either one of these employees were working at that site for 14 years, whether the Authority took say, six years as the serving time, to calculate their benefits?

HON. LINFORD A. PIERSON: To give some additional light on this, just refer employees as Employees 1, 2 and 3. Employee 1 was an employee of the Port Authority from its establishment, which was in 1976 and received full retirement benefits when he was retired in December 1989. These benefits were calculated according to the Cayman Islands Government Formula for Pensions. He received $14,115.76 as a lump-sum gratuity and presently receives $338.78 per month. He was 68 years of age on retirement.

Employee 2 was retired in 1990 due to health reasons. He received full benefits again, in accordance with the Government's Pension Formula. His gratuity was $13,507.04 and receives $324.17 per month as a pension. He was employed by the Port Authority in 1978. In addition this employee received $15,000 as an insurance settlement. He was 66 years of age on retirement.

Employee 3 was retired for health reasons in 1990. He received full pension benefits as laid out in the Authority's Pension Plan, which is fully contributed by the Authority. His contribution was $27,651.06 and he chose to take this sum in total rather than in monthly installments. In addition he was awarded three months salary amounting to $6,417 severance pay for 12 rate weeks in the amount of $5,900.51 plus eight days salary, which amounted to $786.73 for a total of $40,755.30. Prior to 1989 the daily paid workers of the Authority had no pension benefits.

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

MR. GILBERT A. McLEAN: So, it is correct to say that the workers at the Port Authority do not or have not received pension benefits prior to 1989, irrespective of their length of service? Could the Member confirm that?

HON. LINFORD A. PIERSON: Prior to 1989 the daily paid workers of the Authority had no pension benefits, but those employed prior to this period have, in fact, received pension benefits for the time that they were employed.

MADAM SPEAKER: If there are no further supplementaries, the next question is No. 57, standing in the name of the Second Elected Member for Cayman Brac and Little Cayman.

THE SECOND ELECTED MEMBER FOR CAYMAN BRAC AND LITTLE CAYMAN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND AGRICULTURE

NO. 57: Would the Honourable Member say if there are any plans to undertake any work to remove the coral heads in the south side channel in Cayman Brac as requested by dive boat operators and anglers

during the past two years?

ANSWER: Yes, there are plans to undertake the required works to improve navigable conditions of West End channel. A local company has recently purchased the necessary equipment to carry out these works and is now preparing a quote for submission to Government.

SUPPLEMENTARIES

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

MR. GILBERT A. McLEAN: Would the Member give an indication of how soon any work might start on the channel and if there has been more than on application or submission to undertake the works?

HON. LINFORD A. PIERSON: It is hoped that this work will commence shortly and there were other bids that we got. I would like to give a bit of information on that for the benefit of the House.

After the completion of the Hydrographic Survey of the channel in late 1989 a great deal of research has gone into determining the most effective way to clear this channel, as well as the most affordable way. The initial proposal to blast an 80-foot by 200-foot area of the channel to a 12-foot depth was far too extensive; both in cost and in degree of works. So, alternative proposals have been discussed. A proposal of $211,000 was made by one of the potential contractors for the blasting but was not inclusive of clearing the debris which would cost an additional $200,000 in his estimate.

The nature of the project itself poses difficulty in that the cost of the equipment and expertise that is required to do these works is most expensive. So, there were others that were interested and contacted.

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

MR. GILBERT A. McLEAN: Could the Member say who did the Hydrographic Survey and what was the cost of it and who paid that bill?

HON. LINFORD A. PIERSON: The Hydrographic Survey was completed by Tomlinson Engineering and it was paid by a private company.

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

MR. GILBERT A. McLEAN: Could the Member say what the cost was and who was the private company?

HON. LINFORD A. PIERSON: The cost was $11,000 and the company was Highrock Limited.

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

MR. GILBERT A. McLEAN: Could the Member say if Government is fully aware of the extent of the work which is necessary to clear the channel to the extent that is necessary for the proper operation of boats there?

HON. LINFORD A. PIERSON: Yes, Government is fully aware.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say if the contract to clear the channel will be for a fixed amount or will it have provisions for cost overruns?

HON. LINFORD A. PIERSON: The contract now being considered will be for a fixed amount.

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

MR. GILBERT A. McLEAN: Would the Member say who gave the instructions for the design of a channel to the extent of 80 feet wide and could it be done with less width at a cheaper cost?

HON. LINFORD A. PIERSON: This was precisely the point I tried to make. This was a suggestion made by one of the potential contractors but studies indicated that the original proposed 80-foot width of the channel would cause severe erosion to the interior beaches of that area. And, that a maximum width of 40 feet would more adequately accommodate the boating community. So, this is being considered very seriously and

the necessary changes are being made.

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

MR. GILBERT A. McLEAN: In arriving at a decision on awarding the works, does the Portfolio take into account the ability of any company being able to blast the rock, whether they have insurance coverage and indeed whether they have the overall financial capability should the work prove harder than they estimate to be able to carry out the works without coming back to Government for an escalated price?

HON. LINFORD A. PIERSON: Yes, this is all a part of the criteria that is considered prior to awarding a contract.

MADAM SPEAKER: The next question No. 58, stands in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 58: Can the Honourable Member give the breakdown of the number of clinics conducted weekly by each doctor, the average number of patients seen in each clinic and the number of hours of work per day scheduled for each doctor?

ANSWER: The number of clinics conducted weekly in specialist areas is as follows:

Orthopaedics	3 clinics per week;
Surgery	3 clinics per week;
Internal Medicine	3 clinics per week;
Obstetrics/Gynaecology	6 clinics per week (sometimes 7);
Paediatrics	5 clinics per week;
Ear/Nose/Throat	4 clinics per week.

Clinics are normally of 3 hours duration.

The average number of patients seen per clinic for the month of January 1991 is as follows:

Orthopaedics	15 patients per clinic;
Surgery	7 patients per clinic;
Internal Medicine	10 patients per clinic;
Obstetrics/Gynaecology	8 patients per clinic;
Paediatrics	8 patients per clinic;
Ear/Nose/Throat	8 patients per clinic.

Visiting specialists, e.g. dermatology, maxillary-facio surgery, conduct two clinics per month and see an average of 13 patients per clinic.

A breakdown of the average number of patients seen in casualty and walk-in clinics for the months of January 1991 is as follows: Casualty (including walk-in) 8 am - 3 pm, 21 patients; 3 pm - 10 pm, 22 patients; 10 pm - 8 am, 11 patients.

Casualty Medical Officers work on a roster scheduled so that actual clinic time does not on average exceed 37 1/2 hours per week. Casualty medical officers work 5 shifts per week. Senior Medical Officers (consultants and registrars) are not at present required to work a set number of hours per week. These doctors conduct weekly clinic, have an on-going commitment to patients in their speciality and are normally on 24 hour call-out for emergencies and call-back.

SUPPLEMENTARIES

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

MR. ROY BODDEN: Will the Honourable Member say what is the schedule of clinics conducted by doctors in the districts?

HON. D. EZZARD MILLER: Since January 1991, doctors visit the district clinics on a weekly basis.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say how many doctors attend each clinic?

HON. D. EZZARD MILLER: In the Specialist Clinic it is one doctor per clinic. In the Casualty Department there is usually one doctor who is handling straight emergencies and there is another who is handling walk-ins and appointments for the shift.

MADAM SPEAKER: If there are no further supplementaries, question No. 59, stands in the name the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 59: Can the Honourable Member say what are the plans for a new Hospital?

ANSWER: Government has accepted the recommendation that a new 96-bed in-patient facility be built on Crown-owned property in George Town. During 1991 the engineering, design, equipment specification, construction drawings and bill of quantities will be completed.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether the contract for engineering, design, the equipment specification, construction drawings and bill of quantities has been yet tendered?

HON. D. EZZARD MILLER: Earlier this sitting I answered a specific question on that and indicated that it is expected that the bidding documents for the tendering process will be ready by the end of March.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Could the Member say whether Government's earlier estimate of approximately $20 million stands on this and where Government will get the money from to build it?

HON. D. EZZARD MILLER: Government had never estimated the cost of the new hospital to be $20 million.

MADAM SPEAKER: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Does the Member have no idea what it is going to cost? My next question, presumably it is going to cost something, where is the money going to come from?

HON. D. EZZARD MILLER: Yes, the estimate is between $14 and $15 million and as said many times from the floor of this Honourable House and other forums, the money will obviously come from loan funds.

MADAM SPEAKER: The next question stands in the name of the First Elected Member for West Bay, No. 60.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 60: Can the Honourable Member say what is the present position as regards International Healthcare Corporation?

ANSWER: International Healthcare Corporation is Government's consultant on the building and equipping of the new Dental Clinic.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Honourable Member say whether International Healthcare Corporation is involved with the hospital contract?

HON. D. EZZARD MILLER: Madam Speaker, I wonder if the Member could be more specific on which hospital contract he is talking about?

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Obviously, the proposed new hospital.

HON. D. EZZARD MILLER: No, Madam Speaker.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Honourable Member say whether, if he can give this information, they will be bidding on the contract?

HON. D. EZZARD MILLER: Yes, as stated earlier, it is expected that the bidding document will be ready be 31 March and it will be mailed out to various companies to be returned for a decision by the Central Tender's Committee.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: I am sorry, did he say that there will be bidding?

HON. D. EZZARD MILLER: Yes, Madam Speaker.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Can the Member say whether we will have a similar strata of architects, as we had on the Dental Clinic? I notice that there was one architect or IHC who got one percentage as one type of architect. They had another called a supervising architect, who actually performed another function and seemed to have dealt with the job on a weekly or daily basis, which resulted in extremely high percentage of fees being paid.

HON. D. EZZARD MILLER: The idea of this being extremely high or not is a matter of opinion, but to the best of my knowledge and certainly that is the advice given to the Portfolio by the Public Works Department as standard practice.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Is it not possible to get one firm of architects to do everything rather than two?

HON. D. EZZARD MILLER: I would assume so, but again it is the advice of the technocrats at the Public Works Department.

MADAM SPEAKER: It is now 11:00 o'clock, the end of question time, unless someone wishes to move suspension.

SUSPENSION OF STANDING ORDER 23(7) AND (8)

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe it is the wish of the House that we, in accordance with Standing Order 83, we move the suspension of Standing Order 23(7) and (8) to allow the other questions to be taken this morning.

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

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. STANDING ORDER 23(7) AND (8) SUSPENDED.

MADAM SPEAKER: Question No. 61, standing in the name of the Second Elected Member for Bodden Town.

THE SECOND ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 61: Would the Honourable Member say: (a) what improvement has there been in the collection of hospital fees in January 1991 over January 1990; and (b) how many in-patients were treated at the George Town Hospital during December 1990 and January 1991 as compared to December 1989 and January 1990?

ANSWER: (a) In January 1990, the sum of $90,302 was collected from hospital fees. In January 1991, $143,154 was collected - an increase of $52,852.

(b) During the two month period of December 1990 and January 1991, 391 in-patients were admitted to George Town Hospital. During the two month period of December 1989 and January 1990, 410 in-patients were admitted to George Town Hospital.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: May I ask the Member if he can explain how it is that the hospital fees in January 1991, are $150 per day as compared to $50 per day in January 1990? And, why the revenue is not three times the revenue collected in January 1990?

HON. D. EZZARD MILLER: The reason why the hospital fees are $150 per day is because that was a decision taken by Government to raise the fees in three stages, which was published in June 1990, the first increase, and the second increase came on stream in January 1991 and the third increase will come on stream in July 1991.

The reason why the fees are not three times the amount could be dependent on many variables i.e. the length of stay of the individuals, the policy adopted by Government to return people home as soon as possible to reduce the number of people who are simply occupying a bed, because of the need for beds and the increased home care being given. Also it could be due to the difference in the types of illnesses being treated.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.

In light of what the Member has just said, I wonder if he would advise this House as to the logic the Government used in arriving at the increase in the fees?

HON. D. EZZARD MILLER: I was trying to obey those Financial and Stores Regulations that they have been chastising me to obey, which say that all fees rendered by Government should be charged at cost. It is estimated that with the increase in July 1991, we will be fairly close to the actual cost of the services at the hospital.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Can the Member say whether it is incorrect that the Financial and Stores Regulations are Government's Financial and Stores Regulations, not made by this House but made by Government?

HON. D. EZZARD MILLER: That is correct.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say whether he is taking into consideration the trend, if that is a trend throughout the year, that there are now less in-patients than there were in 1990-91 with 391 in-patients and 1989-90 December and January respectively, had 410 in-patients. Whether this is being taken into account when doubling the size of the in-patients with new hospital?

HON. D. EZZARD MILLER: Yes, we believe that is reflection. The reduction of in-patients is a reflection in the improvement of out-patient care and that we are actually delivering better out-patient care and curing people before the need for in-patient.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether one of the reasons for this could be the fact that as the fees get nearer to United States medical fees that more people may be using the alternative of the US at the same cost?

HON. D. EZZARD MILLER: No. These fees are not structured on United States fees they are based on what it is actually costing to deliver the care here. There is still a substantial difference between in-patient charges in the United States and what they are in the Cayman Islands. We believe the trend is reversing and that people are now using the hospital here much more than they were using it in the past.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether as a fact, when he finishes with the increase in fees that it will not be substantially in line with some United States hospital fees?

HON. D. EZZARD MILLER: I cannot make such a statement because the basis on which the fees are being evaluated and increased if necessary, has nothing to do with the cost of services in the United States.

MADAM SPEAKER: Question No. 62, standing in the name of the Third Elected Member for George Town.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 62: Would the Honourable Member say: (a) how much money which is unencumbered does Cayman Airways Limited have of the US $12.5 million profit received from the sale of the two 727-200 jets; and (b) what expenditure was incurred with this amount?

ANSWER: (a) Cayman Airways Limited has an unencumbered US $1 million from the proceeds received from the sale of the two 727s lease.

(b) Details of expenditure of funds received from the sale of the two 727s are as follows:

Introduction of B737-400	US$ 1,473,956
Inauguration of New York	1,007,175
Aircraft deposit B737-400	2,000,000
Spare parts	4,192,000
Aircraft configuration B737-400	485,000
Ground equipment	57,000
Consumed in operations	2,192,229
Miscellaneous	93,000
TOTAL	US $11,500,000

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether if in the last year since receiving this $12.5 million, if Cayman Airways had not received this amount, that either it would have had to borrow or Government would have had to have injected $11.5 million to have provided the money for these operations?

HON. W. NORMAN BODDEN: If the company had not received this additional fund to have at its disposal, it would not have been able to pay the deposit on the 737s, it would not have been able to spend the over $1 million to develop the New York route, it would not have had the $1.4 million to pay for the introduction cost of the 737 aircraft, so, the company if it had not had this money would not have been able to do those things.

I think it should be pointed out that the House should be reminded of what prompted the company to take a decision to go this route. It was simply because the company did not have the funds at its disposal to pay for certain maintenance checks that had to be carried out and therefore, it would have had to back to Government to ask them to increase the subsidy if they were to maintain the two aircraft that they were operating at that time.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say whether the money spent on those maintenance checks would not have increased the value of the aircraft, the two 727-200s, to the extent of what was put into them and also having regard to the fact that those two jets were on a capital lease or lease/purchase basis? Ultimately, any increase in value would have meant increased money to Cayman Airways upon sale.

HON. W. NORMAN BODDEN: That is a very complex supplementary. But, the change of events in aviation over the past year and one half, had the 727 aircraft been retained and $4 million spent on maintenance checks, it is my opinion and this is a layman's opinion, that it would not have enhanced or increased the market value of these two aircraft, simply because in the change of events last year, the cost of fuel doubled and most companies who owned 727s were either parking them or trying to sell them.

Now, the Member keeps referring to the capital lease arrangements. I agree that under that leasing arrangement, that at the end of the day, there could have been a residual value of that aircraft which would have been of benefit to the company. However, that also depends on current conditions at the time that option was exercised and the market value of that aircraft at that age. So, there are many assumptions that would have to be made there and I cannot exactly state what the situation would have been then.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member tell the House how much money per annum Cayman Airways pays towards the maintenance checks on the 737 leased aircraft?

HON. W. NORMAN BODDEN: I do not have that information with me, but to the best of my knowledge, Cayman Airways currently pays something like $250 per hour on maintenance reserves. At the present time it has something like over $1 million in maintenance reserved with the company from which it leases the two 737s.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: So, is it a fact then that Cayman Airways is now paying the maintenance cost on a per hour basis, whereas the $4 million that was accumulated for the 727-200s in the past, was basically because Cayman Airways was not providing a fund to pay for the maintenance?

HON. W. NORMAN BODDEN: That is correct. When the 727s were put into service there was no provision made for maintenance reserves at that time. This created a problem at the end of the day when that situation developed. However, the company is at the present time paying in around the amount that I said, to build up its maintenance reserve.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Last supplementary. The $4 million that had to paid out is something that could have been accumulated because of the lease purchase, I would call it or capital lease, with the 727-200s. Whereas, on the straight lease now, the money has to be paid because the lessors require it under the lease and the reason is that at the end of the day you do not have the jets.

HON. W. NORMAN BODDEN: The difference is paying it over an extended period of time on a gradual basis, doing it in that fashion as opposed to letting it accumulate to a time when you do not have that kind of money to spend on maintenance. That is the difference in the two systems.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Will the Member say that it is correct that the main problem with the operations now is that the savings on the fuel is more than offset by the high cost, the difference of the high cost of the lease on the new aircraft?

HON. W. NORMAN BODDEN: No, I cannot agree with that. Because there are savings in fuel, there are savings in the cost of cockpit crew, there are savings in landing fees and there are savings in the cost of maintenance and insurance and other areas. But, there is a substantial savings in comparing the two different types of aircraft.

MADAM SPEAKER: Question No. 63, standing in the name of the Third Elected Member for George Town.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 63: Would the Honourable Member state what is Government's position on the principle of the "Buy Caymanian" services and goods?

ANSWER: It is presumed that the Question refers to the "Buy Caymanian Campaign" of the Cayman Islands' Chamber of Commerce. From its inception Government has supported the efforts of the Chamber of Commerce. In fact, at the inception Government made a financial contribution to the Chamber to assist in getting the campaign started.

Government supports the campaign and there is no reason at the present time to change its policy on this matter.

SUPPLEMENTARY

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: May I ask the Member in practice, is Government actually buying services here or are they purchasing abroad services and goods which could be obtained here?

HON. W. NORMAN BODDEN: I am not directly involved in what Government purchases either in service or goods. I imagine when it come to services, that is handled by the Central Tenders' Committee as the

Member, I am sure, very well knows. Goods are probably handled through various departments with which I would not be involved.

MADAM SPEAKER: Question No. 52, which was deferred, will now be taken. That stands in the name of the Member for East End. Question No. 52.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION ENVIRONMENT RECREATION AND CULTURE

NO. 52: Can the Honourable Member state the number of students qualifying in any trade at the Cayman Islands' High School such as auto mechanics, carpentry, woodwork, electricity, technical drawing and basic plumbing?

ANSWER: The examination of courses offered by the Technology Department at the Cayman Islands' High School include courses in the General Certificate of Secondary Education (GCSE), and Certificate of Education (C OF E), as follows:

GCSE	Craft, Design and Technology - Design and Communication.
GCSE	Craft, Design and Technology - Design and Realisation.
GCSE	Motor Vehicle Studies.
C OF E	Graphic and Material Studies
C OF E	Motor Vehicle and Traffic Studies.

Students are entered in the examination considered most suited to their ability and according to their interests. These examinations do not qualify a student in the trades; they provide an essential foundation for further study or work experience.

If the question seeks to determine the number of students who have successfully passed the relative examinations then such statistics, if stated for the past five years, would also have to include the Certificate of Secondary Education (CSE) and combined syllabus (CS), neither of which are on offer any longer. The numbers of entries of passes in each examination (GCSE, CSE, C OF E and CS) over the period 1986 through 1990 are as follows:

EXAM	SUBJECT	YEAR	PASSED
CSE	Motor Vehicle Studies/Auto Mechanics	1986	19
CSE	Motor Vehicle Studies/Auto Mechanics	1987	22
GCSE	Motor Vehicle Studies/Auto Mechanics	1988	15
GCSE	Motor Vehicle Studies/Auto Mechanics	1989	22
GCSE	Motor Vehicle Studies/Auto Mechanics	1990	7
C OF E	Technical Studies	1990	32
GCSE	C & D - Metal	1990	10
GCSE	C & D - Wood	1990	12
GCSE	CDT: Design & Communication	1990	31
GCSE	C & D - Metal	1989	5
GCSE	C & D - Wood	1989	16
GCSE	CDT: Design & Communication	1989	35
GCSE	C & D - Metal	1988	10
GCSE	C & D - Wood	1988	17
GCSE	CDT: Design & Communication	1988	35
C OF E	Metal Craft	1988	23
C OF E	Vehicle Maintenance	1988	22
C OF E	Woodcraft	1988	27
C OF E	Technical Studies 1	1989	43
C OF E	Technical Studies 2	1989	23
CS	C&D - Metal	1987	17
CS	C&D - Wood	1987	10
CS	C&D - Metal	1986	8
CS	C&D - Wood	1986	12

SUPPLEMENTARIES

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

MR. ROY BODDEN: I would like to ask the Honourable Member, what is the purpose of having the students prepare and sit examinations if the exam does not help them in their employment at the end of their tenure at the High School?

HON. BENSON O. EBANKS: The position with these subjects are the same as they are with any other subject. If the Honourable Member can show me any subject in which a person comes out of High School qualified to undertake a profession or job, then I would be glad to listen to him.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: The Honourable Member has not answered the question, perhaps I will repeat it. What is the purpose of having the students sit the examination if these examinations do not qualify them for at least some employment in the fields of which they take them for?

HON. BENSON O. EBANKS: The answer is that the examination is the same as offered in any other subject at the High School. So, the examination has the same currency and value as any other.

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

MR. GILBERT A. McLEAN: Would the Member say if it is not the case that students graduating from the High School are capable of working and they do find jobs in the private and public sectors and the education which they have does fit them to perform certain jobs?

HON. BENSON O. EBANKS: Is the Member speaking generally or in these specific fields?

MR. GILBERT A. McLEAN: Generally.

HON. BENSON O. EBANKS: As I said earlier, I do not regard the High School qualification or a High School success as a qualification. Naturally, any school leaver including the school leavers in the Arts and Crafts, having done well at High School level, are taken on with a view to either learning by experience and further teaching or going on for further study. The same applies for the technical subjects which we are talking about here.

MADAM SPEAKER: That concludes Question Time. Proceedings will be suspend for 15 minutes.

AT 11:30 A.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 11:52 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed.
Government Business, continuation of debated on the Throne Speech. The Second Elected Member for Cayman Brac and Little Cayman.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR, MR. ALAN. J. SCOTT, CVO, CBE

(Continuation of debate thereon)

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.
When we adjourned on Friday, I was speaking generally on the Cayman Islands' present position economically on the world scene, and saying how we have been affected by conditions which presently prevail, including the very significant condition which is occurring in the Gulf. Additionally, I was arguing that while we look at our financial well-being, we should take keen interest in our political economy. This political economy it was my contention, is growing more and more significant now at this point in time, and we need to be very careful and precise about where and how we are going, and certainly prudence in expenditure should be a watchword. To quote from the Governor's Throne Speech, he puts it quite succinctly I think:

> "Our vulnerability to world economic conditions is obvious and we have no means of control over events outside our shores; and therefore it is not easy to devise specific measures against a worsening economic situation.".

What I would add to that is that while we do not have control over the forces outside of our shores, within our shores we can certainly prioritise the things which we would wish

to do for our country and in our country, and the Government should be guided by prudent financial management in determining where our priorities lie.

There are a number of things that the Government of the day apparently see as priorities, but I do not share a similar view. Among those is the move by the Government, apparently, to give great weight to creating more roads, which require great expenditure. Another is a hospital which apparently adds up to millions of dollars. While I do not for one minute try to say that we do not need either of the two, my position is that it has to be done within the means of this country and to an extent where they will not create indebtedness where we find ourselves in fiscal or financial trouble. We do not want to walk the pathway of many LDC countries which find themselves burdened with debt. While the facts are that industrial countries of the world might forgive loans to Egypt or Germany or wherever, it seems as if they are very slow in forgiving loans to Central and South America and to Caribbean countries. Of course, we have some of the smallest debt in the world compared to these other bigger nations. So that is the premise on which I oppose, quite often, many of the moves which the Government wishes to make priority.

Having made those general remarks, I would like to follow the Throne Speech as it was presented by the Governor and comment on certain subheads where I believe I could offer my opinion, and perhaps a valid suggestion.

The Judiciary, it was noted, is seeing more work than ever before. The Grand Court Judge, for one, was having more work due to the Mutual Legal Assistance Treaty. Well, that is understandable because this is a very specialised part of the function of the Judiciary, it my understanding. This Treaty has been a long time in the making and, it having finally passed, there appear to be many pending cases which have to be decided upon by the Court.

I think that is understandable and my position would be that our country should deal as officiously as possible with these matters and that we should ensure that we are not intimidated through this process. Indeed, we should not slip in the slightest way from the position which we take regarding tax measures and the functioning of our financial system, to simply accommodate other jurisdictions who do not see things as we do.

For over a year-and-a-half it has been known that the Court House space is insufficient. There are now about four or five courts that function there because, I understand, the Juvenile Court also occupies a part of it. I question why a well-thinking Government has not made some move to provide the space that is necessary. I have heard over the years that justice must not only be done, but must appear to be done. I believe that the physical environment has something to do with justice in that people who are uncomfortable or cramped will react (as human beings will), and it is only good sense to provide the adequate space which is needed.

It is not sufficient to say that the Public Works has not drawn any plans for it, or to lay excuses in any particular direction. If money is necessary, which undoubtedly it will be, then it is the duty of the Government and those responsible to bring to the Finance Committee proposals for whatever sum of money to have this work done. If the Public Works is not performing, one might say it is the problem of the Public Works. But it is also the problem of the Government Executive of the Executive Council who is supposed to insist that it performs as it should. How can we simply allow the situation to continue while we talk about the inefficiencies or this one not doing whatever to rectify it?

Something that is very close to my thinking in the area of the Judiciary is the role, which I am made to understand, the Court Reporters play. We now have two, I am made to understand, one being a contracted person and the other being a Caymanian. I am made to understand that the reason it is so important to have these individuals is that they are the ears of the Court; they record what the Judges say, they record what the lawyers say on both
sides. It is from that record that appeals may stem, and it is from that record that anyone in the Court can refer back to refresh their memories or to glean the facts of what has occurred in the process of any given case. It is my understanding that right now the only legal record, as such, is the notes made by the Judge. I understand that is a long and tedious process, and it is more suitable for a Judge to be listening and observing rather than sitting down attempting to take notes in longhand.

From my inquiries, I have also been made to understand that Court Reporters in any democratic country (and I guess perhaps those that are not even that way are a special group of professionals. They have no bias one way or the other because they really have no cause to care whichever way the case goes, unless it affects them, I suppose. They are only there to record what is said. I understand they come quite expensively. If we are fiddling around up to this point in time trying to offer $12,000 per year to get a Court Reporter, when theses people are in the bracket of $36,000 or more, then we are indeed wasting our time, kidding ourselves or using it as a ploy not to get the Court Reporters.

Back in 1989, when we were working on the Budget for our Court Reporters, all the Members of Finance Committee agreed that there should be such number of Court Reporters as would be necessary to provide their services in all the Courts. Up to now, apparently, this has not been done.

I cannot buy the fact that the whole Civil Service is going to react if Court Reporters are paid fees over and above that of a Clerical Officer. It is understood that the two do not equate. It is understood that the Judge of the Grand Court will receive more compensation then, say, a Magistrate or the Clerk of the Court, as the case may be. Surely, in management structure, there are certain posts on the organisational chart that are shown as red posts which are separate and apart - a necessary function - but they do not necessarily fall within the scales which are set down. If that is the case with this particular instance, then I think it ought to be done. This is too important a function for it to simply sit around anymore without having anything done about it.

The honourable gentlemen, the First Elected Member for Bodden Town, suggested that the time had come where we should look at providing a post earmarked for a Caymanian law practitioner. I am not quite sure what the process is, whether they are invited to apply, or whether some board selects them, or whatever. However, I certainly subscribe to the views and the arguments put forward by the Member. I certainly endorse seeing a Caymanian law practitioner reach the Bench in our Courts. It matters not to me what level he started at, let that be decided upon by those who are in the position to do so. I say let us have one; it is about time. There is no doubt in my mind that there are persons capable. I think that the process needs to be put in place so that this can be done.

The Public Service Commission plays an important role in the Government. It is the body which is supposed to be unbiased in examining applications, or, indeed, recommend punishment where there are cases of discipline or whatever matters which come before it, and to decide on them dispassionately and advise the Governor. It is a vehicle, and I firmly believe that it should seek to recruit able, willing, experienced and qualified persons in this country, with the indigenous people of this country getting the very first opportunity for appointment.

I think that certain things can be done to assist: Advertisements can be so worded as to catch the attention and to state, as clearly as possible, really what the job is asking for. I think the interview is important, and, certainly, the selection. Of course, once the person is appointed, the socialisation within the Service is also very important. I do not know how much of this is looked into nowadays, but I do know that it is a plus in any organisation for a new employee to be taken by the supervisor around the office, introduced to other workers and told something about where they will be sitting and who they will be working with on a daily basis.

It was noted in the Throne Speech that the increase of salary might be the attraction to Caymanians who are now apparently willing to join the Service, but I think also that it is possible to make it absolutely clear that Caymanians are wanted in the Service, that they are wanted not just at one particular level, they are wanted all over, from the top to the bottom.

Under the heading of Finance and Development it appeared in the Throne Speech that the Governor (on behalf of the Government) may have attempted to show that the Government had a surplus. Well, as the Second Elected for Bodden Town pointed out, I do not believe too many people would really be led to that opinion. For if the Revenue is $102 million and the Expenditure is $117.2 million for last year, and the Reserves have been tapped for $7.8 million, there is obviously no surplus. Rather than the Government attempting to show that which is not so (or the impossible), it might be better if the Government addressed the conditions which have placed the country in the particular situation.

It is wise to set up a committee that can advise on prudent financial management or development growth, and I look forward to hearing that the National Growth Management Committee, after having been suspended to give the necessary time to the Constitutional Review, comes back into play speedily. For, while we may have various problems, one problem that perhaps surmounts is when there is a financial problem for which we have to find money, we have to spend money prudently.

With reference to the Agricultural and Industrial Development Board, I see where it is moving to acquire a loan for $1 million and in this money will be included for the Government's Agricultural Development Plan. I criticised that during the last meeting of the House, in that I think the Government apparently is zooming into high technological efforts for agriculture while not addressing the humble, meek and mild farmer who is presently fighting against all odds. I wonder how much of this money will go to farmers for land leases, purchases, for needed labour to get agricultural efforts and projects underway, or how much will go toward loans and so on to farmers for assistance for equipment, pesticides, fertilizers and all the rest of it. I fear most of it will find its way into the Government's Agricultural Development Plan, from which the results cannot even be guesstimated. I believe that something needs to be done to assist the farmers who are presently trying, rather than getting into the high-tech situation so speedily. The present war that is being fought shows that high-tech does not do everything, it is still the man on the ground who has a lot to with things.

The student loan of $120,000 is, indeed, small in that the cost of loans nowadays are anything but cheap. Perhaps it is well that Government take another look at that situation to determine how much more can be done. I contend that students should not be precluded from receiving loans from that Board, simply because the Education Council has outmoded and unrealistic requirements for students; the two are separate. I know of instances where because the Education Council has not approved the loan, it also bars, in effect, a student from getting a loan at this other institution. There is, in fact, one such student right now in my own constituency. That ought to be corrected.

On the banking scene it is good to know that we are still in the big time with the international banking service. I too share the view of the Governor that the banks have certain obligations to meet and to fight any attempts of unscrupulous persons to use our banking system where the money they are prepared to pass through the banks is in some way connected with illegal practices or drug operations. That is all good, but I continue to argue the point that the mere fact that the Cayman Islands provides such an attractive and stable situation in this Commonwealth Caribbean, that the banks have a very big obligation to the people of this country in making money available.

I believe that one of the areas that the bank can seriously look at is reducing some of its cry for collateral where often it seems that someone wishing to get a small loan virtually has to sign away his soul. Banks must take some risks, just like the person seeking a loan must take the risk that he may die or any number of things would happen to him where he might not be able to repay that loan. But, while the bank must cover itself, it must also be prepared to take certain risks and I believe it can. The banks in this country can develop policies which are a little less stringent.

The Economic Development Unit, to the best of my knowledge,

is doing a very good service. Somehow I wish that the departed gentlemen, Mr. Jimmy Hunter, was around to be able to know that the Government has at long last decided that there is need for a such person or post as an economist. For, so well I remember when that gentlemen was there and the job was actually made redundant, if I recall correctly. It is good to know that we have progressed beyond those dismal times.

It is my opinion that the Government could wisely be guided by the analyses of this Unit, understanding that there can be no 100 per cent precision or accuracy in their finding, but certainly a wise Government would take note of what is the economic picture. I think too, that there could be a certain latitude of this Unit to perform or to function whereby its analyses and findings could be produced in papers which could be made available at a price to the public sector who might be interested in getting real data, hard data as is available to Government by its means of soliciting the same.

The Currency Board. I have not been able to figure out what is the new design of our bank notes. I wonder if the time has come when the face of one of our goodly Members of Executive Council is to go on the notes, or some very modern move like that. I do not know what the new design is about; all that I can is I think our bank notes are some of the most attractive that I have seen anywhere. As for their physical integrity, they are surely some of the strongest, for I have seen those soaking wet for hours and they simply dry and come out looking almost the very same. I so not know whether Government is upgrading the paper or what they attempt to do with the particular bank notes, but I think it might be very good news if they could tell the public some small thing about what they have in the works.

The Customs Department plays a very significant role in the process of Government. It is good to know that the collection is on target and it is high. They continue to work toward increasing it. This is very commendable for that Department. Surely, all the revenue that we can get, we need. I think too, that the computerisation is something that is necessary if it is to put in place information relating to collections, billings or destinations from which goods come into this country, or people for that matter and different merchandise. If they want to do statistics of costs on certain products coming from various destinations, I think that is all valuable information for the Customs to have. I am glad to know that it seems to be having quite a bit of success with the drug enforcement role it plays. I think that there needs to be close cooperation with the other jurisdictions and surely there needs to be a high degree of trained personnel in the Customs Department.

When I speak of training in the Customs Department, I do not purely confine it to their knowing what is a warrant or for that matter their knowing what is in the Customs Law. Valuable training goes beyond that, in that all Customs Officers should be certain of where they fit into the overall picture in Government. And, surely, attitude training because that seems to be necessary; I judge this purely from letters I see in the press, which bring into question the matter of courtesy. Maybe the time has come for some particular person in the Department to be assigned the duty of keeping a close watch on the public relations aspect of that Department. Certainly, I think it makes sense for the Department or the Government Information Services to answer some of the criticisms, otherwise it could be taken that criticisms that are levelled are indeed true. And, some of those criticisms are quite severe.

It is a fact that people with certain authorities, particularly the enforcement authorities, do get, in some instances, a very strong impression of themselves and what they can do and how they can do it. There is a right way to do it, and I think that should be the course that is taken.

The Legislative Department plays a most unique role in overall Government, for it is here where the people elected by the public come to sit and decide on Laws and on matters which have national significance. The Legislative Assembly, I believe, functions now (and I have been around for about two years now seeing it happen) commendably. I have found the staff all very helpful to me. As a manager, it is my opinion that the staff is very well informed and precise. Of course, even though that is the case, it is well that there is always a forward-looking view to improve upon what is in place. I think there are certain specialist areas here, for example, we have a library. I wonder if it is not possible to sometime in the immediate future seek a member of staff who can pay attention to this area, who can actually research papers as I have seen done in the House of Commons Library: Not to the extent that they have to be Ph.Ds and lawyers and so on, but, certainly, if there is some information on a particular area for which one could go and make out an application or request and it be provided, that surely would help Members, I think.

I am very pleased to note, as I have said earlier in my debate, the fact that we have moved forward to where we now have a Speaker in the Legislature. I think that the stenographers that we have employed are doing a very good and significant job in that, the *Hansards* are available almost as the meeting ends and certainly the persons performing this job are very willing and able to quickly get us a part of a *Hansard* when we wish to refer to it.

The Governor referred to the Marine Survey Department. I do not know all of the ramifications of this particular Department, but I have certainly heard a lot of criticism. I know that it is costing the Government a lot of money and that up until last year it appeared like it was barely breaking even. If I remember correctly, it had actually taken in less than it cost to operate it. I believe that is something which needs very careful attention of the Government, because if cannot continue to function and be viable, since that is a revenue collecting agency, then the Government should of necessity look at scrubbing that and allowing the ships or whatever, small vessels that are now registered, maybe to find elsewhere to do so.

It is my understanding that the requirements are very stringent. I for one, do not wish to stroke the ego of any country or jurisdiction that claims that their laws are the best and the most comprehensive and so on. I think the laws should be comprehensive, but surely it should not be comprehensive to the point that it might be considered restrictive. If that is the case, it needs another look. We could lose more than we gain. There are some local companies, it seems, and individuals that are finding hardships and indirectly they are being passed on to the country as a whole.

Statistics is one of the best and most precise tool of

management. Statistics can be used for measuring, forecasting and decision-making. I feel that the Statistics Department can grow even over and beyond the work it is now producing. It can produce specific information in areas of the functions of government. This information can be used to the benefit of management. It is, I believe, doing a good job; it does produce a lot of statistics. But, I wonder if it cannot be expanded to produce more explicit and more personal statistics in the various departments; though I also understand that some departments keep statistics of their own. The people of the Statistics Department, being the specialists, perhaps can produce them in a more desirable and applied form.

We know that over the past few months, there have certain changes in the Portfolio of Legal Affairs. these changes according to the Throne Speech, are now better defined to conduct criminal and civil litigation and give legal advice. It appears that in the Cayman Islands, Law is one of the areas that our people take to quite readily. Surely, it has to be to our credit and to the disproof of those who criticise us as a bunch of dummies and incapable persons, that so many students have gone to the school here and have passed with outstanding grades. So, the fact that we have one good thing going, I believe it is proper for the Government to give it the greatest assistance and encouragement to produce the work which is needed in the legal field and for us to produce as many lawyers as we can.

It has been noted that two of the senior Caymanian attorneys that were with the Legal Department have left. My question is: Why? I wonder if it has been made clear to the other Caymanian attorneys who might be interested, for example, in filling the post of a Legal Draftsman, or learning the business of legal drafting, if they are aware and if it has been made specific that Government wants such a person. I think that this could be made clear right to the level of law students now in the Law School. They may have an inclination toward it. While I understand it requires quite a lot of experience of persons, certainly we can make a start. If are there any practicing attorneys who might be interested, I do not know. I have not heard to much said about such a recruitment.

The Law School is something about which, I believe, all Caymanians can be proud. I certainly support it in every way that I can, in terms of what recommendations I can make toward its good and the service that it is giving. I notice that there are a growing number of courses now in the Law School, which again shows progress, I believe.

However, just last year I got the distinct impression that the Government or persons within it, was cutting another jib from the way it has been going, because perhaps some law firms did not like the number of attorneys-at-law which are being produced in the Cayman Islands. I do not really see anything wrong with an Honours Degree, which might take a shorter period of time, but certainly I think it is a wrong move to stop or attempt to hinder persons who wish to do the Attorney-at-Law course and in the manner that it has been going on, where in five years a student becomes an attorney at law and within that period he has done both theoretical and practical work which so qualifies them.

I personally believe that the change where there will be the three year academic part of it and then persons going to what is called 'pupilage' I understand, could be making things a whole lot more difficult. I believe that the Government should rightfully look at reducing staff where necessary, in law firms which have attorneys who could be replaced by other attorneys at law who are coming into the field that are Caymanians.

I do trust that there will be some young Caymanian lawyers who rather than joining the big firms, will be bold enough to get together and start a firm of their own. It is my understanding in the United States particularly, that is how it is done. You have a dozen names of lawyers coming together with different specialised areas and forming a group or a company.

Speaking in this particular area, I have a suggestion to make to those concerned, and that is, a newly graduated attorney-at-law is an ideal person to appoint as a Justice of the Peace. If the Government can appoint layman from society (and I certainly see nothing wrong with that), then if the idea is for finding persons with a knowledge of law who are able and willing to serve, for example, on the Juvenile Bench, it strikes me as a very grand opportunity of giving such young law practitioners and opportunity to do so.

It is my understanding that the need for Justices of the Peace is growing and it is desirable to have more. Surely, those persons ought to be people very much suited to such an appointment.

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

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

MADAM SPEAKER: Proceedings will be suspended for lunch until 2:15 p.m.

AT 12:46 P.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 2:17 P.M.

MADAM SPEAKER: Proceedings are resumed. The debate on the Throne Speech, the Second Elected Member for Cayman Brac Little Cayman, continuing.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

When we suspended for lunch I was about to comment on the Police Department as mentioned in the Throne Speech. It is alarming that there continues to be growing crime in this country, evidenced by statistics and certainly from our knowledge as individuals in this country we are quite

aware of growing crime. Most unfortunately this seems to be centered around the younger people of this society. That being true, it also seems to have some connection or the other to illicit drugs. I believe that the situation here with drugs warrants some serious scrutiny. I am not prepared to say that nothing is being done. I know and I believe that the police are trying in this area, but I wonder if the focus should not be more on the dealers and the importers rather than the users.

The prison is populated with mostly young people, who are there for some offense in connection with drugs. It is my opinion that little is achieved in incarcerating the users, because that really does not stop its use, generally speaking. There are a growing number of users in this country and in some instances I am aware, it seems as if they are simply hopeless useless individuals both to themselves and to their society. If anything, they are to be pitied and if it is possible through education, through counselling or whatever means, that something be done with this particular group within this field of crime.

Traffic accidents: I think some can be avoided. I believe that one way of doing that is for there to be more patrols rather than police cars as I see some mornings and evenings dodging in someone's yard, to come out with the siren blaring to give a ticket to some law-abiding citizen who, at that point in time, was over a few miles of the speed limit. I am not condoning it; it is against the Law, but I believe that the visibility of the police on moving patrols can have more effect than sitting somewhere on the roadside to rush out to give someone a ticket. That can be in the early mornings or it can certainly be in the late nights when many accidents occur.

I believe the eastern part of this Island is more susceptible to accidents, where you may find persons drinking and driving because most of the night spots are on the western end and for the people going back home they are driving the long distances on roads that are quite dark as there are not the same street lights as there are on the western part of the Island. So, these are things which I believe the police could give more attention to.

Earlier, I spoke about law students who have completed their course and have a Law Degree, I wonder if it is not wise for the Government to see whether there are persons who have or will be completing the Law Degree who might have an interest in the Police Sciences that the upper echelons could be upgraded with competent persons in the field of Law.

Surely, there continues to be criticism of the Police Force: some is warranted, some is not. There are various things that seem to happen that causes the usual speculation here in this society, which we like to term 'marl-road talk'. I can well remember in the not-too-distant past when a particular individual wrote in a complaint to the Commissioner of Police about a certain police officer, stating he witnessed a situation by a nightclub. That was copied to every single Member of the Legislative Assembly. To this point in time the only thing I have heard about that incident was that the accused officer has been promoted. I could not, for the life of me, believe that an individual would have written in such a complaint, aired it by circulating it to all the Members of this Legislature to be some act of mischief. These are the types of things that cause criticism and a bad name in the Police Force.

I am very glad to know that there are more young Caymanians that are joining and I am of the opinion that if the right approach is taken, if they genuinely know that those advertisements are genuine and that they can be afforded the opportunity of proper training and will be treated in a manner which is consistent with good management and good relationships, and will not be put down, then I believe it is wide open territory in which to find people to join the Police Force. Obviously, it is improving because there is an increase in the intake of persons into the Police Force.

Speaking of the Police Department, I believe that the Government should take immediate steps to do something about the Traffic Licensing Department. If there is an area or a part of Government or a process of Government that will cause honest citizens to break the Law, it has to be when one goes through the painful task of attempting to license one's motor car.

When computers became the thing of the day, I went along with it because I believed it was the age of the computer. But there has to be something that can be done about the issuing of a licence renewal that will speed up the process 100 times more than what happens there now. I see the usefulness of the computers in keeping the information on motor cars, who own them, their licenses, when they are supposed to be licensed, and so on. But, I declare, that in the days when staff was simply filling out the log book it was much faster. It is distressing, and something ought to be done. There is an O & M Division now in Government and I believe this is one of the first areas that should be looked at very seriously. There are local persons, persons who are coming here, foreign residents, and it is sheer distress and agony being inside there trying to get a motor car licensed.

As for the numerous bits of paper that one has to fill out, and some of the questions on it which are unclear - someone surely did a very poor job in setting that up. I wish that the Member responsible for this would take a serious look at it because not only am I expressing my own views, I have heard dozens of people speak of this problem.

As my friend, the First Elected Member for Bodden Town noted, there are also concerns where the Prison Department is concerned. While the Government may take the position that they are committed to the rehabilitation of prisoners or that they are doing this, or doing that, I certainly know that there is much lacking in the prison population. Both the Member for Bodden Town and I have had representations from prisoners who have left prison and those still in prison about conditions there.

On the question of teaching in that prison, I believe it is very crucial to assist an incarcerated person back into society. If he can gain enough literacy or enough knowledge in a subject that he perhaps already knows something about, while he is in prison, I guess there can hardly be a better place for a school teacher or an instructor to have someone totally under his control, than in prison. I have heard, too, of the situation where there are not enough teaching materials. Surely, if there is one prison officer who is both

a prison officer and an instructor, life has to be doubly hard for that individual. I would suggest that the Government look, with the assistance of the person who is inside and knowing what is happening, at bringing into the instruction process there outside teachers in certain subjects.

I saw a picture of a motor vehicle they actually rebuilt there. I think it is commendable, and it goes to show that it can be done. Other Members of the Backbench, and I, when we visited the prison in early November, saw that it was just a stripped-down wreck of a car. So it is quite clear that things can be achieved, but there has to be the means and the wherewithal to do it.

Attempts to assure me or the public that everything is perfectly well, and going on smoothly and efficiently, is really asking intelligent people to believe what they know better than to believe. The idea behind the agricultural farm is obviously a good one, and I think it is something which goes on in most prisons. It is something the inmates can learn to do and something which can produce food that can be used within the prison, thus reducing the cost of expensive meat which is served in there. We have learned that the local beef is not sufficient, and that beef is imported specifically for that purpose.

Immigration is one of the most significant things that is happening in this country. The Governor mentioned in his Throne Speech that a Select Committee was working full-time during the latter part of the year and the first part of this year, to get out a working draft. I believe that we need to be able to come up with some very practical and realistic Laws to handle the situation of immigration.

People wonder why Caymanians say they want to be identified and why they want a definition for 'Caymanian'. It is very simple. The indigenous people of this country feel that they are being overwhelmed by the number of persons who have immigrated into these Islands, who stand side-by-side with them; in the work place and otherwise. Somehow the Government needs to come to grips with this situation. Somehow the people of this country need to come to grips with this situation. While there will be complaints on the one hand about the number of immigrants, on the other hand there are persons who are saying they cannot carry on their business, run their garage or body shop, or cannot run their house (because they are working daily) and need a helper. So it is quite a balancing act to try to find a solution. This is an area that has embodied in it lots of problems down the line if we do not find a solution now. At least we should make a reasonable effort to do so, and if it needs to be modified down the line, then we can also work at that.

A good example is that just in Cayman Brac and Little Cayman alone, the most recent statistics show that there are 37 temporary work permits, and there are 116 full work permits, making a total of 153 work permits in that small community alone. Add to that the picture here in Grand Cayman and it really becomes a bit staggering.

I think much more can be done to inform the people of these Islands of what is presently being done. Information is the life-blood of any organisation. But I think the blood is running very thin in lots of instances in the Government. So many things are happening that are not being made known to the public at the right time, causing speculation.

Recently there was an instance in the newspaper regarding Cayman Airways flying up and down in the sky here for some promotional film. The public was not informed about what it was, so they quickly said, "Look, the wheels won't come down. It can't land, that is why it's flying!" It is very vital to keep people satisfied and informed to the extent that they can feel a part of the whole Government process. Information is definitely lacking in this Government; irrespective of what they say about it being an open Government and so on. If it were much more closed, perhaps we would stifle. The little short brief answers that sometimes come out here in this Assembly, or from the Government information service, obviously on the dictation of the Government, is not sufficient. It is simply not sufficient and something should be done about it.

Certainly, I would believe that the Government Information Office should be an office accessible on the ground floor where you have people walking in off the street. That particular centre should have the type of information that is necessary and valuable to schools, visitors, Government Departments all over; it should be comprehensive. I am not sure that is presently the case, but I do believe the Government could do much for itself and the country if information were more readily available, more comprehensively given, and not appearing as if a favour is being paid when the Government does give some information.

I am glad to see from the Throne Speech that the sister cities relationship with Dade County, in Florida, still goes on. I think that is very fitting in that millions of dollars are simply taken by the citizens of this country and spent over there. I believe that you will find that people from any given district here travel more to Miami than they travel to another district. So it is only fitting that we should have some close and working relationship with a county in the State of Florida. I am aware that it has worked in a number of instances - for consultants and assistants and so on. I believe it should be developed and tapped to its fullest.

Speaking of information, there is something that we have been getting a drip and dribble about for awhile, that is, a radar station that is coming to the Cayman Islands. I, for one, have wondered just what this is all about. One of the subheadings in the Throne Speech is 'Caribbean Basin Radar Network Station'. Well, is there a Caribbean Basin Radar Network Station? Which other Islands are these stations set up in? What do these stations do? Are there laser beams that shoot down aircraft, drug planes and so on? Is it something that is used for jamming radio signals, perhaps like some situations on the US mainland? Are the Cayman Islands being used for something like that? Is it a system to assist spying on vessels or planes? Is it something that will cause the Cayman Islands to lose its neutral position in political arguments in the Caribbean area?

I contend that this is relevant to this exercise. Does the Government really want the public to believe that a radar station (we do not know what kind or what it will consist of) is going to be manned fully by Caymanians? Which Caymanians are going to run the radar station and so on? What will it require of them? On the one hand they say we cannot run certain departments or deal with certain

subjects. When did we become so technological as to run a radar station that is going to be part of a network within the Caribbean and what is it supposed to do? I trust that there can be some sort of information on the depth, the width and the length of what that is supposed to be.

I now come to the question of District Administration, which is involved with the two Islands of Cayman Brac and Little Cayman, of which I am one of the representatives. I hope that you will allow me to deal with some matters relating to this, in some detail.

As noted by the Governor in the Throne Speech, the political responsibility for district administration for the two Islands has been assigned to the Honourable Administrative Secretary. I think that this administering is being capably done; I have no quarrel with that whatsoever. My quarrel has normally always been (from the time realised how Cayman Brac and Little Cayman are treated differently, for whatever reason, as compared to Grand Cayman) is strictly in the way that it is handle. How much of the whole three are brought into the overall national planning?

I believe that the only sensible way that all three of these Islands can be administered in the way that they should be, is for the three Islands, by subject, to be considered together and collectively. If there are roads, then the National Plan for roads should take into account all roads. It is safe to assume that there will be less on the two smaller Islands. There will be less need for the amount of roads on the two small Islands than there would be here in Grand Cayman. If it is health, then it must fall into the whole consideration. If it is education, it must be similar and every single subject of Government, if this Government is going to administer properly then the Islands of Cayman Brac and Little Cayman should be considered collectively.

It should not be a case that we hear of the port here in Grand Cayman subsidising the port in Cayman Brac because there is only one port as such, in the Cayman Islands, if we take the Islands as a whole. There is the port called the Cayman Islands, I contend. And, the small port in Cayman Brac and the small port in Little Cayman are but a part of the whole concept and function called 'port'. Does one really believe that Little Cayman can pay the cost of operating a port there? Or does one believe that Cayman Brac can do it? Certainly not. It one looks at the amount of imports that are necessary to service the size of the population there, unless the duties are going to tripled and quadrupled, that is the only way. So, it gives the wrong impression, it gives a separatist type of impression when Members of Government talk about a subject or a function here in Grand Cayman subsidising over there. It would for practical purposes be better for the Government to understand that those Islands, in terms of their need, fall into a similar category as East End, North Side, Bodden Town, and the others that do not have a port or airport.

The function, in my opinion, of the District Commissioner's Office, should be largely one of coordination and supervision. Thus, it should not be left or a concept should not arise or be considered where there is a special government over there. The District Commissioner is responsible, one could say, for various subjects. The coordinations of, the answering to the Central Government in Grand Cayman for certain subjects and the actual eye-balling of performance of work in various areas.

I do not accept that the authority there is the District Commissioner's Office in the respect that that office can express the desires and the wants of the public of Cayman Brac and Little Cayman. I believe that is vested in its elected representatives. It is from them that it should flow to the administration and the administration take it through the processes which are necessary and once it is approved, act on it. I honestly believe that is being reversed in some instances.

It is well known that in Cayman Brac and Little Cayman there basically two types of employers and that is the Government, through its ongoing projects and activity and the hotels, be they the larger ones in Cayman Brac or the smaller ones in Little Cayman. These businesses offer the most labour or jobs to the public. The Government, as best it can and in as practical a way as it can, must attempt to undertake such projects as are necessary and can be justified in those communities, to offer the employment to the people still on that Island.

I do not, for one minute, agree with what the Governor said in the Throne Speech regarding Cayman Brac and Little Cayman, where it reads:

> "but I believe that the good sense of the community of all three Islands will accept that if there is an economic slowdown, then the effects must be reasonably spread across all three Islands; and when there is employment available on Grand Cayman, then if necessary those whose jobs temporarily disappear on Cayman Brac will be prepared temporarily to move to Grand Cayman to find employment.".

Where that happens, it is seldom temporary. It can be no kind of reassurance to the people in those two Islands that if they do not have any work there they can move to Grand Cayman. It is shortsighted and it misses the point that people have families, their homes, or whatever investment that they have, there. To pull up roots to come here, even temporarily, is a serious strain on the lives of those people. So, I totally reject that as being a solution. Having said that, I would suggest that there are things that can be done, such as advertising the fact that there is a reduction in duties for certain categories of persons who wish to go to those Islands to invest and build homes and that there is a moratorium on people who wish to build hotels there. Advertise it and make sure it is in the trade papers in the tourism industry, which I do not believe it is to the extent that it could be. Certainly, make it possible that there is regular and dependable air service to those Islands that does not fly at the most ungodly hours of the 24 hours in each day.

It should be pointed out that there is only one airline that services Cayman Brac. Pan American, American Airlines and Air Jamaica do not fly in there. There is only one. Those Islands are absolutely dependent on Cayman Airways. So, what Cayman Airways offers to those Islands is what they get. It they do not offer what they should, then they do not get it and they suffer directly and immediately

because of it. That is happening; that is the case. It bothers me to no end to hear on the radio, and it was on several times last week, that Cayman Airways is going to cut back on its flight there. At one time, on a daily basis, it was the graveyard hours of the day - but at least the jet flew in there. That is going to change. The little plane that is operated by a private company that has contractual dealings with Cayman Airways is to take up that slack. I seriously wonder if it is a deliberate act by the Government to cause a direct strike against the tourism industry to those Islands, because that is exactly what it is doing. How can one fly a group of 50 divers on a little plane that takes seven or eight people? How many trips will it have to make? How many heavy bags can it take?

I do not believe that the people are unreasonable in what they have asked for. Certainly, I do not believe that I am unreasonable as one of their representatives when I ask that the jet flights be routed through there in the morning and in the evening, at least. Why is it that Cayman Airways can plan flights to every conceivable destination outside of the Cayman Islands and it cannot service its own? I have often defended the Government when members of the Brac community say that the Government in Grand Cayman does not want the Brac to have anything. To my knowledge that would be inaccurate. I do not know of any such deliberate condition. But, at this point in time, where the flight schedule of Cayman Airways for Cayman Brac is concerned, I seriously begin to wonder. So I bring to this Honourable House a message from many people in those two Islands. They want their fair share of what should be distributed according to need, and in respect of air service they want a fair share of the jet usage in there.

It was Cayman Airways who bought the junk called the 'Shorts'; it is Cayman Airways who cannot sell it, and it is Cayman Airways who said that it was cheaper to use the jet than to keep the 'Shorts' flying. I must say that I had to agree with that. But what is happening now? It is almost prophetic that the year before (when it was decided to use the jet there) I said, and it is on record here, that I would like to see how long that would continue. I dare say that I have lived to see how long it was. I believe it is my duty to say to the Member responsible for Aviation and the national airline that the Brac should get fair use of the jet, scheduled at times of the day which are reasonable and, that, being the national airline, there is an inescapable obligation for that to be used to serve Cayman Brac.

It has been pointed out to me, and I have met with the managers of both of those hotels there, the absolute necessity of having the jet go in there on a mid-day or afternoon flight at 2 p.m. They have shown that visitors of the Island check out of the hotel before 12:00 o'clock, that they can then get to clean the rooms and persons coming in get will go into clean rooms. They have also shown me that normally the stay-overs are seven days. So a Saturday to Saturday package frequently occurs there. So, if the Government wishes to see to it that the Island is not further depopulated, then it is the obligation of the Government to do something about it. It is not a question anymore in these circumstances that it is the decision of a company called Cayman Airways Limited. It becomes a political matter where the political directorate can say to Cayman Airways, "Look, Cayman Airways, we want Cayman Brac serviced by the jet, each day. Now, having heard that, work all your other schedules around that." I would not want to be misunderstood. I am not suggesting the purchase of a third aircraft to do it with either.

It is one of the most pressing needs on that Island. Everything can stem from having a proper, regular, dependable air service. If the country can afford to be put into the situation where a company owned by the country is paying $620,000 per month, then let us have the fair share of it for Cayman Brac.

There is another need there as well, and a point which I would like to put before this Honourable House: the need for medical services and doctors. There is no such thing in Cayman Brac and Little Cayman (if you do not want to go to the Government hospital) as a private doctor. There are none. Everything centers on what happens in the Government hospital. Therefore, the need to have the number of doctors necessary, who are caring, reasonable and who will come out when they are needed not simply telling the nurse to give them two pills and tell them to come back tomorrow; or doctors who expect people to decide when they are going to get sick so that they can call to make an appointment.

I can say to the Member responsible for Health, that I have been told in two separate public meetings, in no uncertain terms by a number of people, that the people of Cayman Brac are most unhappy with that appointment system in the hospital. They are asking that it be where a person can at least go and take a number and wait his turn to be seen, and that the medical personnel do not keep such strict hours so that they when such and such a time comes they are leave. They who can wait, will wait, but those who do not get seen well, tough luck. I have heard many complaints about that. Since the Member spoke of bringing the Cayman Brac service within the scope of the national programme that he proposes, I wish to pass on to him that information.

Another thing that seems to be happening there in the line of the medical field, is what I have read in the papers and heard the Member say to some extent; that he proposes the establishment of a rest home on Cayman Brac. He has also said that it will be on land which has been kindly donated. I think all thanks is due to Capt. Charles Kirkconnell who gave, it is my understanding, the land for the present site of the hospital. It is my understanding that he would be the person who would give in the next instance as well.

But what baffles me to quite an extent is, if the particular Church Board or Mission that deals with the rest home which now exists cannot properly manage or cope with that, how is it that apparently most of the people involved with that situation are going to run a bigger facility? Where will the time come to do that? Is it really possible that such a thing can operate on donations? I would not be the one to say that I do not believe in miracles, but I would really have to live to see that work as it has been suggested. I think there is something wrong with the particular reasoning in that.

There are things which can be done in Cayman Brac and Little Cayman that can help the quality of life for the people who live there or entice people to come to those Islands. Of

course, I am talking about infrastructural development. For example, in Little Cayman the electricity is now there, roads are improving and it is on the go; there is no question about it. One of the things that I know in the Brac that can help the situation right now is, at least for the police and the marine enforcement person and also for fishermen (and there are quite a few who do it for a livelihood). That is the creation of a proper ramp in the Creek area.

To my great surprise, two weeks ago when I was on the Brac with the Honourable Administrative Secretary, I saw a new ramp that had been built on the south side. For the life of me, I could not understand why that was built in preference to fixing the one in the Creek area. For, surely, the Police Station is right across and the police boat is there, the marine enforcement boat is there and they could simply push those boats off from one side and just let them roll, and they would roll straight down into the place that is designated as the Barcadere. I wonder who gave the authority to take money (which I was not aware was earmarked for such a ramp) to do it over on the south side, while they leave the one in the Creek area unattended and untouched. That area can serve more purposes than one because the ironshore right next to the slip, from there right down to the western end of the Creek Cemetery, is owned by Government. If Government would simply fill it and give it a reasonable surface or do a cement surface little by little, it would provide parking for the public when there are funerals. There is no parking now and cars park on the road. It would also provide an area where young people could play. I would like to see that developed. So far, it has been ignored and I wonder where the authority come from to ignore it or to give the priority to the one on the south side.

One gets the impression, in this House, in the newspaper, and from the Government Information Services, that what Grand Cayman gets Cayman Brac gets too. I am talking about the radio system. The 'fantabulous' system that has recently been put here in these Islands which answers all calls, figuratively and otherwise - all that the police would need, all that the medical people would need, all that anyone would need. It is absolutely not true that there is a system in place which allows calls going to the Police Station in Cayman Brac to be transmitted to police in the field. It is not true. It does not exist.

It is not true that the District Officer in Little Cayman has one of those sets where he can communicate back with Cayman Brac, and telephone and so on; it is not true. It is not true that the police out in the field, unless it is the officer in charge who he has one of those radios that he can telephone from. It was said that the approximately $3 million deal was providing all of these things. I wonder where the truth lies? When will we hear it? When will the situation be corrected?

There is another area in respect of Cayman Brac. I have been informed officially of it, and I see and realise that this will happen. Some workers in the Public Works Department have reached the end of their service by age and grounds of health and so on and some others wish to leave. But there is just one point that I think needs to be borne in mind: When the Government is acting with respect to any staff on Cayman Brac and Little Cayman they must remember that the population is limited, and that it could not be reasonable, to lay-off or terminate older men or women who are working and who can work and are willing to work, if the Government will have to resort to persons on work permits to do that work. To me it is a wiser thing to allow them to go on further so that they would have the opportunity of earning and staying employed.

MADAM SPEAKER: Would this be a convenient time for you take a break?

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

MADAM SPEAKER: I will suspend proceedings for 15 minutes.

AT 3:16 P.M. PROCEEDINGS SUSPENDED

PROCEEDINGS RESUMED AT 3:35 P.M.

MADAM SPEAKER: Proceedings are resumed. The Second Elected Member for Cayman Brac and Little Cayman continuing the debate on the Throne Speech.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker. There are just a few other points I would like to raise under matters relating to Cayman Brac and Little Cayman. One of these points is the question of roads.

There is some roadwork ongoing on the road on the bluff coming from north to south, and it is expected to be completed in another two or three months. There is one road that I would like Government to give attention to, and that is the road leading to the lighthouse. Could the eastern-most part of the bluff be improved? I make that request because it is very much an attraction to the visitors to the Island and it is extremely bumpy, with loose rocks, with the bush closing in on it. I am not suggesting going in, even necessarily at this point in time to any sort of oil surfacing, but some good compacted rock I believe could help the situation similar to what is in place in Little Cayman. There is also the opportunity of doing more work on the many caves on the face of the bluff, which creates an attraction for visitors.

On the conservation side, I have brought to the attention of the District Commissioner's Office a year ago that I have been informed that on the south side near to what is presently the garbage dump, there is a hole called the 'Shrimp Hole', in which there are shrimp which feed from the ocean inland. It is under threat of being submerged in the dumping process. If, indeed, there is that strong a belief in conservation, as I often hear in this Chamber and read in the papers and hear from Official Releases, then something ought to be done to make certain that that very unique place is not destroyed; indeed, it could be developed.

From the time that I was in the Civil Service, when the question

of land ownership and property ownership stemming from the Cadastral Survey was in vogue. I heard that a decision had been taken by Executive Council that the face of the bluff would be considered Crown Land. I would like to believe that can be definitively set down for all and sundry, to know and that with the assistance of the proper authority in the Portfolio responsible and the surveyors. It should be easy enough to demarcate where that face of the bluff begins from earth level upwards.

It is important because there has been an ongoing situation between a constituent and Government that this has come up time and again. For anyone who does not know, there are rocky areas down at the foot of the bluff and it is my understanding, from looking at the maps, that where this rocky area begins is considered the face of the bluff. But I believe for the sake of proper management, good sense and practicality, that it should be defined and clearly understood so that all may know.

Lastly, I would like to mention two matters which relate to the Island of Little Cayman. One is that the fire officers who have been stationed there for a few years now and who carry out the work of agents for Cayman Airways and fill in with a lot of things related to Civil Aviation, the fire service and the incoming flights to that Island, need some reasonable and decent place for accommodation. They have been moving from place to place, and it is my opinion that this is unsatisfactory, and Government should look to this as early as possible. The other is the matter of the grass strip on which the plane lands. I dare say that would be a matter related to the Civil Aviation Department. I believe that it is possible to get a grass cutter that could do the job because it is unreasonable to expect the District Officer to cut those thousands of feet with a hand pushed grass cutter. Again, I think it is fortunate that the Government has that individual in its employ because there are certainly others who would not worry about how high the grass grew or whether it was removed. I think that is something which the Civil Aviation Department should look into immediately because it is a problem.

On the matter of broadcasting and Radio Cayman, all I wish to say is that Radio Cayman is perhaps taken for granted by many people. I know of no other better means in this country than Radio Cayman for providing information in the Cayman Islands. It has proven itself during two recent hurricanes and I believe that in the hustle and bustle of daily life that Radio Cayman is the easiest means of communicating with the public. Most people own cars and as they get into them the radio is on and they can hear a broadcast coming to work, going home for lunch or whatever. I think the very important role that it plays needs to be appreciated. I would like to know, however, that thought is being given to using it to inform the public more in areas such as rights and freedoms, medical services, social obligations, call-in shows, information and family planning, etcetera. There is a lot of air time used for programmes in which the content could be changed to be used more for valuable information to the public. Entertainment it must have, but I hope that some thought will be given to bringing in programmes for greater public information.

Perhaps it is time to look at staff, if there are any understudies for the various jobs in the radio station and who is training for what and who is understudying whom.

The Governor mentioned in the Throne Speech the matter of television. I do not know how accurate it is, but I have heard that the second floor that has been recently put on is for a television station. Whose I do not know, but all that I would say, as briefly as the Governor did in his Throne Speech, is that I do not believe it would be in the best interest of the country, either for Government to wholly or solely operate a television station or for the public to do so. I believe a joint venture for this country would be the best deal where Government and the private sector jointly own a television station.

The Civil Service is the machine that carries Government on into perpetuity. Without it there could not be Government; or not Government as we know it. Whether it is functioning properly or not, has a direct bearing on how well Government performs. Our Civil Service is large, relative to the size of the country, and I have felt, from the time that I was a civil servant years ago, that there was duplication of effort in many areas. It should be corrected, because it would be a savings in terms of money and manpower. Also, if the jobs were fuller, it could mean more job satisfaction for persons performing their duties in a full and complete manner.

I trust that with the Organisation and Management Division that has been set up recently, the Government will be looking seriously at writing job descriptions for every single job in the Service. It is small enough to do so, and it is necessary that there is proper evaluation of the jobs to see that they attract the right money with the jobs classified in a manner which is appropriate.

In recent times I have heard various complaints and statements from the Political Directorate of the day, that cooperation from the Civil Service machine is not as desirable as it should be. I cannot speak for either side because I am not within the day-to-day workings of it. But I would say that the Civil Service, in my opinion, can be equated to a motorcar. One hopes that it is a perfectly tuned with a humming engine and a good shiny exterior, thus the machine is able to carry you to do the job. Whichever Government, or whoever may be in power, is the driver. As with the motor car, the driver handles the car and the car drives. The motor car does not necessarily breakdown because the drivers change. Perhaps if that analogy is considered applicable, and both parties, the Political Directorate and the Civil Service, are thought of it in that manner there should be no friction about the machine serving the driver of the day. Training in the Civil Service is always desirable, and I believe that any realistic training would bear out that particular point.

Lastly, I think contrary to what the Governor said, that we cannot expect rapid localisation, I say that we must expect rapid localisation, as rapid as is humanly possible.

In tourism, I note that still there is the highest percentage of visitors from the United States. I subscribe to mixing the pot if it if possible, but I think that one must realistically weigh the expenditure against the numbers that the expenditure is attracting. We certainly should be able to see that we are within a very short distance of the United States, on which we depend for many goods and services, and that our largest tourism arrivals are from there. Thus there are still millions of people in that country who could visit ours and we should project our effort there to attract those persons that we are not now reaching. We should

not rule out Canada, although the American market is the one that is the biggest and has taken over, we should not forget that it was Canada and Canadian visitors who really started the movement of tourism as we know it now. I need not say that the United Kingdom and Europe and Japan are a little bit farther away from us than the United States.

The additional airlines here, while they give competition to Cayman Airways, they certainly bring visitors to these Islands and they certainly advertise these Islands as well.

I feel it is necessary to have standards of service set in this country, not least among the standards or the considerations in tourism is cost. Again, I believe we should look carefully at the costs that are being charged the visitors, both in accommodations and food and beverage services. I again raise the point that I believe with the three year moratorium on hotels on the Seven Mile Beach (which allows the outer districts to become more attractive) that Cayman Brac and Little Cayman should be advertised in every single newspaper or magazine or television that the Department of Tourism advertises in.

It is interesting to note the increase in airport fares. I, for one, trust that they are not reaching levels which will have negative effects on the airlines travelling here, because we most surely would not wish to do that. With the increased charges I hope we have in place quick, accurate, useful and informative services to the airlines going along with it.

For the Civil Aviation, the Airport Authority, I am glad to know at long last that there is a baggage carousel at the Gerrard Smith Airport in Cayman Brac. Heaven knows I have talked about it enough in this Legislative Assembly.

I am quite impressed with the stricter security that I see at the airport and I think that these are the times when such make a lot of sense.

For Cayman Airways itself, time has proven that those persons, the Government and the Managing Directors of Cayman Airways who wanted to sell the jets owned prior to this to get the ones we have, that they have bitten into an apple and have taken so large a chunk that it is hard for us now to financially swallow it. In the face of cutbacks in international airlines in the world and conditions which make people fearful of flying, have mitigated against the situation where we are paying three times the lease cost as before, even though there are those who say that the fuel saving factor is so great that it was still a good move.

What I cannot comprehend is how, in the face of all of this, the people involved with Cayman Airways can be talking about getting another airline that is going to put Cayman Airways paying approximately $1 million per month to operate on leases alone. That is like a person having a $50,000 loan from the bank and having to pay $700 per month and not being able to pay it. The solution is to get $50,000 more where he owes the bank $100,000 and paying $14,000 and expecting it to be easier. I fear for the airline, I fear for the country and I fear for the type of wisdom that makes those moves. I hope that the study on Cayman Airways will soon come about because I think it is very necessary indeed.

The Labour situation is one for concern. On Friday evening I spoke with someone who apparently had been listening to questions in the House about the labour situation. The individual gave me certain information about a property on the Seven Mile Beach where it would appear that the termination of an employee was more an excuse to remove that person from the job, rather than the excuse of lack of funds to pay, or not having enough business to support his continued employment.

I have had complaints from at least two other areas as well, and it is something which I think needs to be looked into. The Member responsible for Labour gave an undertaking that he would have the Labour Office look into this, but it is something of great concern. Also of concern is what the Governor said in the Throne Speech about 208 people who are registered and seeking work. However, requests from the employers were much below this level. Yet we are supposed to have over-employment. So, I think that there is something wrong within the labour market in the Cayman Islands. Certainly, I, for one, would never support any move where if there must be cutbacks or layoffs, that the properties start with the indigenous people and keep on those who are on contract. That cannot set well in my mind at all, because that does not set well in any country that has any concerns for its nationals.

The First Elected Member for Bodden Town covered the topic of Education quite comprehensively. All that I wish to say is that I think the Portfolio of Education is ill-advised to not release the study which they have at this time and let the public read it and come up with ideas or become aware of some of their findings. However, they have chosen to release it along with what has been termed an Education Plan. We surely need a plan, I trust that in that Plan will be some recommendations which have been made in this study.

The Community College is an ongoing project, costing lots of money. I thought that if the Member knew that one block of classrooms was being used he would have thought to ask how many people were in that particular section. It may have been one which would not be very productive at all; but, indeed, very expensive. This is a field which most competently has been handled by my colleague on the Backbench and I shall not comment further on that.

On the matter of health, the Member for Health has outlined to a great extent the various things which he envisages and which he intends to work toward. I come back to the position that I took on it, which I continue to take, that is one of money. Where do we get the money to do it? If we get the money to do it, how do we repay it? Can we possibly charge prices for medical services to the extent that we can let the hospital pay for itself? I doubt it seriously, and I will have to be convinced that it is workable. I dare say that time will tell.

A National Health Scheme seems to make a lot of sense. I hope that the Member would not attempt to impose one snatched from any particular place and believe that it can work here, because it does not necessarily happen that way. However, I do believe some type of health insurance in this country is necessary because there are ever-mounting costs.

For Communications and Works, as noted by the Second Elected Member for Bodden Town, this is the age of the post offices. There are post offices, central post offices, sub-post offices in Seven Mile Beach, sub-post offices in West Bay, sub-post offices in North Side. It looks to me that the one given priority is the sub-post office in North Side. I do not quite follow that, Madam Speaker, as North Side is a district with a reducing population having just a few hundred people. I cannot see the purpose of that, except, perhaps it will have a particular look for 1992.

Planning is a very important area in this country, and it is as important here in Grand Cayman as it is in Cayman Brac, and vice versa. There has been a lot of criticism, I know in Cayman Brac, about the recently appointed Board. The Member has indicated to me that he is thinking of making certain changes, which, if they do come about as mentioned, it would help the situation some. However, I think there is a role to be played by the Planning Department, both here and in Cayman Brac. How well service is given to the public is the question, and I think that the members of the Planning Board and the directives to the Planning Board should be such that the people sitting on it would be aware that their job is not to make life as hard as they can for the investor or for the individual, or that the individual must go on their knees begging them for some special privilege or favour. There is a procedure to be followed, and where the request or application is reasonable, it should be approved.

The Public Works: I think the Member knows that there needs to be some fine tuning done there. Indeed, he has quite a task on his hands, as questions are often put asking about the work or the performance or what is to be done by that Department. The answers normally do not reflect good work performance, or at least it is said that it is the fault of that Department. If that Department is having difficulties with staffing, expertise or whatever, then it ought to be corrected and corrected fast. It is a service department and it is most necessary to the well-being of the Government of this country. Never before have there been more technically qualified people in there; never before have there been larger amounts of money assigned for its expenditure. The Member ought to see that some rectification is made.

On the Water Authority: I think that water should be made available to all of this island. Indeed, with the venture that is going in Cayman Brac, consideration for piped water to parts of that island other than just on the West end should be given. Surely, the more people who use water, the more money will be made. Eventually, although Government may have to subsidise, if we as a country are able to have clean potable water, the volume of usage should offset the cost, given enough time. If we are to wait until each 100 feet or 1,000 feet of piped water can pay for itself, we may miss the opportunity to provide a good service for our people.

Madam Speaker, I come the to the matter of the Constitutional Review. As noted by the Governor in the Throne Speech, the Caymanian people are not afraid of looking at Constitutional issues. I did not believe that they would be afraid of it either. The fear, as best I can understand it, seems to have been going on over decades in the hearts of the Elected Representatives of the people, who, in some instances deliberately have spread false information about what the Constitution is and what will happen if you amend anything in it. That has come right down to the present time when there are still political figures in this country that would misinform the public. I think that is a great tragedy, Madam Speaker, and it is one of which I am no part.

The Constitutional Commissioners have come to this country and they have taken various recommendations both in writing and verbally. While there may have been elected representatives of the people hesitant to voice their opinions, there has been many instances of the public doing so. I, for one, do not take the position and it is proper that I should clear that issue up, I think, because I am involved in this process more than just as a Member of this House at this time. I was the one who fought considerable odds to get a Select Committee of all Members of this House formed, and all Members know what I am talking about there, where we could all sit together and look at this.

In September it was not passed, and I believe the Government would have preferred it not to be. The Foreign and Commonwealth Office wrote a letter to the Governor which was circulated to all Members where they favoured a Select Committee of all Members. In November it passed unanimously. I played my part, as I believe that I should, and Members will also know that at no point in the proceedings did I deal with anyone in bad faith because it was my opinion we were all in it together. Members will know who was foreseeing such a Select Committee and who was not and what reasons were given.

I have said in three separate meetings in this country that I do not consider the Constitutional Review, the Constitutional Review of the Member for Education. I do not grant the Member of Education that because the Constitutional Review is the Constitutional Review of every man, women and child in the Cayman Islands. The fact that he brought the motion that brought it about, is history. At that time I protested against it because I thought it was unorthodox and it should not have been done in the way it was, but it was passed by this Honourable House. Therefore, in my opinion, my role became one that I should do everything possible to inform the public to look at the matter of the Constitution objectively. I believe it is wrong for me or for anyone to believe that one can write a Constitution to guarantee anyone's re-election, or that something should not be, simply because I or someone else has a hang-up about it.

Moreover, it has just begun, so it is very pertinent that the matter should be raised by the Governor as it was. During the process of this and during the time I have been in this House, I have been called some strange things and termed part of "Collective Irresponsibility", and "Collective Guilt", and a lot of 'collective' things. I accept that because that is part of the game. That is part of the way things are. However, there are points that arise which, in my opinion, need clarification.

For instance, I think it is necessary for me to refer to an article in *The New Caymanian* for the week of 15-21 February, 1991, and the *Caymanian Compass* of Tuesday 19 February, in which the Third Elected Member for George Town put forward views on certain matters related to the Constitution.

This is quite in order, I find nothing wrong with that at all. But something that grabbed my attention, and which I think is unfortunate, is that it suggested that the country or if the Constitutions did produce Ministers and a Chief Minister System, that that individual would fall into a world of corruption. I can but speak for myself, to say that such is not reflected on me. I do not believe that it is reflected accurately on this House, and it is unfortunate that this should arise as it did.

I believe that if there are Members of the House who do not wish to see the Constitution altered in jot or tittle, then it is right to state it. Or if there are those who wish to see it changed in a certain way, that should also be stated. But I think to suggest that if we move to what would appear to me to be the natural progression of catching up with all the other territories in this respect, it suggests a very unfortunate state of affairs that a Chief Minister would mean the corrupting of the Governmental system. I do not think that is the case in other territories, and I do not believe that is the case in the Cayman Islands, should that come about. Certainly, for me it has no application.

The next step, of course, in this process is that the report will come back to the Governor and to this Legislature. The Select Committee will be able to hear as many witnesses as might wish to come before it taking as many views as there may be; and eventually arrive at a recommendation which will be put to this House which will be debated and will then go to the United Kingdom Government. I will endeavour, as far as is humanly and objectively as possible, to look at all of the conditions as they truly exist and to inform the public in that manner. Whatever may result, should I be around to participate, I shall do so fearlessly and without any belief that our changing or amending the Constitution in any way spells our doom.

I take it, Madam Speaker, that attitudes or beliefs in the political arena are what has stopped this Legislature from having a Speaker for 20 years, making your appointment such a very important one, putting such a very onerous task on you - one which I believe you will handle without question.

On the matter of the Speaker, it is my understanding that the position is part-time and I have never heard of such a thing before and I do not think that really exists. It is something which I hope the Commissioners have taken note of, and that they will have some recommendations on that when their report does come back.

Having said that, I am very glad to be a Member of this Legislative Assembly, in these very dynamic and changing times. I believe that the more we understand and accept the fullness and significance of the political economy, as I call it, the better it will be for our country in maintaining the stability which it has, continuing our financial welfare as it is and realise that time moves on and change is ever with us.

Madam Speaker, I thank you.

MADAM SPEAKER: We still have five minutes left before the hour of interruption. The Honourable Member for Works and Communications

HON. LINFORD A. PIERSON: I was saying, Madam Speaker, I would speak now if you would wish me to continue at this point.

MADAM SPEAKER: If you would like to, sure. Please go ahead. Honourable Member for Communications and Works.

HON. LINFORD A. PIERSON: Madam Speaker, I know we are not meeting tomorrow, and there is very little that I will have to say within the three minutes. I do not know if you would wish to adjourn at this point? There is only three minutes to go, really.

MADAM SPEAKER: Actually, my clock says four minutes. *(Laughter)*

HON. LINFORD A. PIERSON: Thank you, Madam Speaker.

I take this opportunity to congratulate His Excellency the Governor for his presentation of a very comprehensive and optimistic Throne Speech. This especially is welcomed when most countries are forecasting gloom and doom as a result of the Gulf War and world recession. These two factors, Madam Speaker, are creating havoc with world economies and certainly the effects are being felt here in the Cayman Islands.

Much has already been said about the effects of the world recession and Gulf War on the economy of these islands. Some views have been quite rational while others have bordered on mere political rhetoric intent on making the Government look bad. However, I am satisfied that we have an alert listening public which is capable of assessing the current situation and reaching their own reasoned conclusions.

Certain previous speakers attempted to lay the blame for the slow-down in our economy on the increase in fuel prices, etcetera, resulting from Government revenue measures last year. The sad part about such statements is that some members of the listening public might believe them, even though those speakers themselves know better. It is, therefore, amazing what is sometimes said and done in the name of politics.

As a group of islands directly influenced by the economic vagaries of the United States, in particular, the recessionary effects being felt in these islands are a normal and unavoidable consequence. As most of us know, the economic recession in the United States manifested itself somewhere around the third quarter of 1990, having experience two successive quarters of negative economic growth in the gross national product.

MOMENT OF INTERRUPTION - 4:30 P.M.
STANDING ORDER 10(2)

MADAM SPEAKER: It is 4:30, Honourable Member.

HON. LINFORD A. PIERSON: Thank you, Madam Speaker.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, as is customary, Tuesday is the day that Members have agreed that the Executive Council may take for its business, so I move the Adjournment of this Honourable House until 10:00 o'clock Wednesday morning.

MADAM SPEAKER: The question is that this Honourable House do now adjourn until 10 o'clock Wednesday morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

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

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM WEDNESDAY 27 FEBRUARY 1991.

WEDNESDAY
27TH FEBRUARY 1991
10:01 A.M.

MADAM SPEAKER: Prayers by the Elected Member for East End.

PRAYERS

MR. 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, the 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, Amen.

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.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Presentation of Papers and Reports by the Honourable Elected Member for Education. I see the Member is not here, we could defer this unless...

HON. D. EZZARD MILLER: Madam Speaker, could we defer that item of business until tomorrow's Order paper, please?

PRESENTATION OF PAPERS AND REPORTS
(DEFERRED)

MADAM SPEAKER: Yes, I was suggesting that this can be deferred. We move on to Questions to Honourable Members. Question No. 64 is standing in the name of the Third Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS

THE THIRD MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 64: Would the Honourable Member say if there is a shortage of linen and toiletries at the Government hospital?

ANSWER: There is no shortage of linens, or housekeeping supplies at the George Town Hospital.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries, the Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member would say if he has had any complaints from patients that have experienced going to the hospital and not having things like towels, wash cloths and soap available to them upon admission?

HON. D. EZZARD MILLER: Neither I or the Portfolio directly have received any such complaints.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member could tell us on what basis

are such supplies replenished?

HON. D. EZZARD MILLER: Madam Speaker, eight sheets per bed is the recommended level for hospitals in the international market. The George Town Hospital has 60 beds and it maintains 12 sheets per bed. On 14 February 1991, the inventory for that date revealed that there were 728 sheets in active circulation - an average of 12 sheets per bed. There are 1,241 sheets, 946 pillow cases, 157 pillows, 153 blankets, 685 patient gowns, 1,069 bath towels, 373 wash cloths, 61 bath mats in storage. In addition there are 1,700 disposable sheets and 3,200 disposable pillow cases maintained for emergency situations.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I know the items listed sound like they have come from an inventory, but would the Member say when the last complete inventory was done?

HON. D. EZZARD MILLER: On 14 February 1991.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Taking into consideration the information that the Member has just made available, I wonder if the Member could say in his words then, why a patient would show up at the hospital and experience difficulties in getting basic things as wash cloths, towels and soap upon admission?

HON. D. EZZARD MILLER: Madam Speaker, there is absolutely no reason or excuse for that to happen to any patient. If that happens it is simply the fault of an employee on line duty at the hospital at the time.

MADAM SPEAKER: First Elected Member for Bodden Town. The First Elected Member for Bodden Town caught my eye first.

MR. ROY BODDEN: I will give way, Madam Speaker, if the Member wishes I will wait my turn.

MADAM SPEAKER: Please proceed, either First for Bodden Town or the Third for George Town.

MR. ROY BODDEN: I would like to ask the Honourable Member, of the items listed, roughly what percentage, I do not need an itemised list, is in use as against what percentage is in storage? Also, if the inventory is done on an annual basis, what percentage does he reckon has to be replaced at the end of each year?

HON. D. EZZARD MILLER: They are not replaced on an annual basis. Whenever things become damaged or stained beyond continued usage, that level of inventory of 12 per bed of all of the linens is maintained and re-ordered, probably on a quarterly basis. As I said earlier, presently there are 728 sheets in active circulation as opposed to 1,200 in storage, so that is a little bit more than 50 per cent. I did not give the complete inventory of the linen supplies, I have it if Members would wish to have it.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Honourable Member say on average what percentage of those sheets are soiled and what percentage are cleaned and what is the rate of washing and cleaning of these?

HON. D. EZZARD MILLER: I could not give a percentage as such, Madam Speaker, only to say that there are different standards to which rooms are cleaned. If the room is empty, it is cleaned in a prescribed fashion because if the room is empty and linen was put into it the day before, the linen is not changed on a daily basis in an empty, clean room. In a room that is occupied by a patient, the linen is changed on a daily basis. All rooms are cleaned at discharge and all linen is changed at that time. Washing is on a daily basis, we have a laundry that operates daily.

MADAM SPEAKER: Question No. 65, standing in the name of the Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND AGRICULTURE

NO. 65: Would the Honourable Member say when will the Traffic Law be amended as resolved by Private Member's Motion No. 16/89 to enable the police to issue speeding tickets?

ANSWER: A Bill for a Law to repeal and replace the existing Traffic Law is scheduled for presentation to the

Legislative Assembly at the June 1991 Meeting.

Private Member's Motion No. 16/89, to enable the police to issue speeding tickets, was addressed by the Traffic Law Committee and is included in section 79 of the draft Bill.

HON. LINFORD A. PIERSON: Madam speaker, just for information of the House, I would like to read the section of the Revised Bill that deals with that.

> "Section 79. (1) When an offence appears to have been committed contrary to section 78 above or subsection (1) of section 77, a uniformed constable may serve upon the alleged offender a traffic ticket in the form prescribed and, if the offender desires to plead guilty to the offence alleged, he may produce such ticket to the Clerk of the Court at the place, and on or before the date and time therein prescribed, not being more than twenty-eight days from the service of the said ticket, (which period shall be referred to in this Part as the "suspended period of enforcement") and may pay the prescribed fine into court; but if the alleged offender desires to plead not guilty to the offence alleged or to request the court to mitigate the prescribed fine, the said ticket shall operate as a summons to the alleged offender to appear before the court at the date and time therein prescribed so that, in default of payment of the prescribed fine or so making appearance before the court, the alleged offender shall be liable to be arrested and brought before the court and there charged with the offence alleged.".

SUPPLEMENTARIES

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Supplementary, Madam Speaker.
The Member mentioned in his answer that the Traffic Law Committee is responsible for revising the Traffic Law. I wonder if the Member could say how far they have gotten with regard to this process?

HON. LINFORD A. PIERSON: Madam Speaker, we have reached the final stages of the Revision of the Law and the next step will be to put the Law out for public input and information and hopefully, I will be able to present that Bill at the June sitting of this House.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Honourable Member say how long the Traffic Law has been under study by the Committee and also would he, if knows the names of the people on the Committee, perhaps let us know them?

HON. LINFORD A. PIERSON: In answer to section 1 or (a) of the question, the Traffic Law Committee was appointed by myself in 1989 to study the Traffic Law. But I would say, Madam Speaker, that this Law has been, now, on and off of the agenda for study for 10 years. So it is only since 1989 that something has been done about that.

In answer to the second part of the question as to the composition of the Committee, it is Chaired by a former Crown Council, Mrs. Shawn Jennings, and the following members comprise the Committee: The Assistant Secretary for Communication Works and Agriculture; the Executive Engineer Roads P.W.D.; the Director of Planning; the Manager of Central Funding Scheme; the Chief Superintendent, Mr. Neville Smith; Chief Inspector of Traffic, Mr. Hilary Ford; Sergeant Donald Young.

MADAM SPEAKER: We will proceed to the next question No. 66, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 66: Can the Honourable Member say whether Government has any contracts with International Healthcare Corporation or whether there are plans to enter into any new contractual agreements with that Corporation?

ANSWER: No, Government has no new contracts with International Healthcare Corporation (IHC). In accordance with the recommendations accepted in the Health Plan, Government will be putting various projects to tender over the coming years. Should International Healthcare Corporation choose to bid for any or all of these projects, their tender will be considered by the appropriate Tender Committee.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, from the answer, can I assume then that IHC will be allowed to bid for works that they have proposed to Government and have knowledge about?

HON. D. EZZARD MILLER: Yes, Madam Speaker, if they choose to respond to the advertisements, they will be allowed to bid.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, would the Honourable Member say whether it is not normally the fact that where experts or consultants are involved with a study and preparation of facts for contracts, that they normally are not allowed to deal with the building and the practical side of it?

HON. D. EZZARD MILLER: No, Madam Speaker, that is not normal because if you allow the people who recommend something to you to bid on it, then anything that they recommend they have to make sure that it will work, in case they get the opportunity to build it.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Is it not a fact that they are at a greater advantage and it puts other bidders at a greater disadvantage in a bid?

HON. D. EZZARD MILLER: Not necessarily, Madam Speaker. That depends entirely on the project.

MADAM SPEAKER: We shall proceed to the next question, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 67: Can the Honourable Member say how many doctors are on the staff at the George Town Hospital?

ANSWER: There are 23 doctors on the staff of the George Town Hospital.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member would give us some idea as to how the 23 doctors are rostered?

HON. D. EZZARD MILLER: All of those details were given in answer to previous questions and are a matter of public record and Members should have copies of the answers. I do not have my answers here or I would repeat it.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether this is an adequate amount of doctors for the hospital?

HON. D. EZZARD MILLER: In my opinion, yes.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member give the House a break-down of the nationalities of those doctors?

HON. D. EZZARD MILLER: No, Madam Speaker, I do not have that information here.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: Can the Honourable Member then inform us how many are Caymanians?

HON. D. EZZARD MILLER: To the best of my recollection two doctors are Caymanians. I am assuming that he is using the locally accepted definition of Caymanian, either you are born Caymanian or born

of Caymanian parents, because there are a number of doctors who have been given status.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, may I ask the Member if any of these doctors are employed as part-time workers or are they all full-time? Also, are there any part-time workers in addition to the 23?

HON. D. EZZARD MILLER: These 23 doctors are all full-time, Madam Speaker. The only time any part-time doctors come into play, which was also answered in an earlier session, is when locums are hired to cover one of these doctors on leave, or in order to give them a weekend off from their normal seven-days per week, 24-hours per day call out. In answer to the question by the Third Elected Member for West Bay, to the best of my recollection, those 23 doctors are made up of one Chief Medical Officer, one Medical Officer of Health, one District Officer, two Dental Officers, seven Casualty Officers, eight Specialists or Consultants and three Registrars.

MADAM SPEAKER: First Elected Member for Bodden Town.

MR. ROY BODDEN: I wonder if the Honourable Member can say what plans if any, does the Portfolio have for improving the percentage of Caymanian doctors in the hospital staff?

HON. D. EZZARD MILLER: We have the Departmental programme for job experience and encourage people to go off to do medicine. But, Madam Speaker, there are not a whole pile of Caymanians qualified as doctors that we can recruit to replace these people.

MADAM SPEAKER: The next question is No. 68, standing in the name of the First Elected Member for West Bay.

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

NO. 68: Can the Honourable Member give details of leave of absence of doctors during the past two years, indicating whether such leave was paid or unpaid leave?

ANSWER: As with other Civil Servants, Medical Officers are bound by General Orders in the matter of leave. According to the established formula which takes into account salary and years of service, most Medical Officers at the George Town Hospital are eligible for 25 working days paid leave per annum.

Because of the necessity for 24-hour per day, seven-days per week coverage, specialists, in addition to their normal duty, are subject to being on call at all times, including weekends and public holidays. For this they receive an allowance of $100 per month. When possible, some specialist cover is provided by local practitioners at the Chief Medical Officer's discretion on alternate weekends.

Because of a specific arrangement going back to 1986, one doctor has been permitted to accumulate "on-call" weekends as well as statutory holidays, and add these as extra days to his annual leave of 20 working days. He does not receive the on-call allowance of $100 per month.

The question of leave for Senior Medical Officers/Consultants is being actively pursued by the Chief Medical Officer and the Principal Secretary (Personnel). The advent of the Registrar Cadre has somewhat allayed the situation in some specialities, but it is obvious that neither of the normal practices in the Civil Service, i.e. overtime or time-off in lieu, are workable with respect to doctors. Neither is it always practicable to provide locum cover in order to give doctors very needed relief or uninterrupted time-off.

While the details of these new arrangements are not yet finalised, it is hoped that it will solve the problem of how many hours a doctor must work, and the problem of doctors accumulating compensatory time-off.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. If there are no supplementaries we could now take the presentation of Papers and Reports which was deferred as the Member was not present.

RECOMMITTAL OF PRESENTATION OF PAPERS AND REPORTS

THE ANNUAL REPORT FOR THE NATIONAL TRUST FOR THE CAYMAN ISLANDS FOR THE PERIOD SEPTEMBER 1989 TO OCTOBER 1990.

HON. BENSON O. EBANKS: Madam Speaker, in accordance with section 10(2) of the

National Trust of the Cayman Islands Law 1987, I beg to lay on the Table of the House the Annual Report for the National Trust for the Cayman Islands for the period September 1989 to October 1990.

MADAM SPEAKER: So ordered.

The next order of business, Government Business, Government Motion No. 1/91 to be moved by the Honourable Third Official Member.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 1/91

CINEMATOGRAPHIC AUTHORITY

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to move Government Motion No. 1/91, Cinematographic Authority.

> "WHEREAS under section 2 of the Cinematograph Law, Chapter 18, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly and one member nominated annually by the Governor to carry out the stipulation of the above-cited Law and Rules made thereunder.
>
> BE IT RESOLVED THAT the following Elected Members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year as from the effective 1 January 1991.
>
> Hon. W. Norman Bodden, OBE, JP
> Hon. Linford A. Pierson, JP
> Mr. W. McKeeva Bush.".

MADAM SPEAKER: The question is that Government Motion No. 1/91, with the nomination of Elected Members to the Cinematographic Authority for the period 1 January, 1991, be passed. The motion is open for debate.

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, as long as I have been a Member of the House I have been a serving member of the Cinematographic Authority. I am willing, again, as I indicated to the Member, to serve. I am wondering whether it is appropriate for the other two Members of Council to be on the Authority? It seems that Council is quite busy. We have a number of other committees and we have had a problem before, due to the fact that they have been involved in other meetings. We had problems where we could not get a quorum. I have found myself in that position as well, so it is not a reflection of their not wanting to be on the Authority or side-stepping their duties, but that they are so busy. I wonder whether they will not accept another two Members from this side of the House to be on this Authority? As I said, I am quite willing as I have served and I will serve again.

MADAM SPEAKER: Honourable Member for Tourism.

HON. W. NORMAN BODDEN: Madam Speaker, I have noted the contribution made by the First Elected Member for West Bay. When the Third Official Member asked if I would serve on this Board, I certainly agreed. I feel that I have a very good attendance record in this House, as well as in all committees on which I agree to serve. I do not feel very strongly either way, but I would make the point that it is my understanding that this Board meets very infrequently and therefore, as being proposed by the Third Official Member for Government, I have agreed to serve and I am still available to serve on the Board.

Thank you.

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

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. GOVERNMENT MOTION NO. 1/91 PASSED.

MADAM SPEAKER: We will continue with the debate on the Throne Speech, the Honourable Elected Member for Communication Works and Agriculture.

DEBATE ON THE THRONE SPEECH DELIVERED BY

HIS EXCELLENCY MR. ALAN J. SCOTT, CVO, CBE

(Continuation of debate thereon)

HON. LINFORD A. PIERSON: Madam Speaker, when I commenced my debate on Monday, I had only five minutes available to me before the adjournment. As the House does not now sit on Tuesdays, today is the first available opportunity for me to continue. I had basically, in the five minutes available to me on Monday, covered my congratulatory remarks to His Excellency the Governor on what I felt was a most comprehensive and optimistic Throne Speech, and had commented briefly on the effects of the world recession and the Gulf War on world economies including the Cayman Islands.

It was, however, gratifying to hear a recent optimistic prediction on the recession given by a spokesman from the United States Department of Commerce in this morning's news, which comes on the heel of the Iraqi withdrawal of its troops from Kuwait. This spokesman predicts that there may be positive signs of recovery in the economy as early as the second quarter of this year.

Madam Speaker, as a group of Islands directly influenced by the economic vagaries of the United States in particular, the recessionary effects being felt in these Islands are a normal and unavoidable consequence. As most of us know, the economic recession in the United States manifested itself somewhere around the third quarter of 1990, having experienced two successive quarters of negative economic growth in its gross national product.

As if the recession was not bad enough, the invasion of Kuwait by Saddam Hussein and subsequent Gulf War had the effect of pushing the price of oil from around $20 per barrel to around $41 per barrel, by October 1990. It was predicted at that time that the war would have pushed prices as high as $70 per barrel. Had it not been for the action taken by the U.S. Department of Energy, which oversees that nation's petroleum reserves (together with 20 other members of the International Energy Agency) to open up their strategic petroleum reserves, we could be today paying three times the price per gallon of gas at the gas stations. Also, the price of electricity, etcetera, would increase significantly. But, hopefully now that the price of oil is back down to a much lower rate, something like $20 per barrel, I hope that our local electrical utility, CUC, will reflect this reduction in their billings to the public. It would certainly be unfortunate if these savings are not passed on to consumers.

On the 11 July 1990, my Portfolio was advised of an increase in fuel prices. On 16 August following the invasion of Kuwait by Iraq, prices again jumped. On 1 October we were again advised of an increase in fuel prices. But, on 12 December, 17 January, and 25 February, there have been reductions in the prices of fuel. This is particularly the reason why I feel very strongly that CUC must without delay, or as soon as possible, reflect these reductions in the prices of their electrical bills. I have a cutting here from the Miami Herald of Friday 22 February 1991, which reads: "The Florida Power and Light Plant gets go ahead to reduce customer rates by 5 per cent.". The article continues to say that this is as a result of the reduction on world markets of oil. So, there is no reason why we should not see a significant reduction in the price of oil at this point in time.

In the same way that CUC made a big headline of the reasons for the increase in fuel and blamed Government, I trust that they will give the same amount of space in the papers for the reduction, that should be now forthcoming from that company. I spoke only yesterday to them on this and they have promised to print a release on this. The copy that I have been faxed, as far as I am concerned, is not satisfactory. It is, therefore, quite evident the adverse effect that the recession and Gulf War has had on our economy and for anyone to down play this, would reflect a lack of understanding of world events and suggests a level of mischievousness.

During the debate of the 1991 Budget, Government came in for heavy criticism from the Opposition for what they described as an extravagant Budget. I am not knocking criticism because this is all a part of our democratic process. They said that the already heavily trimmed Capital Budget should have been even more drastically cut. I am happy that in Government's wisdom this was left intact, as we would have been laying off a number of workers right and left from Public Works Department and other Governmental bodies, both here and in Cayman Brac and Little Cayman, if this had been done.

Most economists will tell you that as a lender of last resort, Government adopted a sound economic policy by attempting to keep the economy vibrant through its capital and recurrent expenditure programmes during these difficult times. It is not Government's policy to make any of our Caymanians or indeed any other residents within these Islands redundant.

Madam Speaker, in the Throne Speech a certain statement was made by His Excellency the Governor in regards to Cayman Brac and I believe that this was taken completely out of context. I would like to quote from those remarks. It reads:

> "Cayman Brac and Little Cayman have always occupied a special place in the hearts of the community of the Cayman Islands. Successive governments have afforded generous help on capital projects and in the provision of communications both physical and by way of telecommunications. No one, twenty years ago, would have forecast the present level of activity and prosperity of the two Islands. But their economy is perhaps more vulnerable than that of Grand Cayman, and 1991 shows signs of being a difficult year for them. Government will continue to afford due priority, but it would not be realistic to ignore the possibility of employment opportunities reducing on Cayman Brac. [As of course they are doing on Grand Cayman.] Government will do all it can to maintain the level of employment, both by encouraging the private sector and by keeping up the level of Government activities, with a due and prudent eye on the level of public expenditure. There is a difficult balance to strike, here; but I believe that the good sense of the community of all

three Islands will accept that if there is an economic slow-down, then the effects must be reasonably spread across all three Islands; and when there is employment available on Grand Cayman, then if necessary those whose jobs temporarily disappear on Cayman Brac will be prepared temporarily to move to Grand Cayman to find employment.".

My understanding of this section of the Throne Speech suggests to me that His Excellency is basically stating that Caymanians were rallying to the assistance of each other, as has been done in years gone by. I do not think it was as the Second Elected Member for Bodden Town intimated that Cayman Brackers would be expected to close up their homes and move to Grand Cayman in block. This same sentiment was expressed by the Second Elected Member for Cayman Brac. This I do not believe was the meaning of that statement made by the Governor in the Throne Speech. Madam Speaker, if this was indeed Government's intention, we would not be investing in Cayman Brac and Little Cayman as significantly as we have done in the past and are still doing.

In addition to Government's capital works in Cayman Brac and Little Cayman, Government has encouraged the establishment of a potable water supply system in Cayman Brac that will provide a certain amount of labour. Additionally, it is hoped that Texaco will be allowed to establish their fuel facility in Cayman Brac. This will also bring to that Island and to Little Cayman additional labour. I will not go into details on why it was not approved in the first place, but I will say, as far as I am concerned, it was regrettable. Cayman Brac and Little Cayman will continue to receive a share of the economic pie as they have in the past.

As we know, this is the pre-election year and we can all expect to hear a lot more criticism of Government between now and the next election, without very much regard to the substance of much that is said. We will also see a lot of one-upmanship and attempts to out-maneuver each other coming not only from the Opposition, but from both sides of this House. Let us all, however, resolve not to distort the facts in the interests of our own political advancement. I am convinced, however, that we have a wise listening public who are able to distinguish political substance from political rhetoric or fluff. We were elected by our people to give them the very best possible representation and may I exhort my colleagues to let us not fall down on this responsibility and this privilege.

As regards to the actual results of the financial position of Government for the year ended 31 December 1990, I can add very little to the explanation which I gave on this during the debate of the 1991 Budget in November last year. My position regarding the presentation of the financial position of Government has not changed, as that position is consistent with generally accepted accounting principles. I would, however, wish to record my satisfaction with the improvement in the revised surplus position of Government finances at the end of 1990, as compared with the figure shown in the 1991 Budget. As is seen in the Throne Speech, the preliminary revised position for 1990 reflects a surplus balance of $4.3 million. An increase of approximately $3 million over the estimated surplus upon which the Budget Debate was based.

While I am pleased to acknowledge this fine performance, I am not at all surprised because I, like the majority of the public, realise that they have a good Government that has shown prudence and good stewardship since our election in 1988. Also despite repeated attempts of the Opposition, I can assure them that the Elected Members and the Official Members operate by consensus and as a team. There is no way that they are going to separate us no matter how hard they try. As expressed by previous speakers, I too, wish to keep my debate of the Throne Speech on the very highest level, with the realisation that politics is of the moment, that statesmanship, which recognises the long-term national interest, rises higher. It was Adlai Stevenson who said, "A mere politician is a statesman who approached every question with an open mouth, as opposed to an open mind."

It is no secret that despite my very heavy Portfolio responsibilities, my Portfolio has accomplished much since 1988 and I am not going to down play that here. It would not be fair to my staff. I wish to record my sincere appreciation to my hard working Principal Secretary and the dedicated members of my Portfolio, the Departments they are under and for the statutory bodies for which I am responsible. Without them the successes attained so far, would not have been possible. In life much is said about one's failures, but very seldom is anything said about one's successes. This Honourable House is no exception in this respect. We hear a lot said about projects that have not been completed, but very little credit given to accomplishments. But then it would not be good politics in the eyes of the Opposition to give too much credit to a Government in power. This situation is, however, not peculiar to the Cayman Islands political system, but exists under most political systems.

I would at this time wish to comment briefly on some of the accomplishments of my Portfolio since my election to Executive Council in 1988.

It is satisfying to advise that the Motorola Trunking Communications System, which is a state-of-the-art system, was installed in 1990 and completely replaces the old 2-way radio system. Also, this improved technology has been extended to Cayman Brac and Little Cayman.

During the debate made by the Second Elected Member for Cayman Brac, he made certain remarks that it was not true that proper communication would be in effect for the Islands of Cayman Brac and Little Cayman. I notice that he is not in the Chamber, Madam Speaker, but I hope that he will be listening to my reply on this.

Government, together with Motorola, is, in fact, putting in a proper communication system as a part of the telecommunication system, so that the Royal Cayman Islands Police on Cayman Brac can communicate with their base. I will not go into the technical jargon used in this memorandum, but basically to say that the system that he says will not be put into effect, is now being installed. Similarly, the radio link between Cayman Brac and Grand Cayman is also under active consideration.

I now wish to move to another department within my Portfolio -

The Postal Department. One speaker (I think it was the Second Elected Member for Bodden Town) referred to this year as the year of Post Offices. But, in my Portfolio we have designated 1991 as the year of efficiency. Thus, perhaps the reason why a fairly inefficient system which was allowed to exist for many years is at long last being given the proper attention it deserves, is because of this efficiency system that we are putting into effect this year. It must be remembered that our Postal system is one of the vital sectors of our whole communication system and will now be brought up to the required standards. As in the case of the Telecommunication System, we hope to have a state of the art Postal system. Only the best is good enough for our people.

Work on the Seven Mile Beach Post Office is under way. This will be a full service facility and provide an additional 1,500 post boxes. It is planned to have the facility completed and officially opened by June this year. Also, two other Sub-post offices - one in North Side and one in West Bay, that is West Bay proper, will commence construction in 1991.

The new General Post Office has been given top priority, with tenders to be sought shortly for the design of the building. It is hoped that construction of this new General Post Office will commence in early next year with completion scheduled for early 1993.

The Public Works Department (PWD). As stated in the Throne Speech, it is Government's policy for the PWD to reduce its direct involvement in capital construction and to put most of its projects out to contract. It is hoped that 1991 will see a greater attempt made by PWD to contract out work, thus not only improving the efficiency of the Department, but also providing much needed work to the private sector.

The Master Ground Transportation Plan better known as the MGTP, was scrapped by the Opposition Members in 1990 and is now history. However, the need still exists for a ground transportation system to address the growing congestion on our roads. Another attempt, therefore, is being made during this year to develop a workable plan. This Plan is known as the Grand Cayman Road Improvement Plan Study or GRIPS for short. Coming to 'grips' with the problem.

This study is being guided by a Steering Committee comprising members from a cross section of the community including, Members of the Legislative Assembly. That is five Members of the Legislative Assembly together with myself. Thus far, my invitation to the Opposition Backbench Members for two of their Members to join the committee, has only met with a 50 per cent success rate. It is only the First Elected Member for West Bay that has agreed to sit on this committee and we are still awaiting representation from another Member of the Opposition Backbench. The other Members of the Legislature serving on this committee are the Honourable Norman Bodden, Captain Mabry Kirkconnell, and myself. They are the other Members serving, so we are still waiting to get another Member of the Opposition Backbench on this most important committee. This will give them the opportunity to make their input into the Steering Committee rather than waiting until a report is made to this Honourable House to then criticise the report.

Since 1989, a considerable amount of road maintenance has been carried out in all districts of the three Islands. Notable projects completed were: the intersection improvement at 4-T's Esso Station on North Church Street and Eastern Avenue; the installations of new traffic signals at major intersections; the Cross Island Road in Little Cayman; completion of a portion of the Link Road around the east end of Little Cayman; upgrading of a portion of Ashton Reid Drive on Cayman Brac; and a number of roads in Grand Cayman, including Beach Bay Road in Bodden Town and the continuation of the new Kings Road in West Bay. So, while there may be some justification for a certain amount of negative remarks about PWD (and some of those remarks may be valid) there are also areas for credit.

I now move to the Planning Department. It is indeed gratifying that Mr. Carson Ebanks will take over as Head of this Department in September of this year. This will be the first time that a Caymanian is filling this position, which speaks highly of Government's resolve to 'Caymanianise' the Government Service as fast as it is possible. He comes to this position after having had a very solid foundation laid by his predecessors. In particular, I wish to congratulate the present holder of the post, her staff and the members of the Central Planning Authority, for the good job they are doing in this Department. As stated in the Throne Speech, two important pieces of legislation are expected to be completed in the near future; namely, the long-awaited Building Code and the Development and Planning Law and Regulations.

Lands and Survey Department. It is appropriate that during my Portfolio's year of efficiency, that the Lands and Survey Department is in the process of up-grading their computer technology with the view to increasing their efficiency and to provide a faster service to the general public, as well as reducing the space needed for storage of vital records.

Land sales in January 1991, totalling $20.75 million were nearly double the $11.6 million figure for the same or corresponding period last year. This is one sign that things are not quite as bad as the Opposition Backbenchers would have the public believe. Land sales and Planning figures are normally a good lever on which to gauge the level of our economic activities. While it is appreciated that a major contributor to the large increase in the value of land sales was a transfer of property valued at some $7.5 million, the fact remains that our Treasury has benefited from this increased revenue during this financial year.

Stamp Duty collected for January was up 37 per cent over January 1990. While debt secured by charges during January 1991, had a value of $6.6 million compared to $8.3 million for the corresponding period last year. This level of activity reflects a very healthy growth position in this sector and does not support the gloom and doom prediction of the Opposition.

I now move to the Port Authority which is a Statutory Body of Government. As the Throne Speech covered fairly comprehensively the operations of the Port Authority, I will only briefly further comment on this area of my responsibility.

Honourable Members will note the improvement in the management of the Port Authority as reflected in the 1989 Annual Report, which was laid on the Table of this

Honourable House just a few days ago. The cargo handling capacity of the dock has tripled since its establishment in 1976. Each year records an increased level of activity at the Port Authority.

Unfortunately, the Port at the Creek in Cayman Brac, inaugurated in 1981, continues to show loss. But, Madam Speaker, despite the remarks made by the Second Elected Member for Cayman Brac in his comments on this, it is not Government's intention in anyway to single out the Port Authority or any other section or Government Department that is being subsidised in the Islands of Cayman Brac and Little Cayman. This is not something new, we have been doing this for years and I figure we will be doing this for many years to come. He made the point that Cayman Brac and Little Cayman are as much districts within the Cayman Islands as North Side or East End and I could not agree with him more. But, similarly, I hope the Member will realise if any question is raised regarding any specific provision made in the Constitution that those Islands must be given a right to membership, that they should be treated as a district within the Cayman Islands.

MADAM SPEAKER: Would this be a convenient time for you to take a suspension?

HON. LINFORD A. PIERSON: Yes, Madam Speaker.

MADAM SPEAKER: Proceedings will be suspend for 15 minutes.

AT 11:16 A.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 11:37 A.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Continuation of the debate on the Throne Speech, the Honourable Elected Member for Communications, Works and Agriculture.

HON. LINFORD A. PIERSON: Thank you, Madam speaker.

The new Port Authority Building and ancillary dock workers canteen was completed and occupied during 1990. These buildings provide modern office accommodations and perhaps, the best employee facilities of its nature within the Cayman Islands. As stated in the Throne Speech, a new container terminal is nearing completion at the Airport Industrial Park. This facility when completed will cost $3 million and will include warehousing, office accommodation and a marshaling yard. It will also contain storage area for equipment, an equipment service area and additional land for future expansion.

Madam Speaker, as stated earlier, plans are also slated for a purpose designed building which will serve as a central location for importers where goods can be cleared by Customs, the Port Authority and Shipping Agents; to improve the efficiency of the present system, where importers will be able to make one stop to clear their goods and avoid the inconvenience of having to go to three different locations to clear one item, as at present. I am sure that this will be a welcome improvement to the general public.

Honourable Members will have also observed the major improvements in the tourist landing area, including the tourist information booth and other needed facilities. Serious consideration is currently being given to relieving the parking problems caused by taxis along the Harbour Drive area and on South Church Street, on cruise ship days.

My position as Chairman, Madam Speaker, of the Port Authority has thus far been a most enjoyable and fruitful period, due mainly to the efficiency of the Director Mr. Errol Bush and his staff, and the able assistance given to me by a very capable Board.

The Water Authority. Since November 1988, water production at the Redgate facility has increased by 763,000 gallons per day, with the introduction of two reverse-osmosis systems. A new one million gallon reservoir was constructed to accommodate the increased production. Sixty kilometers of distribution pipeline has been installed since November 1988, extending the George Town water distribution system to Prospect properties, Prospect Park, Omega Bay Estates, Patrick Island subdivision and the Spots area. The Water Authority also negotiated a licensed agreement with Cayman Water Company in its position as the Regulatory Authority for water and sewage in these Islands, to provide the district of West Bay with piped water supply. There is also an ongoing study to provide Savannah, Pedro, Bodden Town and Pease Bay with piped water. A feasibility study to provide George Town with a sewage system is also currently underway.

On Cayman Brac, work has also commenced to introduce a 60,000 gallons per day reverse-osmosis plant to service the west end hotels, residences and business places. But, as given in an answer to the First Elected Member for Cayman Brac, where possible and where individual householders are prepared to carry some of the cost, the Water Authority will consider extending pipelines to their residences. A 500,000 gallon reservoir is to be constructed to provide storage and this project is scheduled for completion during this year.

A major weakness in the Water Production and Supply Law has now been corrected. Hotels, condominiums and other similar commercial establishments will now be prevented from producing water from their own desalination plants. This is a welcome amendment, but it should be noted that it will not effect those premises that now have this facility. It will come into effect with the coming into effect of this Amendment Law. This Bill is a welcome amendment as it will not only control the mushrooming of these small desalination plants all over the Island, especially in the franchise areas, but will also ensure a better control of water quality in these establishments.

Much has been said, and questions asked regarding street

lighting, so I will comment briefly on that subject. A major thrust was made during 1990, to provide much needed street lighting throughout the Island. High intensity sodium 400 watt lighting was installed on the tourist corridor to the airport and on Eastern Avenue. Similar lighting was also installed on Elgin Avenue and on Thomas Russell Way. Lights were also installed in many subdivisions and at private homes throughout the Island and on many other roads throughout the three Islands. It is planned to continue our efforts to provide adequate street lighting, funds being available.

On the question of launching ramps and jetties: A ramp was completed in East End about two years ago. It is hoped to commence construction of the Gun Bay and Frank Sound ramps as soon as the PWD is able to prepare the necessary drawings and either contract out the work, or carry out the necessary construction from in-house. Construction of a jetty and up-grading of a ramp at Whitehall in George Town is almost completed. Only the extension of the ramp into the sea, remains to be done. Up-grading of the ramp at Morgan's Harbour has also been undertaken, as well as the construction of a jetty at Newlands. During this year, in addition to the ramp at Gun Bay and Frank Sound, it is planned to construct a boat ramp in South Sound and one in Newlands. Negotiations are presently being undertaken to acquire property in Bodden Town for a boat ramp. It seems that this year could also qualify as the year of boat ramps.

On the subject of Agriculture. As a part of the implementation of the Five Year Agriculture Development Plan, Government during 1990, leased 12 acres of Government property to the Agricultural Society at a peppercorn rent, for them to relocate their show grounds and for siting the new Agricultural Pavilion. In addition, a check for $80,000 was delivered to the President of the Agricultural Society, who is also the Elected Member for East End, in mid last year to assist with the building costs of the new Pavilion. We have, in addition, written to the Agricultural Society offering to assist them with necessary tents and other equipment to allow them to hold an Agricultural show this year, pending the construction and completion of the new Pavilion.

Provision is also made in the Five Year Agricultural Development Plan to include Cayman Brac and Little Cayman. An agricultural road has already been constructed on the Brac to provide farmers with access to their plantations. Also, a new D-6 bulldozer was acquired and put into operation at very affordable rates to assist the local farming community. The coordinator of the Planning Implementation Units for the Five Year Development Plan will be taking up his position shortly, to kick off the first phase of the Plan.

Much is being done to improve agriculture in these Islands. Much concentration will be given to high-tech agricultural production such as hydroponics, which is now being done by Mr. Otto Watler, ornamental horticulture, aqua-culture and in other areas. This is to combat the very high cost of labour in these Islands. However, the Five Year Plan also calls for greater efforts to improve and expand existing produce. Much concentration will be given to agricultural crops and to livestock in a similar way that we intend to concentrate on high-tech agricultural production. It should be noted that this is the first time in the history of these Islands that such a professional approach is being taken towards the development of our agricultural sector. Hopefully our local consumers will take advantage of the planned expansion in this sector and make the efforts of the Government and our farmers worthwhile.

We may never be able to compete with the United States and other countries, due mainly to our small production and population, in the absence of economies of scale from which they benefit. But what we can offer the public, whether through the Farmer's Market, the supermarkets or elsewhere, is good quality, fresh produce. We should all, therefore, support our local Chamber of Commerce especially with regard to our agriculture products, in its "Buy Caymanian Campaign". Hopefully, Government will also show a good example by also purchasing meats and other produce from the Farmer's Market.

Within my Portfolio we have introduced several Laws since 1988 and there are still some on the drawing board. It is my intention, as said earlier in answer to a question, to present during the June meeting of this House, the long-awaited revision of the Traffic Law. This has been drafted and will be published for input from the public, prior to its presentation to this Honourable House. Hopefully, I will be able to present a short Amendment Bill during this meeting of the House to amend the Development and Planning Law. This Bill seeks to increase the membership of the Development Control Board for Cayman Brac and Little Cayman, thereby, making for a broader representation from within the local community.

I would take this opportunity to thank the Chairman and members of the Development Control Board for the sterling job they have done in past years and to make it quite clear that the increase in membership of this Development Control Board is no adverse or negative reflection on their abilities. It is, as I have said, to allow for a broader representation from within the local community. I will not say that there has not been some representation and complaints about a Development and Control Board, but this is not peculiar in anyway to that one Board. This happens with a number of Government's departments.

Also, a long awaited amendment to the Electricity Regulations was published as supplement number one with the extraordinary Gazette, dated 6 February 1991. In addition to providing a more practical definition of the National Electrical Code (NEC) it also, perhaps more importantly, now provides for the spouses of Caymanians to take the local electrical trade test, thus easing the strain experienced by a number of Caymanian women in the past, that is, those married to non-Caymanians.

I now wish to move into another area of my responsibility, the Central Funding Scheme. It is fortuitous that the Traffic Law should be coming into effect around the same time as the planned reorganisation of the Central Funding Scheme, as their operations are mutually inclusive. An action committee has been established to deal with the reorganisation of the Funding Scheme during 1991.

This Committee will be addressing all outstanding recommendations recorded in the here report with a view to their implementation during the course of the year. The Scheme's goal is to eventually become a Department or maybe a Statutory Body of Government with

streamlined functions, improved efficiency and effectiveness, and providing an improved level of service being demanded by user Departments.

MRCU - during the past few years the Department for Mosquito Research and Control Unit has been experiencing problems with insecticides resistance. To overcome this problem, the first large scale residual larviciding was carried out in 1990, using a pelletised formulation of insect growth hormone. This programme will be continued during this year.

I have covered the Departments within my Portfolio and I would like to move on to another area of the Throne Speech.

Having covered the general areas of the Governor's Throne Speech in regards to the state of the nation and the effect of world recession and the Gulf War on our fragile economy, I then moved to comment on some of the activities within my Portfolio as recently mentioned. I deliberately avoided speaking on subjects assigned to my other colleagues in Executive Council, as I feel confident that they are more than capable of dealing with their own Portfolio subjects.

I have now reached the section of the Governor's Throne Speech which dealt with the Constitutional Review. Madam Speaker, in commenting on this very important subject, it is not my intention to criticise any of my fellow Parliamentarians for the personal stand they have taken or may take on the current Constitutional Review. Madam speaker, I have very little respect for anyone who does not have the strength of Carter to state his position and to stick with it, regardless of what the nature of that matter may be. There are too many individuals who sit on the fence waiting to jump on the most popular side. Such individuals could be described as individuals with no backbone.

Any Constitutional Review is not always a very popular matter. May I, therefore, reiterate my stance on this Constitutional Review and that is, it is long overdue and I do not mind anyone repeating that sentiment. That is my personal feeling. It is long overdue. The basis for my stand is quite simple. The Constitution has served us well and I, therefore, do not feel that there is much in it that needs to be upgraded. However, it cannot be ignored that the Constitution is now almost 20 years old and that there have been many, many changes in the economic, social and political life of these Islands since 1972.

When the present Constitution came into effect in 1972, these Islands had approximately 10,000 people with an annual budget of approximately $4 million. Today, we have a population of approximately 26,000 people with an annual budget of well over $100 million. This phenomenal growth has not only changed the way of life for many Caymanians and residents of these Islands, but it has also brought a much greater strain on the administrative and political machinery of Government. It is, therefore, important that we upgrade that machinery from time-to-time to keep pace with that development, otherwise, we will stagnate.

I am satisfied as a representative for George Town, that I can take a position on this important issue without compromising any other principles on which the foundation of these Islands were built; that is, honesty, hard work and perseverance. It is my position that our people elected us as their representatives because they had the confidence in our leadership abilities, otherwise, we should not be sitting in these hallowed Chambers. It is, therefore, regrettable that any Member would question the motives and integrity of those Members of the Legislative Assembly who support a Ministerial Government, with a Chief Minister and a leader of the Opposition.

The reason that the Third Elected Member for George Town gave in his articles, both in the New Caymanian and in the Caymanian Compass, strikes me as being a self-serving position and that that Member was for many years, 1976- 1984, a Member of an Executive Council that had a de facto leader of the group.

Further, successive as well as previous Governments have been criticised by politicians and the public alike, for not having someone who could be seen to be the leader among the group or first among equals; such a system lends to a smooth and more stable Government. It avoids the Government having, as they say, "all Chiefs and no Indians." It is, therefore, ludicrous for the Third Elected Member for George Town or any other Member to state and I quote: "The post of Chief Minister will create more political fighting and divisions among politicians as it also attracts power hungry politicians. Leaders evolve over a period of time, you do not just name a person as leader." Reading between the lines, it appears to me that that Member may be experiencing a problem of rejection for the leadership position of his group. Be this as it may, one should not consider one's own interest, but the broader interest of the nation.

It is true that power corrupts. But it is equally true that the lack of power corrupts absolutely. It is a dangerous situation to be given a vast amount of responsibility to govern a nation with no authority or power to ensure that policies and regulations can be effectively and efficiently carried out.

That same Member said in his interview to *The New Caymanian* and a letter published in the *Caymanian Compass* , and I quote: "A strong charismatic Chief Minister can dominate and run a country to his wishes by firing or threatening to fire Ministers who do not go along with him.". But, I would remind him that such a system would not be peculiar to this Parliament, as such a system also exists in the mother of all Parliaments, as was recently experienced with Prime Minister Margaret Thatcher. The checks and balances are always in the hands of the Members who place in that position the Chief Minister in the first place. Indeed, more importantly in the hands of the people of these Islands, who elect us here in the first place and whom we represent.

He also said that, "...it opens the door for corruption. It is much easier to corrupt one man, the Chief Minister, than seven ExCo Members or Ministers." While such a statement is, broadly speaking, correct, under the circumstances it would seem to me to be inappropriate, unless he knows something I do not know.

I see a number of representatives on both sides of this Honourable House and on the outside that could easily fill the position (if it was created) of Chief Minister without any fear of them being a victim of corruption. Five years ago, if it was suggested in this House that we would today, or at that time, have a Caymanian as the Speaker, the person making that proposal would have been scoffed at. Yet today, I am happy to say that we have a Caymanian sitting in the Chair as Speaker that all of us can be proud of.

I think now is an appropriate time for me to clear up some of the things that have been said about my voting. The first time the question of a Speaker came to this House, I was one of three that supported it; that was myself, the First Elected Member for West Bay and the Member for North Side. Members will remember that I specifically mentioned the name of the present holder as being my top choice. When it came back a second time, I supported it. The third time, the reason I did not support it was that I saw it as not a vote for a Speaker, but a vote against the Governor of these Islands. And this is why we did not support it then. So, Madam Speaker, Members have my reasons.

Unlike the Third Elected Member for George Town, I have a great deal of regard in the ability of my fellow Caymanians aspiring to the top position in the political system of our Government, whether present or future. Madam Speaker, I do not think you are going to have any problem with anyone speaking after I am through.

It has also been said that a Ministerial System cannot work without a political party. Nothing could be further from the truth. In effect, it has worked quite well since 1972, and as far as I am concerned, if we adopt the title of Ministers in our Constitution, we would only be changing a name from Members to Ministers. The functions will remain pretty much the same, except that Ministers may be given a bit more administrative responsibility, which is needed to improve the present system. Madam Speaker, I have the greatest confidence in my fellow Caymanians that they will continue to do what is right for these Islands, be they in or out of this House. The Constitutional Commissioners have come to these Islands and obtained the views of the people regarding what, if any, changes should be made to our Constitution.

The next step is that they will present their report to the Secretary of State who appointed them. They were not appointed by the Cayman Islands Government, they were appointed by the Secretary of State for these Islands. The Secretary of State will then consider the Report and will forward it to His Excellency the Governor for onward transmission to this Honourable House. But, Madam Speaker, it does not stop there. The Select Committee, which is comprised of all the Elected Members of the House, will then study the Report and invite further input from the public before any recommendations are made for its adoption or otherwise. Madam Speaker, all in all, the checks and balances will be, and have been, put in place.

As the Governor stated in the Throne Speech, two points must be very clearly understood. I think they bear repeating, not only for the benefit of this Honourable House but also for the benefit of the listening public: "...first, as much time as is desired by the community will be given to the whole process; and second, no changes will be made unless the United Kingdom Government is satisfied that they are the evident desire of the majority of the people of Cayman.". They are two most important points that should be borne in mind in relation to this Constitutional Review.

Madam Speaker, it was Lord Mancroft who said, "A speech is like a love affair; any fool can start it, but to end it requires considerable skill." So, I will now close my debate before I fall prey to any of these snares. However, before closing, may I again say what a pleasure it is to see you fill the Chair of this Honourable House and I too, trust that you will have many good years of service in that position. As the Hansards will show, your position was voted upon positively by each Member of this Honourable House.

May I also thank the Clerk and her hard working staff for the efficient job they are doing, and, of course, life in these Chambers would not be quite as pleasant without the assistance of Miss Mary and her dedicated staff.

Finally, Madam Speaker, I would say that despite some of the in-fighting that we may experience from time-to-time in this House, I believe that our hearts are in the right place and that we are all generally working to accomplish the best for our people. Thank you, Madam Speaker.

MADAM SPEAKER: Would any other Member wish to continue the debate on the Throne Speech? The Third Elected Member for George Town.

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

I am happy to be here today in your presence to debate this Throne Speech. Traditionally, the Throne Speech sets out the policies of Government, deals with solutions to problems that have arisen and sets out the Government's future policy for the year to come. In this regard, we have seen a somewhat different approach taken this year to the Throne Speech in that, a substantial part of it seems not really directed at what the real problems of the country are. These I will deal with in depth from time-to-time as I go through this.

I would like to also record my recognition for the wide and excellent service that has been contributed to the Cayman Islands community as a whole, by churches, voluntary and service associations and clubs, and the individuals who over the years, not only Caymanians, but also foreign nationals who have contributed to seeing Cayman as a society, move forward and trying to deal with some of the solutions to the many problems that have arisen in Cayman, as a quickly developing society.

I would like to urge the Government, and especially the Member for Communications and Works, to get on as early as possible with the building of the court house. This was mentioned on page two at the very early start of the Throne Speech, because the Judiciary is a very important part of freedom and democracy. At present, as stated here, there is still great pressure on Court accommodation. For

example, the Second Magistrate does not have a permanently allocated court room. I think that is a sad state for the Judiciary. Hopefully, the Member for Communications and Works will be able to move on it, as this has been raised now for two or three years consecutively. It is quite important that something be done in that respect. We must appreciate that judges and court staff (prosecutors, whoever) are human beings and they do deal with perhaps one of the most important areas of a society. They decide what is right and wrong, not only from the criminal side but also from the civil side. The Member can be assured that whatever assistance can be given by me to speed him up on this, will be given.

The Judicial system has faced a continuing high level of case loads. As mentioned in the Throne Speech, with the ratification of the Mutual Legal Assistance Treaty (MLAT), this has become even heavier. One area that still worries me about the MLAT is the area relating to its retrospective effect in relation to United States criminal offences, which are unknown and not a part of the Caymanian, English, nor the Commonwealth Judicial system. I know that is now being tested in the Courts. Hopefully, we will see the necessary time and effort put in towards the building of this extra accommodation very early in this year.

The Portfolio of Finance and Development as dealt with in the Throne Speech, went into a considerable amount of depth in relation to what had actually been covered in the Budget earlier in the last session of 1990, and unfortunately, tried to paint a picture that the country had a real surplus of $4.3 million, by merely glossing over how that amount was arrived at.

What has not been said specifically, the amounts not given, is the fact that not only was some $17 million (or somewhere between $16 million and $18 million) of surplus, that had been accumulated over the years, transferred to make up the heavy losses for last year, but also that there had been a transfer, and this was mentioned, of nearly $8 million from the country's Reserves. That is a serious matter because it wiped out the brought forward surplus leaving a remainder of $4 million and it reduced the Reserves to approximately $12 million, which is totally unacceptable in this day and age.

To call this good economics and good Government when you have in effect approximately a $20 million loss in one year, has to be a very immature and misleading statement because you have to look at the reality and that is, that a large part of this loss was incurred by the Government long before they could blame it on the war in the Gulf or on the recession. The fact that times have now changed cannot put the Government in a good light in this respect. They must know that where you are spending more than you are making, to the tune of probably $20 million in a year, becomes a very serious matter from the financial point of view.

Despite the heavy $10 million of taxes that were put on to correct this situation, we find that there is no improvement and there is a further deterioration. Unfortunately, what the Elected Executive Council Members have failed to realise, is that one cannot get blood out of stone. If the people do not have the money to pay for the duties and the taxes, then you cannot get it. That is also the harsh reality that the Member for Health faces with the heavy increase in the amounts that were put on Medical Services.

Added to this, we have for the first time in the country's history, the total Capital Budget for this year of $13 or $14 million, it has been revised now, I understand, and is being borrowed. So they are short this year again $13 or $14 million. They will spend $14 million that they do not have and when this is all added up, it comes out to a horrendous debt. The debt of some $30 million this year, will go up to approximately $40 million by the end of the year. And we do not know yet how that is going to be paid.

I hate to spend a lot of time on the dreariness of this but it has been brought up and attempted once again, as was done in the Throne Speech, to say that the country is in a healthy position. We are not. And we are not in that position because the Elected Members of Government, of whom one has the expertise in accountants in Finance, have not faced up to reality. If we do not have the money to spend, then we cannot spend it and we should not spend it. If we spend it, we are being irresponsible from an economic point of view and unfair and harsh on the people on whom we just put (I should not say we; I should say the Government) heavy taxes and on which heavier ones will have to be added to repay the debt that this Government is running up.

As I go through, I will show that a lot of this spending, the very heavy spending on the consultants that is being paid out - nearly $3 million in total of the borrowed $13 million, is money that could be spent much better. It is money going to foreigners, outside of the country and in the end we get reports produced that nobody bothers to read, much less implement them.

So we have things worsened by the Gulf War, that is a fact. The recession in the United States normally affects Cayman six months after it hits the United States; it leaves us normally six months later. At least in some of the economic cycles that has been the effect, so a lot of what we have now with economic problems is as a result of the Government's act, because the biting of the heavy recession in the United States has just started hitting them in the last few months and I believe that the delay of six months is probably going to be applicable and we will be feeling that more in the time and the months that are ahead of us.

What should have been addressed in those harsh and difficult economic problems that we have, is some solution and some easing of the burden on the people of the Cayman Islands. They are not in there, there is a glossing over and a patting on the back that we have a surplus of $4 million. That is living in a fairy tale world. It is not reality unless you say you have gotten there because you have made a horrendous loss this year or you will make it this year and budget for it, and last year the loss was even heavier. In fact last year's loss was even more than is budgeted as a loss for this year.

As the Second Elected Member for Bodden Town mentioned, when the Government goes into the loan market to borrow $13 or $14 million, that is money, and a large chunk of it, that otherwise may have been available to persons locally, for loans. It must tighten up the market where Caymanians can borrow.

The Member for Communications and Works mentioned and

chastised the press when he was not getting as much publicity for the reduction in fuel prices that affected CUC, but what I would say to him, I am sure the press would give a lot of coverage if he and his Government took the 13 cents off fuel, that they recently put on gas, diesel and fuel generally. This would make a very serious reduction in the cost of the electricity and the cost of water, which I will deal with a bit later on, as it hurts the young Caymanians who are staying in apartments. I am sure that a constructive move by Government to ease the burden, would be much better than hoping for prices just to move down in certain areas rather than taking a constructive role and dealing with it. At a later stage when the economy is good, then perhaps some of these taxes could be put on and they would not bite as hard as they are doing at present. Many of them actually are coming in this January and February and will be, therefore, affecting the public throughout this year.

MADAM SPEAKER: Honourable Member, would this be a convenient time for you to take the suspension? Proceedings are suspended until 2:15.

AT 12:45 P.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 2:18 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed, continuation of debate on the Throne Speech, the Third Elected Member for George Town.

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

Before leaving the Portfolio of Finance, I have had an opportunity over the lunch recess to get a copy of the Budget Speech and to put the specific figures, which earlier I was dealing with, into proper prospective. I would like to read a very short part of that. At page 65 it said:

> "As a result, the revised 1990 deficit of $18.3 million before 1989 carried forward surplus and transfers from General Reserve, is higher than the original estimate of $8.1 million. However, when we include the 1989 carried forward surplus of $11.8 million and a proposed transfer of $7.8 million from General Reserve during 1990. we are expecting an overall surplus for the current year of $1.3 million, instead of the original estimated surplus of $1.1 million.".

The point that I would like to make, now that I have the specific figures here, is that in reality there is not a surplus as mentioned in the Throne Speech of $4.3 million. In reality, it would be a reduction of about $3 million of the deficit of $18 million, reducing last years' deficit of approximately $15.3 million. Those are the figures that I adopt and accept. Into that too, are also loans that were taken out last year, which, once again, should be added to it, showing that money had been borrowed and added to the public debt of the country.

On that aspect of it, the Honourable Financial Secretary stated in the Budget Speech that these changes in the public debt position indicate that total public debt obligations will stand at approximately $30.5 million by year end, 1990. That confirms the position that we had a deficit last year of approximately $15 million, a public debt of approximately $30 million this year, and an estimated further deficit of $13 to $14 million which has to be borrowed. Therefore, the public debt will go up to at least $44 million. I find it very odd that a Member of Government would say that there has been good stewardship with the finances of this country. It would be better, I think, to admit to the problems and try to get on with solving them.

Moving on to the area next in the Throne Speech - Banking. I am very happy to know that the Island continues to grow in this area. It was very good to see that the Bankers Association in Cayman has now a Code of Conduct on etiquette and that we have been very well monitored by the Inspectorate and the Government. We have been quite fortunate in the number of banks to have such a high quality of representation here.

It is very interesting to note that the present Prime Minister of England is a banker, and I notice that the Institute of Bankers, of which I have been an associate for the last 26 years, has given him an Honorary Fellowship. I think it is the first of about 11 that have been given out in the bankers 100-year period as an Institute. It only became a Chartered Institute within the last three or four years, but prior to that it was the Institute of Bankers.

The Economic Development Unit is very outstanding. The continuation in dealing with programmes such as the Public Sector Investment Planning and Programming and Management that will be coming up next month, are very good programmes for Government. I believe that we will come to a more realistic view as time goes on, with monitoring the debt of the country and dealing with the country's budget and using the statistics that the First Official Member, the Honourable Financial Secretary, has been accumulating over the years. What I would say about it (and this is a criticism I make, but is also made by the public) is that many times Members of Government get good advice, but they just do not follow it. Whether that comes from not wanting to or feeling it is not necessarily good advice, I do not know. With units such as this, they do produce some real hard facts and I believe that their advice and their research should be looked at very carefully.

The Currency Board, while managing the country's currency, also produces some very high quality coins that are sold to coin collectors and I follow this very closely.

It was very good to see that the Customs Department (the next Heading in the Throne Speech) actually surpassed its estimated collections for the year by $1.5 million. Also, I know that they have continued their fight against illegal drugs. That department is very important.

The Legislative Assembly, and I am speaking here mainly of the staff, as I will speak in relation to yourself, Madam Speaker, at a later stage, has continued to give some very high quality service and we have good people working here, all of them. I am sure they have the cooperation of all the Members in assisting the Department in moving forward in the continuing increase of work that we have seen from year to year.

The Marine Survey Department is an important one, but it is one that must be closely monitored by the First Official Member to ensure that we do not get a situation arising either from the bureaucracy within it, or for the reason of high charges or whatever, that it becomes an economic burden on the country. I do not think that it could be tolerated showing serious losses for any length of time. Perhaps that, as well as keeping the quality of shipping high, has to be one of the main aims of the Department.

The Companies Registry - once again a very good increase in the number of companies and well run. However, we have to monitor carefully the British Virgin Islands and the Bahamas who have in the latter case, recently revised their Companies Law and have attracted quite a bit of company work that may otherwise have come to the Cayman Islands. British Virgin Islands, once again, is a competitor and last but not least, so are the Turks and Caicos Islands. Thus, my caution earlier, that the Member for Tourism should take into consideration, which he agreed he would, the fact that when agreeing to provide jet service to the Turks and Caicos Islands he is directly assisting a competitor in the area of the off-shore business. So what we may gain on one hand, we could lose on the other. He assured me that the contract has a clause that if it becomes detrimental or damaging to the Cayman Islands, it can be terminated and it is good to know that.

The Treasury and the Insurance Department are next. These Departments play very important roles: the Treasury, in keeping control over the spending and receipts properly done. The Insurance Department is one of the major contributors now to income of the Government. It is one that has grown well - now the second largest in the world and closely competitive in the captive market, even to Bermuda.

One of the things that perhaps should be considered and indirectly affects the off-shore industry, is to ensure that we have continued stability in the Islands, not just political, but also economic stability. This is why I believe that we cannot, over an extended period, produce budgets that show substantial deficits in them because sooner or later these are going to be looked at as budgets which could, perhaps at a later stage, not be in the best interests of developing the off-shore industry. But I am sure that the deficit budgeting will stop soon, if not sooner, than at least hopefully after 1992 and the elections.

The Portfolio of Legal Affairs: The Attorney General and his staff continue to carry an extremely heavy load. I believe the restructuring of the Portfolio with the introduction of the Solicitor General was good and it plays a vital role not only to us in the Legislative Assembly, but also in support of keeping legal opinions to Government dealing with prosecutions and civil opinions, whatever. The growing volume that we have found with Laws in the Legislature, has an impact somewhat beyond the mere drafting because ultimately the Attorney General's Department has to rule on a lot of it and monitor it. So this area has created a lot more work.

The Law School, Madam Speaker, has been my pride and joy throughout the years. It has matured well, it has produced the highest number of Caymanian professionals in any profession and that number will increase rapidly in the future. It has made its mark with the degrees at the University of Liverpool and now the Honours Degree that is being offered there. I congratulate all of those who are involved in it and may it continue to go from strength to strength.

I believe we, as attorneys, have perhaps borne a heavier load, at least financially, in the training of lawyers as a profession, than perhaps any other of the professions here, in that the articleship system is one that requires generally five years of articles to an attorney together with the schooling throughout that period. But that is one contribution that I continue to be happy to make and to see young Caymanians graduate year after year from school.

The Prison Department is one that continues to grow in importance despite the fact that it deals with one of the sadder parts of society. I would like to see an increase in the Drug Counselling Programme because when I visited there a few months ago with other Members of this House, we were told (and it is fairly well known) that at times approximately half of the inmates are there for charges of drugs or drug related matters. I think that it is important that we put what is necessary in the area of the Drug Counselling Programme in place.

Although there is a programme in place now, I believe that considerably more could be done. While I accept that the programme of Drug Counselling invites people to voluntarily join it and take the advice, these inmates are not there through choice. They are there because they have broken the law and they have been compulsorily put there. Therefore, there should be a trial period to see whether in circumstances such as these, where you have incarceration which is mandatory, making some of those programmes and I see the First Elected Member for Bodden Town mentioned programmes relating to education there, perhaps for a period of time, if not all of the time, make it compulsory that where the Drug Counsellor assesses the need of an inmate to go to Drug Counselling, that they go. I am not saying to make it mandatory throughout the whole period, but at least get a mandatory introduction to it and see how it works.

I believe the education classes could be extended because educating a person gives certain freedoms, whether it is even freedom of mind and expression, which must help a person who has paid his dues to society and is back out in society after a period in prison. Having said that, I found the Prison appeared to be well run and well regulated. Short on space and somewhat over crowded in areas, but this is at least partly being addressed at present and hopefully, the addition of the female block is something that will come in the near future.

The Police Force continues to deal with the growing crime in the

country and they have continued to expand both in facilities and also with staff. They too, need extended facilities, at least in the old George Town Police Station area. What is worrying is to see the way that crime has been shifting where we are getting increases in areas of offences relating to persons and property, burglary, murders, that sort of thing and also I noticed in the Throne Speech that fatalities were up to 20 persons. That is significant and one that I believe needs to be addressed.

The Immigration Department is one of the most important areas of control and one that has to be monitored closely on a very constant basis. There is a Select Committee now to look at the Caymanian Protection Law and its related laws and hopefully, we will get the draft discussion Bill out to the public and get a feedback from them in the near future.

I think it is most important that important substantive laws such as this, go through the proper process of being put to the public in draft and the public having a period of time to look at it and to decide what it should tell the Members of the Legislature to do with it. If that procedure is followed, then I think laws coming to this House would firstly be a lot less controversial, but secondly, would be much more in line with what the public wants. I know that with major laws that affected any Departments when I was a Member, I always tried to do this. Perhaps the next best thing to that is where questions are simple enough to do so through a referendum.

The District Administration for Cayman Brac and Little Cayman obviously are now suffering with the recession that is on in Cayman. As usual, they always seem to suffer worse than Grand Cayman. This is expected because Grand Cayman is in a different position from the economic and development point of view. However, I do believe that there must be some improvement on the airline schedules because good communication and the right of passengers to have confirmed passages at reasonable times will have to increase the number of people that visit the Cayman Islands. I am tired of hearing that the losses on the Cayman Brac and Little Cayman route are the problems that are causing the main problems of Cayman Airways losing money. I cannot believe that the size of that route is even dealing with the type of loses that have been portrayed from time-to-time.

I do not agree and hopefully at the end of this debate, the Government will not agree or they will withdraw their policy statement, where if people on Cayman Brac lose their jobs, they should relocate to Grand Cayman. It is not easy for someone to just pull up roots, leave their home, come down to Grand Cayman and move on with life just like that. I think Government's duty is to provide the jobs and to provide the employment on Cayman Brac and Little Cayman to cope with the problem. This is just another way of sweeping the problem under the table, by trying to have a movement of people from their established homes in Cayman Brac and Little Cayman to Grand Cayman in an economic recession, which has clearly been brought on through the bad management of the Government of this country.

The Civil Service is the stabilising factor in this country from the point of view of continuity. The Civil Service goes on and on, politicians change. Therefore, I think that it is very important that civil servants have the security of tenure that they need to perform fully in their jobs. I believe that they should be well paid, on the other hand I believe that they must give a full day's work for a full day's pay. To this extent I totally support and I have always supported the Management Service Division, the organisation and management section of the Government and I think that it must move on expeditiously with dealing with its major reviews of the Departments of Government and that it should, as soon as possible, put into effect whatever reasonable solutions it may see to dealing with the problems of the Civil Service.

It is very unfortunate that the cost of living allowance could not be given to civil servants. Many times this is short-sighted because as we saw in the recent review, if one leaves reviews and cost of living increases of the service until the next year, then one good day you must do a very heavy adjustment. The proper and timely way of dealing with this must be on a regular organised basis and I cannot see where in the long-term it is acceptable to put off what is due as a right, certain adjustments to the cost of living. We must remember that a lot of the increase in inflation and in the cost of living, was the direct result of the $10 million tax package put by the Government last year on this country. In fact, it is probably the single largest cause of inflation and cost of living increases because they touched every area of cost of living in this country, with very few exceptions.

If the Government really has a $4.5 million surplus, which I say they do not in reality, then why not pay the civil servants out of the surplus? But we know why they cannot pay them from that surplus, because it only exists as a result of the use of heavy amounts of reserves and accumulated surpluses of previous years.

The independence of the Civil Service is very important and in the Constitutional Review it is very important that this continues to be preserved. That, perhaps, is the one outstanding significant feature of the British system, at least in the Crown Colony system, where civil servants remain free from any type of political pressure.

Pensions relating to civil servants. I believe, even though the law does not provide this, that pensions that have accrued are a right and that the day should come when civil servants will have their pension as a right and not as a discretion of the Governor. In the modern pension laws, and perhaps whenever this one is revised, that is one area I would like to see properly addressed. Secondly, once a pension is granted, then it should be secured so that it cannot be taken away lightly or at least that legislation does not exist where it can be taken away on grounds which other private sector pensions do not allow.

The Public Service Commission is an extremely important body, it bears the significance to Government as does the Caymanian Protection Board to the private sector. As was mentioned in the Throne Speech, it has a very heavy duty to providing the effort and resources for the training opportunities of Caymanians to fill posts.

The next subject in the Throne Speech is Tourism Aviation and

Trade. That Member was very fortunate that he did receive increases in his Budget this year. This goes to show the strong support that exists, to ensure that one of the main income producers, tourism, is fully and effectively developed. We saw air arrivals go up by 20 per cent and this is very good for the Island as well as for Cayman Airways.

The move to diversify the market base of tourism towards Europe and Japan, in my view, should have come much earlier. I have mentioned this before in this House, because I do not believe we should have waited until the United States dollar weakened against the currencies in Europe and Japan before a move was made to try to deal with developing the base itself. I believe that it would be good at all times, regardless of whether it is in our favour or against our favour, that the market should be diversified and even if things change, I believe we must push to spread the market into Europe and into Japan, so that we can have a more stable base for tourism in the Islands.

The three year moratorium on hotel development is one that gave me a lot of worry, both during the talks with the Government and when it was passed. I believe that, and I said this then, one of my arguments on this was that for every year that a sanction is opposed and there is a downward trend, it takes two or three years to compensate for the upward trend. In other words, it is very easy to slow down, but it is extremely difficult to move up the economy of a country when it goes into a recession. And I would have been much happier with a shorter period of time that the moratorium could have been renewed if it was necessary, or if it could have been abandoned, if a recession came on. We are now in an economic recession and I believe that Government must now look very hard at this moratorium. To be very frank, I think the time has come for them to lift it and to look at it, perhaps in one year spurts, if they are going to do it again.

Once we begin to touch the balances of the economy, sometimes things get out of whack and we get results that we do not expect. Do not get me wrong, I voted for that motion. Three years was a lot less than was proposed, but even at that, I think experience has shown us that perhaps we do not need a Government slowing down to deal with the economy and I think that the Government should now be man enough to look at the factors of lifting it. At this stage, we need everything we can to put the economy back on its feet as early as possible.

The Airport is going to be resurfaced and while, at least, in the Throne Speech nothing was mentioned as to cost, it probably is going to be substantial. If this is necessary and perhaps it is, then hopefully we will see a move to keep as much of the work local as possible, because I know that when it comes to certain specialised areas of building such as asphalt surfacing, many times we are faced with people from outside of Cayman, bidding on the projects.

Cayman Airways Limited. I support and I have always fully supported Cayman Airways. I believe that I have probably given more time, at least professional time as a lawyer, to Cayman Airways during my eight years in Government than perhaps anyone else has. Or at least, I know as I have had to any single client. Cayman Airways was not a client, I am not saying that, I am just saying that I spent many, many hours trying to deal with its problems. It continues to play a vital role in the Cayman Islands as a very large employer and keeping substantial amounts of money within the Cayman Islands, that otherwise, may be paid out to foreign carriers. When I have to criticise it, however, it is my duty to my people to look at the finances, as it is one that has to be weighed against the situation as a whole. There is a young Caymanian Managing Director in control of it and I wish him all the best, because he is going to need a lot of good wishes, I believe, to deal with Cayman Airways and its complex situation.

Having said that, one of the things that worries me very seriously with regard to the Government's bad financial position, is the fact that it appears to me from the answer given by the Honourable Member for Tourism recently, that the change-over of the two jets from the 727s to the 737s, has been an extremely costly process. This is not unknown to Cayman Airways because we found that the change from the BAC 111-500s to the 727s, where we increased the number of seats by a third, was somewhat costly. In his reply to my question as to where the $12.5 million profit received from the 727s was spent, we find that $11.5 million of it has either been spent or committed on deposits. It gets to be somewhat worrying because that amount, when you add it to the $1 million subsidy that Government puts in each year, which I and all the other Backbenchers have voted for each year, we are getting into sums of money that have to be looked at from a realistic point of view.

At a time when the Backbenchers, who put up the motion, have been pressing to get the study into Cayman Airways to try to figure out where Cayman Airways operations may be improved, we are finding that this process is taking very long. As time goes by, the situation from a cash point of view, seems to me to be deteriorating considerably. That is going to be impacted by the losses in passengers, as was recently seen from the Gulf War. I wonder, if the lesson to be learned from this vast expenditure on these two new jets is that the company should now try to take the stance of waiting, until they can get the study of the routes, of the economics and of the equipment which is to come about this year before they make any further major moves.

When one knows that a study is going to be carried out that could help the airline to pinpoint the areas that can be improved, I cannot believe that it becomes so urgent that we should be making major decisions firstly, on the third jet, which seems to be a fait accompli now and secondly, on a fourth jet on the Turks and Caicos route. All at a time when other airlines, Air Jamaica and I think Air Bahamas, was in intervention with the international monetary fund where they said to contract the air routes to what routes make profit and consolidate during a period of world wide economic recession.

I hope that this will be borne in mind by Cayman Airways because I would very much like to see the day when Cayman Airways can happily say what they were able to say a year and a half ago, that is, we have reached a stage of making a profit. Let us never forget that Cayman Airways, before selling the 727s in the last year of them, did make a profit of nearly $1 million. This was the first, at least in its

history as an independent airline. We went from that stage to what has got to be a much worsened situation. My advice at this stage, as I and others have given before and which has gone unheeded is, wait until there is a study, wait until you can analyse it and implement what is good of it, before making any major decisions which can cost the airline a lot of money, which ultimately will cost the Government of the Cayman Islands a lot of money. So I support it, but on the other hand, I believe that we must look seriously toward stopping the heavy cash flow payments and deficits, which we are seeing.

The Fire Department continues to be very well run, very efficient and highly 'Caymanianised'. It is a good example, one I have used many times before for other departments.

The Portfolio for Education, Environment, Recreation and Culture is one that worries me, especially in the area of education. That worry would be even further intensified if, perhaps, in some areas I was in a better position to know fully all of the facts.

While the Member has said that he is doing everything he can to deal with the building programmes, I believe that we must get on to deal with the over-crowding in the schools, especially in the George Town Primary. Several of these Primary Schools, George Town, West Bay are just simply too large. There are too many children to be able to give the highest amount of educational input that could be had in schools of a more normal size. The time has come to get on with the second Primary School in George Town. The Governor has mentioned in the Throne Speech that work has commenced on the plans and what I would ask the Member for Education is, if he could speed up the Member for Communication and Works and try to get this brought in as early as possible.

It was good to see that $200,000 has been earmarked for an alternative education programme. I think that is a move in the right direction and I wish every success in it, because if you can bring children who have behavioral problems back into the main stream, it is to me one of the greatest feats that can be achieved in schools. I am also very happy to see that guidelines are being prepared for Pre-Schools. These have become more and more important and they are now dealing with quite a substantial number of children.

Scholarships. In 1989, Finance Committee doubled what the Government put forward and also the same for private schools. I have shown that the Government saves very substantial sums of money by private schools educating children and these sums are perhaps, in the area of one half to three-quarters of a million on the larger schools, per annum. Therefore, I feel that looking at it purely from the economic point of view, Government should assist them in continuing to educate children under the Government's mandatory education system. If they were not there, then the Government would have to educate those children itself. Therefore, I believe that help to private schools, not only does it increase the competitiveness and keep the standards of education higher between the Government and the private schools, but it is also good economic sense for Government to assist them and ensure that they continue.

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

MR. TRUMAN M. BODDEN: Yes, Madam Speaker.

MADAM SPEAKER: Proceedings will be suspended for 15 minutes.

AT 3:15 P.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 3:35 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed, continuation of the debate on the Throne Speech, the Third Elected Member for George Town.

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

The position in the Portfolio on the failure to publish as early as possible the report of the consultants is one that is worrying. The Education Review is one that touches not only the Government schools and the Community College, but also the private schools. While the Throne Speech mentioned that the Community College accepts that its position in the educational structure will be determined by the Educational Review, it goes to show the uncertainty that exists at this time and why the Government must stop procrastinating and get on with the study.

One of the things that must not be forgotten is the reason why the Middle School was established. These were broadly, that children in the 10, 11, 12 and 13 year age band would be much better off in a school of their own, rather than being exposed or mixed with children who are 17 and 18 years of age. Secondly, it allowed the children a cushioning of the impact of changing from one teacher at Primary School, to multiple teachers in the High School and was one that allowed a more specialised and enriched syllabus for children in the 10 to 13 year range, who were going through the most frustrating time in their life - moving from childhood into the teenage years. And today, the importance of separating 17 and 18 year-olds from 11 and 12 year-olds is even more important, because drugs have now become a most difficult and wide-spread problem within the community.

In the days when those principles were set out in 1979, in my education policies at the time, it was less important of having this separation of teenagers from younger children because drugs had not reached the height that it has now. I am sure that the Education Review will address this very important aspect. There can be no better alternative to keeping children away from drugs and out of trouble

than through sports and recreation and when the Backbenchers had control of Finance Committee, as far as I can remember, we doubled the sports grants that were given out.

It is still sad that the Sports Complex in George Town continues to be ignored to a large extent. We find that the track is still not up to standard, in fact, it gets worse and worse as time goes on; and it is something where injuries can be caused. The efforts put in to seeing the extension and expansion of sports is, in my opinion, one of the best investments that we can have in our youth. And, one of the best ways of keeping children away from drugs and unhealthy practices in society.

It is good that the Cayman Islands National Museum is now a reality. In the Throne Speech the Governor stated and I quote: "The nation owes a great debt to all those who tried for so long to found the Museum properly.". Madam Speaker, I do not think that anyone, at least from a politician's point of view, put in more effort than Mr. Jim Bodden. Hopefully, one day a statue of him will be put in its proper place in the centre of George Town. That I promise, will happen.

The Public Archives - a very good increase to the Government facilities and records. We must preserve as much of the past as we can.

The Community College is progressing well. It is competently run and hopefully will settle down in another year or two, when it is properly housed.

In relation to the Environment and Natural Resources, there is always difficulty in weighing the balance of the preservation of animals, fish and plants against the preservation of the human race and a sensible balance has to be struck naturally, in relation to this.

The National Trust continues to play a very important part and along with the other developments in that area, is one that I fully support. I would like to personally commend Mr. Richard Ground for his kind and substantial gift to the Cayman Islands, of the proceeds of his book on Cayman's wildlife. It is not often that one sees that generosity. While in that area, the next is the Cayman National Cultural Foundation and I think the Portfolio for HSS should, wherever possible, remember that the place in society of the programmes, the plays and the performances at the Harquail Theatre are important to the culture of the Cayman Islands. Also, I think it should be remembered that this was a very kind gift from Mrs. Harquail and that wherever possible, I believe that acknowledgment and appreciation should be shown by the foundation and also the Department.

At this stage I would like to deal with one of the statements that was made by the Member for Communications and Works, where he said words to the effect that the Backbenchers had attempted to reduce the amount of money in the Budget and that that would have had the effect of laying off Caymanians in Public Works and elsewhere in Grand Cayman and in Cayman Brac. The fact is that a motion that I moved would have changed the substance of where the funds were being spent in the Budget and would have shown a savings of $800,000; totally different from taking money away from the Public Works or people in Cayman. What it would have done was to have taken very large sums of money that were being paid to the consultants by that Member, the Member for Health and the other Members and putting it into the districts.

I would like to briefly read what that motion said because I think it is very important that the facts be fully known on this. What was being cut was $300,000 out of Sector Planning, once again, consultants by the Member for Communication and Works. That was Head 41. $170,000 out of the $270,000 of the Post Office in North Side and there was cutting of $507,000 out of $900,000 in the Budget that was going to be spent on Agriculture. The area that it was going to be spent on was in employing staff from overseas long-term and short-term, to the tune of $300,000, was the total amount of staff being employed, not all of which was foreign.

The other area was in relation to the $1 million to the hospital design works and that was going to be spent as follows: in Cayman Brac and Little Cayman $100,000 for maintenance of roads; Public Works, $500,000 for maintenance of roads of which $200,000 extra was going to be for George Town; and this did not go through. This was a motion I put, which the Government defeated in the new Finance Committee. Civic centres and museums $60,000; sports, playing fields and parks $217,000; construction of roads $410,000; library facilities $40,000. So all of the money that was being redistributed was coming from money that was being paid mainly to consultants from overseas and the money was going to be spent here in districts. But I know that Communication and Works hates what he calls parochial politics. That is, one spending money in the districts. So, totally different from the picture that was painted, what we had intended to do was to take the money that was being spent, quite frankly the vast majority of it overseas and on projects that we felt could be left and putting it to the important areas in the districts. That money spent in the districts would be spent by Public Works or spent on local people. I wanted to put the position clear in that respect and we did have a savings of $800,000, but the savings was coming from this vast sum which the Government, every year, spends on its foreign consultants.

He also dealt with the question of the amendment that was dealing with piped water. The position on that is that the apartments, multi-family dwellings, condominiums and hotels now will have to have a concession or will have to use piped water for everything. We objected to that once again and very briefly on the basis that it is going to hurt young Caymanians. The single family privately owned homes, which are owned normally by people who are older and can afford to pay for a home, will be exempted. The younger Caymanians who cannot afford a home and who are in apartments, will be faced with this problem of having to pay much more for water. If the problem was in the hotels, then we felt the law should be restricted to the hotels or maybe the condominiums, but leave out the apartments and the multi-family dwellings.

After what was said on agriculture, it is very interesting that once again this year there is no agricultural show. I notice the Member very conveniently said nothing, at least I did not hear him say anything in relation to that. I will be coming to deal with that at a later stage.

With the Health Services, I fully support them. I believe that the

public should get as good as we can afford. On the other hand, I believe that to spend $1 million on hospital plans, when we know that the country has borrowed just about as much as it can borrow, and does not know where the money will come from to build a hospital, is premature and somewhat irresponsible at this stage.

What is more frustrating to the public is the fact that the splitting of the hospital site is going to cost very large sums of money, more than it would be on one site. The public has very resoundingly rejected that, as has the senior staff at the hospital in the presence of the MLAs, at a meeting where the Member was present. Despite all of this the Member blunders on with this project.

I believe that as a representative of the people, it is his duty to carry out the wishes of the people and where there is a clear rejection of a project such as this, the Member should go back to the drawing board and come up with what is reasonable, instead of a total of nearly $20 million. Perhaps phase it back to what the country can afford at this time. Be that $6, $8 or $10 million or whatever and put everything as far as possible on the one site to minimise the cost and maximise the use of the services. So I think it is really "pie in the sky" to take $1 million out of a borrowed $13 million. We have to remember this, the country is borrowing the $13 million. $1 million of it is just going on plans. I do not see how it is really possible that plans could cost $1 million for a hospital that should only cost $8 or $10 million at the most.

I guess as we found with the Dental Clinic and was stated in here by Public Works, instead of maybe six or seven per cent of the cost where we have the overseas consultant and the local architect involved, this spiralled up to 16 per cent.

It is good to see that the Member continues preventive medicine in the line of vaccinations, especially among children. We continue to have one of the highest percentages of vaccinated youth, perhaps, in the world.

The medical services here are good. My three children were born at the hospital here. I could have afforded to have sent my family abroad, but I believe in the expertise and the professionalism of the staff here and we do have good staff. That is why I believe the Member should try to follow their advice in relation to the new hospital and the different sites. In fact, there were only two nurses at the birth of one of my children there. I think he has a good basis to build on, but he has to become somewhat less head strong and try to take some advice.

Social Services is, perhaps, the most complex. What I found during my eight years in Government, is the most difficult and at times the most frustrating area to deal with; it is so diverse. It deals substantially with people. All people are different in certain respects and I think it is one that the Member for Health and Social Services has my sympathy on. However, I believe that with an intensifying of the services, a developing of them, a lot could be done. There has been a lot of debate in relation to whether a Drug Rehabilitation Centre is appropriate and it is good to see that he is now evaluating plans for a Juvenile Treatment Centre and that effort is being put into this area at present. I think too much of his time has been spent on the big projects and a lot more should have gone into the area of Social Services. He has a good Department there, I think he just needs to get his policies together and try to get on with this.

He continues to bemoan the fact that the public has rejected his Pension Plan and once again, I believe that, as has been said, he should get back to the drawing board and try to come up with something that the public wants. It is not good, as a representative, to put up elaborate schemes which the public does not want and which the country cannot afford. It is not fair to state, as he does from time-to-time, that it was stopped by the Chamber of Commerce. They played a role in it, but he knows that, on the whole, it was the views of the public generally, that said go back and amend this to what the public wants and what is reasonable and affordable.

It is very interesting that after seven years of not trying to build homes for persons with a very low income, suddenly we find, as we get near to the eve of the elections, that there is a big plan to start expanding in that area. That is good, I am happy to see that something is being done even if it takes an election to bring it about, and whatever Member is in that position, then I think provided the needy have the necessary shelter, it has to be good overall.

In Communications, Works and Agriculture we have seen the Member with a very heavy Portfolio sort of juggling his time and effort between them and what it comes down to, is that the Member for Communication and Works is overloaded in his Portfolio and instead of trying to admit that and concentrate on getting some of the smaller policies and plans through, a lot of time is being wasted, by him, on these massive projects; such as the MGTP or consultants in agriculture.

In the criticism that he often levels at us, as Backbenchers, for stopping the Master Ground Transportation Plan and its scheme of some $100 to $200 million, I have one very simple question. Where would this country be at this stage if the Backbenchers had given a free rein to the Government to go on with this?

Further, if the Government had committed to build the $20 million hospital, where would the country be now? We are suffering economically and things are bad at present, but they would be 20 times worse, if we had not held the reins on them from spending these massive sums of money that the country could not afford. It would not have been $10 million next year, it would probably have been $10 million every year, for the next five or 10 years after that.

I will deal with the question of roads and maintenance at a later stage, but the problem, generally, that the Member faces in this, is that he does not seem to want to do little things. Little things like fixing potholes in roads, adding an extra lane for maybe a short distance before a junction, or just trying to upgrade areas where there is need for it.

Uncertainty exists in the Planning Department and areas relating to the Building Code. Nothing constructive has been published on a new development plan. That plan has been in existence since we produced it in 1977. Either it must have been the best plan in the world, or the Portfolio for

Communications and Works is just not capable of coming out with any alternative to it. It obviously needs reviewing. They admit it, but once again nothing is done.

The Lands and Survey Department is very important. Their move now towards computerisation of the records is most important and hopefully, the Member will put forward whatever is necessary to have this done in due course.

The Port Authority is one of the few separate Authorities that does make a profit. It is good to see Authorities that are economically viable.

In relation to the Water Authority, they have a substantial amount of work on their hands. My only request in this area (and I have asked many times in the interest of the public's health) is that Government monitors, preferably on a daily basis, if not several times a day, the quality of the water. Not just in relation to bacteria, but the salt and minerals that are in it and perhaps, that should be published in a report from time-to-time. I do not believe that there is sufficient control over this and there are times when we have seen that the quality of the water, luckily only occasionally, has not been good.

Mosquito Research and Control Unit takes a good slice of funds to keep it operational and I wonder whether the time has not come where there are very large internal breeding areas for mosquitoes, as I understand it, the larger part of the breeding takes place in certain areas, whether the time has not come for Government to try to give out permits and have these areas filled in or cut down or whatever, and try to remove the heavy breeding grounds that are internal in the Island. In fact, I have been told, for example, in the South Sound area, there are several acres used as one of the main breeding grounds, as well as somewhere along the beach. If that is correct, then I do not think there would be any loss on seeing development over that area.

The Member for Communication and Works has mentioned about increasing the Development Control Board in Cayman Brac and Little Cayman. Well, whether that is good or bad, I am not sure. I would have hoped that he would have had something positive to say towards trying to deal with the real problems that they have generally, on the economic side in Cayman Brac and Little Cayman.

Moving on to the area of George Town, my district, I would like to see that he takes more interest in it. Interest in dealing with the problems that are peculiar to the district. This is as he calls it, "parochial politics". But if that is what it has to be called, then I will be going into it.

About a year ago, when three Members for George Town visited the different roads in the district, at that stage it was going to take over $3 million to deal with the upgrading and the repairs in the roads. I think there is only about $250,000 in the Budget this year and in the Finance Committee the Member said that he felt that was adequate. I am not certain what it was adequate for, I tried to increase that by doubling it; but the Government refused to have it doubled because the money, naturally, was going to the experts, the consultants' funds. There are areas where we very seriously need to have repairs done. If they are not done fairly quickly, then we can expect that the road is going to deteriorate to a point where the cost is going to be considerably more.

I believe that the First Elected Member for George Town, the Member for Tourism, I am sure is with me when I say that something has to be done in the near future to deal with the upgrading of the roads in George Town, or cars and pedestrians are going to be subjected to a very dangerous situation.

We have a roads committee now, the GRIPS Committee and that is good. I have nothing against committees, but you do not drive cars on committees, and you do not need a committee to fill in pot-holes and do minor repairs to roads. If we have to wait on that, then we will never get the roads upgraded. I guess as election time comes nearer we will see a scuffle to try to do this.

Lights: We need to have the bright lights (I think they are 400 Watt lights that are on West Bay Road) placed along places like Eastern Avenue, Shedden Road, Sound Road and the town part of North Church Street. They do not only assist pedestrians and drivers, but they also keep down crime. There are some lights there now, but I think they are quite deficient in numbers and also in the brightness.

In December 1989, $50,000 was put in for a park in George Town and nothing was done with it. If the Member could not find land, then he should have tried to ask the National Trust to look into this and see if they could not assist him with finding somewhere that a park could have been at least started.

Sidewalks have to be at least started in the School Road or it is called Eastern Avenue now, and along Shedden Road and I think within the George Town areas of North Church Street. These are heavily used by pedestrians and I think that the time has to come, with increasing traffic, that Government looks at this.

Traffic lights could be established at other positions. I believe this must be the only place in the world that there are three and four of the same lights, on the same corner, which are the same colour. I would suggest that these extremely costly lights, where there are three and four of them, that they take one or two from there and put them somewhere else, because as I understand it, traffic lights have two bulbs in them anyhow. So if they are checked regularly, there is no need for three and four of the same lights.

All I can say is, that if we have to wait for the work to be done at the rate that the Portfolio for Communication and Works is now dealing with it (as they dealt with the Merren junction and took over a period of weeks, probably months, to do an extra 100 or 150 feet of that, when a year or two earlier they had done the other 150 feet) then I do not really know when the works will ever catch up with the traffic.

From there I would like to move on to deal with one other area, before actually leaving this subject. A lot has been said about the traffic problem, but I do not believe that the Member for Communication and Works is seriously trying to solve this problem. His solution was the MGTP, which

we cannot afford, so we have to move on with something else.

Several of us put to the Member that there were a few cheap, at least cheap compared to the MGTP, solutions to the traffic problem. The West Bay Road could be turned into three lanes, which would mean we would not have to buy anymore land of any consequence. It was in the area of $1 million and at least going one way, perhaps into George Town, traffic could be doubled. We also did a costing of a road that would go in the area of the Harquail Theatre, into the airport. I think that was in the area of $2.5 to $3 million, if it followed the dike road. As a second stage to the $1 million, a third lane for the traffic on the West Bay Road.

The schools are highly congested at school times and we looked at taking a road from the Bob Thompson Road and bringing it out in back of the High School, Middle School and private school. This cost, depending on where it went, was between $2 to $3 million but it would put a lot of the traffic behind the schools and leave the front of the schools for traffic coming from the West Bay area. There was also a later stage where this could be done from the South Sound Road. At the school, especially near the entrance of the High School, a turning lane could be put in for children to be dropped off because at present they are not using the turn-in area off the High School, which is used mainly by the buses.

We bought a mechanical street sweeper many years ago, a fairly costly one, and you rarely ever see it on the roads. I assume it still works and I think that a cleaning up of the dust and the pebbles on the roads would be an improvement.

The West Bay Road is like a washboard because it has been cut across so many times by the Water Company, the Sewage Company, the Telephone Company and whatever companies put pipes or lines under it and it has not been properly repaired each time. If Public Works was sufficiently astute and watched this, and forced them to properly repair the road, then the quality of that road would be a lot better because it is really not that bad, except in the areas where it has been cut across. I believe that those areas of repairs and upgrading in George Town are important and urgent, and they should be looked at and dealt with as early as possible.

Moving from there to a different area. I came under considerable attack, I cannot call it just criticism, because I was man enough to set out my views in certain areas and that included the Constitution. The Member for Communication and Works (it is only his debate that I am dealing with here) went to extremes to say that I had been holding back progress in certain areas. Perhaps the most amusing was when he tried to imply that presumably, I had been one of the people who had not voted for the Speakers Motion.

I did not vote for that 18 months ago when it first came up, but I did vote for it when it came to this Honourable House the last time. Under his theory, I had done what was right and progressive. I believe that he did forget that he had not voted for it that time and, therefore, any retardations of progress in the country, in that respect, was being brought about by him. The excuse given for not voting by him, I would dismiss as not really a good excuse.

I do not mind saying there has been times when I have changed my mind. Everyone does. But at least in this respect, I could not be criticised by him under what he put up was the correct process that should have been carried out. I am very happy for you to be here in this House. I think that the move was a good one. Whether it should have come earlier or not is now history, but had it been for the vote of the Member for Communications, this progress would not have come about. I am proud, I am very much a person who has pride in my people and in my country and I am happy to have you, as a very capable Caymanian Speaker, here to rule over this House of 15 men.

The other areas that the Member for Communication and Works dealt with were where he stated that the Members, under the Constitution at present, could be called Ministers because they have administrative responsibility now. That, I personally feel, is not correct. Because, if the Members now were Ministers, then there would be no need to talk about changing the Constitution. I know this is being advanced. Despite what he said about misrepresentations to the public by me, I want to point out very clearly that when you have a move from Members to Ministers, the Constitution which now in section 9(1) reads that:

> "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.".

What they will add on to it is "including responsibility for the administration of any Department of Government." That, I am reading from the British Virgin Islands' Constitution, but it is the same in Turks and Caicos and in Bermuda. When the move comes from a Member to a Minister, they specifically put in the Constitution, "including responsibility for the administration of any Department of Government."

MOMENT OF INTERRUPTION - 4:30 P.M.
STANDING ORDER 10(2)

MADAM SPEAKER: Honourable Member it is now 4:30, the Moment of Interruption.

MR. TRUMAN M. BODDEN: That is good, Madam.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

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

AYES.

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

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM THURSDAY, 28TH FEBRUARY, 1991.

THURSDAY
28 FEBRUARY 1991
10:01 A.M.

MADAM SPEAKER: Prayers by the Honourable Member for Tourism, Aviation and Trade.

PRAYERS

HON. W. NORMAN 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, the 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, Amen.

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.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Questions to Honourable Members. Question No. 69, standing in the name of the First Elected Member for West Bay.

QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 69: Would the Honourable Member say whether there are any private doctors' services being utilised and, if the answer is in the affirmative, will he make a statement?

ANSWER: I am assuming that the Member is referring to local private doctors and the answer is yes. The hospital does utilise the services of local private doctors.

There are, at present, three cadres of doctors at George Town Hospital. The Casualty Medical Officers are general practitioners and they staff the casualty and walk-in out-patient clinics. These doctors, of which there are seven, work a shift system - usually five shifts per week - and provide 24 hour coverage.

When there is a casualty officer shortage either because of leave or a vacancy, short-term locum coverage is provided for periods ranging from two weeks to several months (in cases of end of contract leave). In most cases, these locum casualty officers are brought in from overseas under special arrangements worked out with Personnel and Management Services at the discretion of the Chief Medical Officer. In other words, their appointment is not handled by the Public Service Commission.

The second cadre of doctors is the senior medical officers or consultants, of which there are eight. These doctors provide specialist clinics, surgery in some specialties, ongoing care of in-patients in their specialty, and are on call 24 hours a day for emergencies and call backs. While the number of clinics are set, and their clinic work is arranged on a rota basis, their hours of work are not strictly set down as in the case of the casualty doctors. The consultants must also cover specialist clinics in Cayman Brac and the districts, again on a regular basis.

The registrar cadre was introduced in 1990. There are three registrars in the areas of anesthetics, internal medicine, and ear, nose and throat diseases. These doctors provide support for the consultants, run clinics in their own right, and generally share the work load in their specialty.

This brings us now to the question of local doctors. In order to provide support and relief for those specialist areas without a registrar, local general practitioners and specialists are used on an ad-hoc basis. Arrangements are in place for service on a per hour basis. Some consultants are given two weekends per month when they are not on call, and local practitioners cover these weekends. These local general practitioners or specialists are paid from temporary relief.

Under the Health Plan, the medical staff will be reorganised and restructured so as to allow equal participation by all doctors licensed to practise in the Cayman Islands. This will allow a fee for service arrangement either on a per session or per patient basis. This will also address the question of leave and coverage for physicians in a more practical way.

SUPPLEMENTARIES

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

MR. GILBERT A. McLEAN: Madam Speaker, would the Member say what salary is paid to the doctors who fill in, in the casualty department? Is that calculated on the rate paid to the Government doctors? Or how is it calculated?

HON. D. EZZARD MILLER: It is not directly related to the salary of the casualty officers. I think by agreement with the local practitioners who do this work, they are paid one dollar per hour for every hour when they are on call. In other words, just by being on call does not necessarily mean that they are called out. So, if they are on call for a 24 hour period without being called out they get $24, if they are called out even for 10 minutes they receive $30 for that call. I think that is the system.

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

MR. GILBERT A. McLEAN: I understand what the Member has said so far, but given a scenario, for example if these doctors are in an emergency case for three or four hours, are they not paid so much per hour while they are attending to that particular case? Would not the specialist fall into some similar type of arrangement as well?

HON. D. EZZARD MILLER: I think by agreement they are paid $30 for every hour that they are at the hospital. If they are involved in an operation (which most of these would not necessarily be because the specialist would do that) for three hours, and they happened to assisting or performing the operation, they would get paid $30 per hour.

MADAM SPEAKER: If there are no further supplementaries, the next question is No. 70, standing in the name of the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 70: Can the Honourable Member say how many Caymanian and non-Caymanian members of staff at the Government Hospital were sent abroad to attend conferences at Government's expense for the last two years, and will he give a breakdown of costs?

ANSWER: In 1989, 12 Caymanians were sent overseas for conferences at a cost of $11,385.05 compared to four non-Caymanians at a cost of $4,195.71.

In 1990, 20 Caymanians were sent overseas for conferences at a cost of $16,054.76 compared to 18 non-Caymanians at a cost of $24,506.25.

MADAM SPEAKER: Supplementaries? If there are no supplementaries, the next question in No. 71, standing in the name of the First Elected Member for West Bay.

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

NO. 71: Can the Honourable Member say whether there are any doctors working at the George Town Hospital who have not signed a contract and, if the answer is in the affirmative, will he make a statement?

ANSWER: There is one doctor employed at the George Town Hospital who has not signed the standard form of contract. This specific arrangement has been under review and a resolution is presently in sight.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: The Member said that there is one doctor who had not signed the standard form. Has he signed any form of contract?

HON. J. LEMUEL HURLSTON: There is a form of contract in existence.

MR. W. McKEEVA BUSH: Has he signed that contract?

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

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: May I ask the Member if Government would be in a good position if a malpractice suit were to be brought against a doctor in this situation?

HON. J. LEMUEL HURLSTON: I believe that is a hypothetical question, but, in my opinion the officer is employed and is under a form of contract.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Honourable Member say what the difference is between the two contracts?

HON. J. LEMUEL HURLSTON: Yes. The special arrangement entered into in 1986 was described in an answer to a Parliamentary Question which was answered yesterday. That arrangement was that one doctor was permitted to accumulate days off in lieu of time spent on call and to add that time to his regular annual leave as a form of alternative compensation.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: So the contract is only in regard to leave taken and payment of leave not taken?

HON. J. LEMUEL HURLSTON: Yes, that is one of the principal differences.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can the Member say whether that doctor is guided as far as his work is concerned, different from other doctors because of that contract?

HON. J. LEMUEL HURLSTON: I do not understand the question.

MADAM SPEAKER: First Elected Member for West Bay, would you like to rephrase your question?

MR. W. McKEEVA BUSH: Let me ask another supplementary. Are there any other doctors who have that same type of contract?

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

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: What I am asking is if this man had a specific contract specially drawn up for him? Is he any different from any of the other doctors?

HON. J. LEMUEL HURLSTON: Yes, he is different. He entered under a special arrangement at a time when his services were very much needed.

MADAM SPEAKER: That concludes Question Time for this morning. Government Business, Continuation of the debate on the Throne Speech. The Third Elected Member for George Town continuing.

Before the Honourable Member commences I would just like to draw Member's attention to Standing Order 39 - Rules for Members not speaking.

"39. Members present in the Chamber during a debate shall -

(a) enter and leave with decorum;
(b) not read books, newspapers, letters or other documents unless they relate to the

business before the House;
(c) maintain silence while other Members are speaking; and not interrupt except in accordance with Standing Orders; and
(d) in all other respects conduct themselves in a seemly manner.".

MR. W. McKEEVA BUSH: Before the Member starts, one Executive Council Member...

MADAM SPEAKER: Is this on a Point of Order?

MR. W. McKEEVA BUSH: Yes, Madam Speaker, just for a clarification. You have pointed out a Standing Order. Two Executive Council Members were reading newspapers and they were pointing across at us. Are you referring to any specific Member, or to the House?

MADAM SPEAKER: Honourable Member, I have just read the Standing Orders for the information of Members. There will be no debate on that matter. Thank you. The Third Elected Member for George Town.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH
DELIVERED BY HIS EXCELLENCY THE GOVERNOR MR. ALAN J. SCOTT CVO, CBE

(Continuation of debate thereon)

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

I would like to just touch briefly on a few of the short matters that I did not touch on yesterday. One is the Government archives. This is a good addition to Government. Preservation of our history is important to our children and to ourselves because once it is lost it is impossible, most of the time, to regain it. The library is perhaps one of the most important institutions in any country. It was the centre of learning from the Greek and Roman times of 2000 years ago. Today it must continue to carry out that function. I believe, however, that much more needs to be done to it and it would be good to see the Portfolio extending the library functions also within the districts so that people in general, but especially school children, would be able to have a much wider access to books in the districts.

As a lawyer, the library is the main tool that I use in my profession. I have several thousand volumes within my library, my office and my home.

On the question of trade, I have noticed that Cayman has been hit at times detrimentally. More recently in the December issue of *Conde Nast Traveller*. Hopefully, these things are dealt with. I will not go beyond saying anything more on the article.

I also noticed that the Chamber of Commerce set out, in their February 1991 publication, a very short article toward a Code of Conduct for Members 'Food for Thought'. It set out several things: honesty, trust-worthiness, law-abiding, truthful, accurate, avoid exaggeration, misrepresentation or concealment of facts; be fair, reliable, cooperative, responsible, etcetera. Hopefully, that will apply, not only to where Cayman is smeared in publications such as this (I will not hand this to the Member as he has probably already seen it), but also where the cruise ships smear other stores or businesses on the Island. I think these things need to be corrected. Any of us, in fact, can correct articles which are incorrect. If it is fair criticism, than so be it, although I do not think that this article was all that fair.

The thing that amazes me, I know the Member may say that we are having more and more Caymanians sell Cayman abroad, but I think that Caymanians have to be the main people selling Cayman abroad, especially in North America. While we can have foreigners helping, I believe that the brunt of the selling of Cayman abroad should come from the Caymanians we send there.

The Central Funding Scheme: The Member for Communication and Works (not just him but the Government before) has left that to flounder. I am happy to see that something is finally being done by him to deal with it. The striking thing that did come out was that there were many years (since 1984 until last year) where, for example, there was no stock-taking. Hopefully, that will be sorted out.

I go on from there to the last main topic, a very important one that I have to cover. This deals with the Constitution and the Constitutional Review. I have come under attack... and here I am referring only in my speech to the Member for Communication and Works and the Member for Health and Social Services, because I have made a full statement of my position on the Constitution. Why there should be any attempt to chastise me for this is a bit beyond me. The Member for Communication and Works said in his statement, words to the effect that there were too many individuals who sit on the fence waiting to jump on the most popular side, and that he had very little respect for anyone who did not have the strength of character to state his position and to stick to it, regardless of what the nature of that matter may be.

Well, I do not fall into that bracket because I made quite a full statement of my position on the Constitution in writing. Neither of the Members who stood up made a statement of their position on the Constitution, even though the Member for Health and Social and Services has made his clear. To show you how it is better to think before one speaks, perhaps the one individual who has taken no position publicly on the Constitution is the Member for Education. It seems that the Member for Communications must be aiming mainly at his own colleague. Speaking of taking a position and sticking with it, the Member for Communication and Works took two positions on the Speaker motion. He did not stick with it in the end, as he did

not vote for it; he probably forgot that when he made his big statement on it.

Also, we have had statements by that Member in the past, to the effect that the day would come when Elected Members would sit in the Official Member's seat, referring to the then Attorney General, yet, when the motions to change the Finance Committee come along, suddenly those three Official Members are one of the best things that this Government has been able to find in the last two years. They sweep them in and they give them votes and along they go. Such inconsistencies with his statements. I believe that this House (and the public) will bear in mind a lot of the rhetoric that the Member dealt with.

What has perhaps frustrated the Elected Government most is the fact that they have not been able to split up the seven Backbenchers. It has frustrated many more than them, I am sure. The constant effort is toward trying to divide. While no group of people can always hold the same views, they have to be sensible enough to sit down and work out as best as possible a position where that position is needed. To that effect, I can assure them that the efforts so far have been a long way from creating any division of any sort between us.

Now, in relation to the meat of what the Member for Communication and Works dealt with on my statement, he did read a part of it, but I believe that I should read a bit more to show all of what I said. I propose only to read the areas relevant to what was raised. As a prelude to this, I must say that the Constitutional Review itself was ill-timed because there was obviously an economic recession on the horizon, a lot of political controversy at the time, and I think very important decisions are better made in a very calm atmosphere. Speaking of that, your short time here as Speaker has been the calmest and best this Legislature has ever been. That puts me in a much happier position for the debate that will ultimately come back to this House.

I voted against the motion for review at this time. I am sure the seven Backbenchers did. We set out our reasons then. However, as was mentioned by the Second Elected Member for Cayman Brac and Little Cayman, now that the review is on, so be it; we accept it, and we will do our best to see that the peoples' wishes are carried out and that the final document, Constitutional amendment or whatever the people want, is really what they will get. That, I think, is the wish of every Member of this House.

Regarding the statement that I made, I will only read the three short paragraphs that were dealt with. I think they need to be read in full because I can assure you that I have never imputed, nor have I ever thought of imputing, corruption to any Member of this House. Far from it! It cannot be read from this statement and I am positive of that. I just want to make that clear. But, so that it can be beyond a doubt, I think we must look at the words that have been written. It is a good thing that it was in writing, or I do not know what they would have made of this statement if I had just said this at a public meeting or somewhere 'off-the-cuff'.

Under the heading of 'Ministers' it said:

> "Subject to the wishes of the people, the next step as I see it is to make the Members of ExCo into Ministers and give them administrative responsibility over their departments. This will give them more say in the carrying out of their policies, but on the other hand continues to preserve the independence of the Civil Service, which is most important. This stage does not require a Chief Minister, neither a Leader of the Opposition.
>
> The advantage is that Members will have administrative responsibility over their departments allowing their policies to be more effectively carried out. The disadvantage is that they must take on a considerably heavier load of work because they are moving, as an example, from a position of directly making policy only, to that substantially of a managing director making policy and having administrative responsibility.
>
> This job requires longer hours of work and [much] more experience and skill and understanding of human nature and cooperation with and by civil servants. The difference between a Member of Executive Council and a Minister of Executive Council is the added administrative responsibility over his or her Portfolio's departments. It is an advancement of the Constitution and it is a sizable step forward which must be properly worked and understood by the people, the politicians and the Government before any further steps should be taken.".

The comment that I got in relation to this dealt with the fact that what I was saying there was not fully correct in that at present Members are substantially the same as Ministers. What the Members for Communications and Works said were words to the effect that the functions will remain pretty much the same, Ministers will be given a bit more administrative responsibility, which is needed to improve the system. I say that (and I read yesterday) under the advanced Constitutions with Ministers there is a specific provision put in for administrative responsibility and the functions are not pretty much the same, but different in that you go from making policy to having administrative responsibility over the department. It is similar to the difference between the director and perhaps the manager of a firm; it is a lot more work, indeed, a big step.

The main thrust came out of the next few paragraphs. Under the heading of Chief Minister I said, and I read from the letter:

> "A Chief Minister is not necessary for Members of ExCo to become Ministers. It is a further step in advancement of the Constitution when a Chief Minister and Leader of the Opposition [if any] are elected.
>
> This stage is only practical and workable when political parties are well enough developed to enable

either a one party or a firm coalition government to be formed. This stage is there for a second large step in the Constitutional advancement of the country and in my view is not workable at present.

Further, that step should not be brought in (or if provided in the Constitution for future use) unless there is a second general election or preferably a Referendum on this issue for the public to have their say as to whether or not they wish to have a Chief Minister. The advantage is that when things go wrong, the Chief Minister normally answers to the public for Government and he can discipline Ministers.".

The next paragraph is where the crunch came.

"The Chief Minister's powers are nearly absolute and unlimited, he can hire and fire other Ministers from the Executive Council. A strong charismatic Chief Minister can dominate and run a country to his wishes by firing or threatening to fire Ministers who do not go along with him. It opens the door to corruption, it is much easier to corrupt one man, the Chief Minister, than seven ExCo Members or Ministers.

The Chief Minister's position will also create more political fighting and divisions among politicians as it also attracts power-hungry politicians. Leaders evolve over a period of time, you do not just name a person a leader.".

There is nothing whatsoever in that statement, if read and understood in the English language, that can be taken as imputing corruption of anybody in this Honourable House. Far from it. I set out the advantages and the disadvantages of having a Chief Minister, and throughout I merely tried to tell the public what I see as the advantages and the disadvantages. So I think that it is not correct when the Member for Communication and Works says that it was regretted that any Member would question the motives and integrity of those Members at the Legislative Assembly who support a Ministerial Government with Chief Minister as head and a Leader of the Opposition, or words to that effect. Far from it! In fact, any person aspiring to be a Chief Minister, who picks up and reads a statement like that and does not understand it, will have a problem being a Chief Minister.

The other area that was criticised in relation to this by both the Member for Health and Social Services and the Member for Communication and Works (to whom only I am referring to on this), was where I had stated that... in fact, the newspaper article carried a heading saying that I said the Chief Minister opens the door to corruption. Well, once again if one reads only the headlines of a newspaper and not the fine print, one can sometimes get into trouble. It is hard to condense what one sees on maybe three pages in a newspaper into three words. But, I am very happy to see that the Member for Communication and Works at least acknowledged that I stated that the Chief Minister's position could open the door for corruption, and it was easier to corrupt one man than seven Members. He did at least state that that statement was, broadly speaking, correct. I think if he looks carefully at what I have written (because I am very careful about what I write) he will see that, broadly speaking, my whole letter is correct.

What I do not know, and only the Members concerned would, is why the political attack has come about. I was also criticised about saying that without a party system you cannot have a Ministerial system. Well, if anybody took the House as it now stands, if you or any member of the public can tell me who the leader of the four elected Members of Government is, then they must have a connection with people somewhere beyond this earth. That is really all I am saying. Until you have a political party where you can have a defined leader, for example the eight Backbenchers, you would have the same problem at this stage. Whereas in countries where there is a Ministerial system with a Chief Minister and a Leader of the Opposition, you always have political parties. You cannot point a finger at any country that has this system which works smoothly.

My whole thrust has never been to say that there should not be Ministers in the country, or there should not be a Chief Minister. It is up to the people. All I said to them is that you should move cautiously, you should take one step at a time; digest it, get it working and then go on to the next step. That has been my aim, and my view on most things politically throughout my life. I believe in moving cautiously and slowly, and that way I do not get into trouble. The country will not get into trouble if it moves cautiously and slowly. When the time comes and they want advancement, if it is the wish of the people, as a representative of the people I will accept it. I will see that to the best of my ability that their views are carried out and put in the Constitution regardless of what that may be. I will give my advice, but in the end it is up to the people of this country to decide exactly what they wish to do with the Constitution. That will come.

Like I said, it was very good to have this Honourable House in such a calm and peaceful atmosphere. It makes it a lot better to be able to debate logically the very important issues that come before this House.

I would now like to just wind up as most of us have in the past, with a brief summary of some of the main areas I have touched on. I dealt with some of the needs that I saw with in relation to the Island. One of them was that we needed a court house and as early as we could to deal with the Judicial system.

In Cayman Brac and Little Cayman it is my view that the solution to the problem is not to have Cayman Brackers and people from Little Cayman leave there and come to Grand Cayman to look for jobs. It is the overriding duty of the Government to either provide the jobs or the atmosphere for jobs on those Islands to keep people with their families and in their established homes. To that effect, we have the First Elected Member for Cayman Brac, who is very pro-Government and presumably should be leading them on to

providing the money and the jobs for Cayman Brac; whereas the Second Elected Member for Cayman Brac and Little Cayman, who is more in a position where he would attempt to push the Government into doing so. But, the joint effort will hopefully be in the interest of Cayman Brac and Little Cayman and we will see jobs opening up there.

The reference made by the Member for Communication and Works, that one of the causes of having fewer jobs on the Island and in Cayman Brac and Little Cayman was that the Backbenchers had succeeded in their Budget cuts. I showed very clearly that was not correct. What we were doing was taking the money, the nearly $3 million out of the borrowed $13 million, from the foreign overseas consultants, and the $1 million for the hospital plans, and putting that into the districts; the parochial politics that we keep getting chastised for. So, there would have been a lot more local jobs. By the way, a lot of that money was going to Cayman Brac and Little Cayman. Hopefully, the First Elected Member for Cayman Brac and Little Cayman will point that out when he rises.

On the Civil Service, I felt it must remain independent, whatever happens to the Constitution. We must continue to have a stable and independent Civil Service. I said it was unfortunate that Government was in such a bad financial position that it could not give the cost of living allowance. Pensions should be a right and not discretionary because it is money that the civil servants have worked for.

On tourism, I felt that not enough was being done to diversify tourism into Europe and Japan. I felt it had come somewhat late. As I mentioned earlier, I felt that we should use more Caymanians to sell Cayman because they know it best, and that more should be done abroad in that respect.

In relation to Cayman Airways, I stated as I always have, that I fully support it and will do whatever is reasonable to see it continue. I believe that is the view of this House as a whole. But, that I was worried that in one-and-a-half years we have seen the company go from a profit of $1 million (and let us not forget it, this was a real profit of $1 million) to what may be losses. Maybe they are profits now, I do not know. Until the Member for Tourism gets final accounts that will not be known. But what did worry me was the adverse cash flow of $11.5 million of the $12.5 million profit that had been received by Cayman Airways and the sale of the 727s, which has been spent with the exception of $1 million. On that hopefully, when we see the accounts that will come out for last year and this year, that the Member for Tourism's statement that the leasing of the 737s was a deal that was too good to be true, we will find that Cayman Airways' position is too good to be true.

I also said that I felt that the review of Cayman Airways should take place as early as possible because it will assist it, and that major decisions should await that review because that is the whole reason for it.

On the Education Review, I said that I felt the Member should put it to the public early because neither Government nor the private schools, Community College that was referred to in the Throne Speech, can make any plans or move forward unless they know what Government is doing.

I reminded the public that the 1990 Budget (which was dealt with in December 1989 when the Backbenchers had control of Finance Committee) had doubled grants for private schools and for sports, and had increased grants in certain areas. I warned that the reason behind the Middle School was that it kept the 10 to 13 year-old students separate from the 17 and 18 year-olds. therefor reducing the high risk of having them corrupted with drugs, sex and violence. Also, it eases the impact of having a child go from one teacher in a primary school to multiple teachers in a High School.

I fully support the Museum, and always have. I stated that I was happy to see it finally established and I said that hopefully one of the many things that Mr. Jim Bodden would be remembered for would be this; and that some good day his statue would be put in its proper place in town.

On Health and Social Services, I mentioned that the Member for Health and Social Services seems to stumble on with his grandiose schemes. He moves on, refusing to take the advice of his senior staff and of the public. He seems to be moving on with a hospital on two sites, which is extremely expensive both from the capital point of view and from the point of view of having recurrent expenditure. It means more staff and far more equipment than would be on one site and a lot of frustration may arise.

I felt that there would be a lot of unnecessary duplication, that it would be excessive and wasteful. In that area I used the example of the Elected Members of Executive Council getting a lot of good advice from people both within Government and in the private sector, and the problem is that they will not take that good advice. As the Member for Education says, Executive Council must have its way. Well, it does many times, but to the detriment of the public.

On Social Services: I felt that in the fight against drugs that much more must be done. A lot has been done; I will give the Member of Social Services his due in that respect. But, in this area also it would be good to see him taking a bit more of the advice that is given from time-to-time, especially if that advice comes from the public whom we represent. We are duty bound to take it.

I felt that the economy (on which I spent a fair amount of time) was dealt with in a large part of the Throne Speech with what normally a Budget Speech deals with. Whether this is right or wrong, I do not know. The country does have its financial problems, and much was done to attempt to sweep the problems under the carpet. I pointed out that despite what was said (and the Member for Communication and Works had a lot to say on how well the Government did in finance, and he is a financial expert!), that last year, 1990, they estimated an $18 million deficit which at the end of the year was reduced to $15 million. That is still a horrendous deficit - the largest that this country has ever seen and hopefully will ever see - and that for this year, 1991, the Government estimates a $13 to $14 million deficit which is being borrowed from banks here to finance all of its capital. It is the first time in the history of this country that the total capital expenditure of the country has to be borrowed. Unfortunately, nearly $3 million of that capital expenditure will be going to foreign consultants. I hope that someday, before this Government ends its term, it will get out of the consultant syndrome and spend at least some of that money on better projects. I also pointed out that because of the Government's mismanagement they had to put $10 million worth of taxes on the country in 1990, and the impact of this is now

coming on in February as the fees increase.

I mentioned the public debt, which stood at $31 million at the end of last year, which this year the Government would increase to $44 million, probably one of the highest areas that we can really go. It is obviously the most debt that this country has ever owed. I also mentioned that rather than talking about Executives Council's good stewardship, what they had created in the their short two-and-one-half years in Government is really a financial disaster. I acknowledged that a bit (and only a bit) has arisen through things such as the Gulf war, the impact of which has been only within the last month or two. However, excuses by the Government are not good enough when the people are being heavily taxed and the finances of the country are being mismanaged.

I dealt lastly with the fact that I felt that within my own district of George Town something had to be done fairly quickly in certain areas. Those were that the pot-holes and the damage to the roads had to be repaired and upgraded. That would take well in excess of $3 million. It was useless, really, for the Government to appropriate $250,000 - which, in fact, I tried to double with the resolution that was rejected by the Backbenchers, to take some of the money from the consultants and to use it to put in roads, lights and that sort of thing in the districts. I also felt that we needed to have sidewalks in the real congested areas of George Town such as Shedden Road, Sound Road and also the George Town area of North Church Street. Also these areas should by now be upgraded to the bright lights rather than the street lights that had been used in the past.

I also mentioned that we had addressed part of the traffic problem by requesting that, instead of the $100 or $200 million MGTP, a third lane be put on the West Bay Road (which could have been done for $1 million or thereabouts). If there was sufficient money, approximately $3 million could have put a by-pass from the Harquail Theatre area into the airport, provided it followed substantially along one of the dike roads. This would be two lanes and not the 120 foot wide superhighway that the MGTP was looking at. Even if that could not be done, than that could be the second stage. A third lane first, then go on to the by-pass. Also for people from the Eastern Districts, if there was a by-pass road coming from where the old Agricultural Grounds were near the airport, going down Bobby Thompson highway coming out in back of the schools, then a lot of traffic with people dropping children off to schools could be alleviated, in that respect. That, I think, was another $2 to $3 million. Once again, very little compared to what the MGTP would have cost. However, there has been procrastination in this area and Government is taking the approach that if they cannot get what they want (as we are always being reminded) then the people suffer because the little things are not done.

Having said that, Madam Speaker, I would like to commend you and this House, including those who did not vote for the motion to have a Speaker in this House. I believe that the serenity that has come to this House in the past two weeks, is welcomed by everybody, especially the public. I wish you all the best in your future role. Also, I would like to commend the staff of the Legislative Assembly Department itself and to wish them all the best in the future. I assure you, Madam Speaker, that any assistance I can give in ensuring that there be a continuity of the type of peaceful Legislature that we have had in the past few weeks, I will.

Thank you.

MADAM SPEAKER: Thank you, Honourable Member.

Would any other Member wish to continue the debate on the Throne Speech? The Honourable Member for Tourism.

HON. W. NORMAN BODDEN: Thank you, Madam Speaker.

I rise to make my short contribution to the debate on the Throne Speech, delivered to this Honourable House by His Excellency the Governor on Friday 15 February. In doing so, I first of all wish to record my thanks to His Excellency for his speech, as well for the many long, hard years that he has so faithfully and diligently served as Presiding Officer of our Legislative Assembly. At the same time, I once again welcome you, Madam Speaker, and feel strongly confident that you will serve our country well and that an exceptionally high standard of order will be maintained through your firm, but fair, handling of the business of this House. As speakers before me have commented, this has been very ably demonstrated over the past two weeks.

Turning to the Throne Speech, in my opinion, even the greatest critic would be forced to admit that the speech was comprehensive in scope, well balanced and frank in its presentation of fact to this Assembly and all of the people of these Islands. It is true that we entered 1991 with the successes of the past year (1990) still fresh on our minds; yet with some degree of concern for future economic results due to the negative forecasts which were being made by the experts for this year, namely, the down-turn in the US economy and the prediction of slower growth or even a substantial reduction in US travel to the Caribbean in 1991. These possibilities were widely debated during the Budget session of this House in November last year. Action, which we had proposed and planned for 1991 as far as tourism was concerned, was supported by all Members of this House and they have my appreciation for this.

However, it is also a fact that regardless of how well we planned, in spite of our attempts to brace ourselves for the predicted recession, we are all fully aware that world events took a turn in the very first month of this year sending almost every country around the globe, large or small, reeling from a market depressed by the uncertainties of the future and hardened by the horrors of war. Assessments of the world economic conditions (and, of course, that of the Cayman Islands) are being made daily by various quarters. Regardless of whose crystal ball is used, in the final analysis we must accept the harsh realities of the situation: We are, unfortunately, in for a difficult year and we just cannot expect to chalk up again this year the level of growth and economic successes that we had in 1990, to which we in the Cayman Islands have become so accustomed.

Public reaction to the trouble in the Middle East in the country

on which we mainly depend for economic survival, the United States, was swift, and immediately felt around the world. This cannot be termed delayed reaction due to Government's Revenue earning measures in June last year. As difficult as times may sometimes seem to us, we in the Cayman Islands, of all people, are still most fortunate that so far we have not been as adversely affected as many other countries. This fact certainly speaks well for the image and quality of the Cayman Islands.

I would like to read a few excerpts from the 18 February issue of *Newsweek* magazine, to support the point I have just made. I quote:

> "The Gulf war has demolished Europe's travel and tourism business. War jitters, the falling dollar, and a looming recession have slowed investment and spending world-wide. American and Japanese tourism is down by more than 90 per cent in Italy alone. Lufthansa, Air France, and KLM have shut down hundreds of flights since 17 January.
>
> Some businessmen profess to understand the public fears. We would not be so inconsiderate as to complain when people are facing the prospect of losing their loved ones.
>
> In Italy, terrorism fears have eliminated 99 per cent of her North American and Japanese clients. Last week, Alitalia, the national airline, reported losses of $130 million since the Gulf crisis. No developed country, no matter how far from the fighting, has escaped the psychological damage of the war.
>
> But, the silver lining is seen. Indeed, much of the damage already done, can never be recouped; but the almost overnight collapse of one of Europe's largest business sectors provides a serious warning for the future. Already German, Belgian and Dutch travel companies are applying to their governments for subsidies to tide them over the bad period. Several European airlines, including such major ones as Air France and Sabina were already in shaky financial shape and may now need an injection of government money to continue operations.".

No political egotist need attempt to blame Government for the economic conditions here or elsewhere. As the Throne Speech so rightly stated, this is an opportune time to realistically take stock. It has always been acknowledged and accepted that our economy is finance and tourism fuelled. Regardless of who claims to have the ability to turn the tide in our favour when the economies of the world are suffering and headed in the opposite direction, is only attempting to mislead the public and playing to the gallery.

Current conditions and concerns must serve to remind us all just how externally controlled we are; just how dependent we are on what happens in the United States. That it is indeed no simple or easy means to devise specific measures against the background of a worsening world economic situation. It will, therefore, serve us well to take full stock of our values an priorities. To examine our attitudes and the quality of services we provide to the fragile industries of finance and tourism on which we depend. We can be sure that even under normal conditions only the best will survive and succeed, simply because competition is becoming stronger daily.

This is even more the case during difficult and sobering times as these.

MADAM SPEAKER: Would the Honourable Member be prepared to take a suspension at this time?

HON. W. NORMAN BODDEN: Yes, Madam Speaker.

MADAM SPEAKER: Proceedings will be suspended for 15 minutes.

AT 11:17 A.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 11:37 A.M.

MADAM SPEAKER: Proceedings are resumed. Continuation of the debate on the Throne Speech, the Honourable Member for Tourism continuing.

HON. W. NORMAN BODDEN: Thank you, Madam Speaker.

When we took the break I was saying that because of competition becoming stronger daily, that only the destinations which offer the very service in these difficult and sobering times will succeed and survive. I would now like to go on and point out that we have had it so good for so long, especially since 1983 and 1984, when the country started recovering from similar economic downturns, that we in the Cayman Islands are sometimes prone to think that hard times only come to other people. Perhaps this type of experience will serve to remind us all that we just cannot take our good fortune and successes for granted.

I believe that most of the debates so far have been of a very high standard and I have no intention of diverting from this. I would like to say that I have especially appreciated the scholarly and statesman-like fashion in which the First Elected Member for Bodden Town has made his contribution to the debate. I sincerely congratulate him on his stand. It is unfortunate, however, that his colleague, the Second Elected Member and I will include the Third Elected Member for George Town in that, could not follow his fine

example, but found it necessary to make what I would term, a cheap attempt to discredit the Elected Members of Government.

I do not honestly believe that there is anyone in this country, regardless of how politically biased he might be, who does not accept that the economic downturn we are currently experiencing is due to the Gulf war. And, that if the cease-fire holds and the war comes to a speedy conclusion, conditions will soon improve. If not immediately, perhaps in a few months. How ridiculous it is to try to lay the blame on Government when this Government's sound and sensible policies over the past six years have strengthened both foreign and local investor trust and confidence. It has produced quality growth and development and a level of success and respect for the Cayman Islands in the international markets of finance and tourism never ever before experienced in our history. We have forged a stronger and closer working relationship and team effort between Government and the private sector. We have continued to build and improve our tourism product to a high quality that is today the envy of many vacation destinations, not only in the Caribbean but indeed, around the world.

It might be of interest to the House to point out that we are constantly receiving study groups from as far away as Indonesia and Saipan in the Pacific, who send their people here to study Cayman's success in tourism. Furthermore, Grand Cayman was recently used as a case study in sound tourism development in comparison with another Caribbean Island, in a paper entitled: Grand Cayman Island and the Resort Cycle Concept, by David B. Weaver, of Luther College, Saskatchewan, Canada. He points out the quality of tourism development in Grand Cayman, tracing this industry from its early beginnings. He points out the benefits of increased local participation in tourism development which is found in the Cayman Islands and the prediction of long-term stability for tourism in Cayman.

This type of recognition confirms beyond a doubt that the correct steps and strategies have been and are being applied to develop and market the Cayman Islands abroad. This is a part from what we all hold proof of and of which we all have firsthand knowledge and that is the tremendous success of tourism last year, when we received an increase of over 20 per cent in air arrivals over 1989, for a grand total of 614,870 visitors, including cruise ship arrivals. When we look at this number of visitors to our shores and we compare this with the population of 25,000 people, I consider that it says much for our infrastructure and the quality of the service provided by our people in these industries, that we can cater to such large numbers of visitors and to be honest, receive such a minute percentage of complaints from those visitors. It says much for our people in this industry. Because of good decisions made by Government, even if considered unpopular at the time, they were necessary and for the good of the country. Today, we have a tourism product that will even bode us well in these trying and difficult times.

I would like now to go through various sections of the Throne Speech. I would first of all like to comment on the recognition, which was rightly given, to the many voluntary associations, service clubs, churches and individuals both Caymanian and non-Caymanian. This was well deserved, in my opinion. There are scores of people in our communities who give of their time, money and effort to help improve the quality of life for many people in these Islands and to help relieve Government's burden to provide such services. I endorse fully the kind words spoken in their favour.

The Customs Department continues to be administered and operated in a manner that sets a high standard which many other departments should follow. The collection of $42.1 million in 1990 accounts for 41 per cent of Government's entire revenue collections last year. This in itself speaks highly of their efficiency and heavy responsibility, not to mention their many other duties. However, in spite of the best of intentions on the part of some officers to carry out their duties, I have received complaints from visitors (and from a few locals), the travelling public, and I have seen letters in the press with complaints in regards to the manner in which some customs officers handle our arriving passengers. I have called this to the attention of the Collector of Customs, and I am confident that he will give the matter his attention. I believe that we must continue to extend that warm Caymanian smile, even under trying circumstances, and especially at a time like this.

I would also like to mention the Royal Cayman Islands Police Force and the contribution they make to our tourism development, through providing and projecting that necessary image of safety and stability in these Islands. Regardless of our many problems, we live in a country where law and order are still respected. Those individuals who often have the thankless task of helping to keep our community safe deserve our support. In fact, when we examine carefully the high quality tourism product which I have mentioned and which we have to offer, a product which helps to guarantee our country being able to attract such an impressive share of tourism business to the Caribbean, I am made more than ever before, to realise just how many various departments and Portfolios in Government are helping to build our tourism industry into one, which as has been said, will ensure long-term stability.

Of course, the Department of Tourism is first and foremost. Just to mentions a few of the others that may sometimes go unnoticed or that many people may not in fact be aware of their involvement. The first I would like to mention is the Natural Resources Unit which monitors and safeguards our Marine Parks and other natural resources as part of their responsibilities. In an age when protection of the environment plays such a vital and important role in long-term tourism development, this Unit and their staff provide a most valuable and important service to this country.

I next turn to the National Trust which, in my opinion, is doing such a tremendous job to preserve our historical, cultural and natural heritage, as well as developing unique programmes and interesting tourist attractions which will continue to set our country apart from many of the others. The Trust will continue to receive the full backing and financial support of the Portfolio of Tourism, Aviation and Trade in order to assist them in carrying out their many worthwhile projects.

Tourist attractions have been expanded on in my reply to a Parliamentary Question. I will not take the time of the House to repeat that. In spite of opinions held in some circles,

I think much progress has been made in developing interesting tourist attractions on our Islands. Certainly the National Trust over the past two years has played a very important part in this.

I would just like to briefly mention that some of the most valuable attractions that our country can offer the visitors to our shores, we all have a role in protecting them. The attitude of our people toward our visitors; our friendliness, the safety and the political stability of this country. Those are values that we cannot take for granted nor take lightly. They are very worthwhile and valuable tourist attractions, believe me.

The Public Health Department continues to keep our country clean and presentable. One of the first compliments often received from visitors to our shores in any survey conducted by our Department of Tourism centers around the cleanliness in the Cayman Islands, compared to many other destinations. This is a fact of which we all can be proud. I certainly record my thanks and appreciation to this Department. In addition to this is their assistance on the Hotels Licensing Board to ensure that high sanitary standards are maintained at all of our hotels, condominiums and restaurants. They provide and invaluable service, in my opinion, to the industry on which we all depend.

I will also mention the Public Works Department. Sometimes people might wonder what this Department has to do with tourism. The Department carries out repairs and maintenance on tourist sites which are reported as being need of that type of service by our Department of Tourism. As well, the Department also assists with the signs that are put in place for different areas.

The Port Authority has continuously improved and upgraded our port facilities for handling cruise ship passengers, and it also fills a vital role. I am most grateful to the Port Director and his staff and to the Member for Communication and Works, under whose responsibility the Port Authority falls, for their cooperation and support in improving the type of facilities and service that we offer to our visitors.

The Immigration Department is always there, and, I trust, ready with a smile for the travelling public.

Many accusations are often hurled at Government spending. Members of the Backbench often get up and attempt to make a point of this Government's having to put in place revenue earning measures. Yet, in the same breath they make a long list of improvements that are needed. They must accept that those improvements that they are calling for could never be possible unless Government took action to raise revenue. As the Third Elected Member for George Town often likes to say, "You can't spend the money if you don't have it." But, when I look at the Immigration Department's new extension, which is probably five years or more overdue, I am so pleased. This will provide much needed office space for he Caymanian Protection Board and the Immigration staff, who have laboured for so many long years under such adverse circumstances in poor and dilapidated office accommodations.

When I consider this office extension, the additions to Radio Cayman, also badly needed, and the stately modern Community College building, I can only say that regardless of unfair criticism, these are all good Government investments from which the whole country will benefit and which will serve our country well for many years to come.

Continuing in the tourism areas, the National Festival, Pirate's Week and Million Dollar Month are getting bigger and better each year and making their contribution to our tourism development as well. As has been said many times before, we all contribute to tourism in one way or the other. We all share in the responsibility of producing a good quality product. He also serves who only stands and waits, is true here as well. I am certain that there are many other departments and agencies which help in our continuing development of tourism. If I have left any out, I apologise, but I wanted just to mention the few which come to mind presently.

The year 1990 is now history. As I have said, it is an indisputable fact that it was an exceptionally good year for tourism in the Cayman Islands, when unfortunately many other Caribbean destinations experienced a downturn. This speaks well for the quality of our country as a prime vacation destination and the effectiveness of our marketing and advertising plans.

I may interject here, that while there are constant complaints about the air service to Cayman Brac, I am not saying that some are not justified, but I think it is worthy of note that that Islands' hotels in 1990 enjoyed occupancy rates of 75 and 77 per cent, which were greater than, or at least equal to, the better hotels on Grand Cayman. While admittedly there are complaints about the early departure times and the late departure times from the Brac, which incidentally, will be improved somewhat at the next schedule change on 7 April, the service does provide multiple on-line and inter-line connections. The point I wish to make here is, that if the jet service being provided to Cayman Brac by Cayman Airways were of such inferior quality, the hotels would certainly not have had such favourable results in 1990.

The schedule that brought that success in 1990 still remains to this day in effect, except that we have had to combine flights over the past several weeks as cost saving measures. The schedule generally that was in effect in 1990, remains in effect today. The discussion centers around the company's proposal to make a schedule change on 7 April, which will affect Cayman Brac.

As I have mentioned earlier, January's air arrivals were down by 10.9 per cent, while cruise ship visitors were up by 35 per cent. The main reduction in air arrivals was due to the well-known situation which exists in our main market the United States of America. Which is only to be expected, bearing in mind that country's major involvement in the Gulf war. However, statistics prove that the United Kingdom and European markets remain strong, otherwise our situation would have been worse in January. I, however, do share the view of the Second Elected Member for Cayman Brac and Little Cayman, when he stated in his debate words to the effect, that while attracting business from other countries is desirable, the Department's main thrust must be our main market the United States of America. I can confirm that this has been and remains the policy. Our

efforts continue to be concentrated in this direction and statistics do bear this out.

As has also been previously stated publicly, a strengthened and reinforced marketing plan, which brought us such success in 1990, under normal conditions is being carefully and conscientiously implemented. In consultation with our tourism professionals both in Government and in the private sector, the decision has been taken that even though 1991 could prove to be a tough year due to well-known and obvious reasons, we have decided to steer the course which was planned. In the face of unusual and difficult conditions we have decided to plan and not to panic. Even though we got off to a bad start due to reasons far beyond our control, we could very well end up in 1991 with air arrivals equal in number at least, to 1990. And, certainly cruise ship arrivals, we know, will far exceed that of last year.

Although I must point out that we are maintaining our policy of allowing only three cruise ships on any given day except in exceptional circumstances. I maintain that unlike some destinations, we do not necessarily believe or practice that more in tourism is necessarily better. We continue to target the upscale markets through professionally prepares advertisements placed in high quality magazines, television, radio and newspapers. Through our advertising and public relations programmes we continue to project the fine Caymanian qualities of which we are justly proud - that of stability, safety, our close proximity to the US, and warm Caymanian hospitality in a relaxed atmosphere.

At this point I would like to say how pleased I am that His Excellency the Governor has graciously agreed to participate in this new phase of our public relations activities. To make guest appearances on television and radio as well as to conduct magazine interviews as a spokesperson for the Cayman Islands. This programme has already started and I as the Member for Tourism will also be participating in some trade promotions in the United States as well.

I know the Third Elected Member for George Town has mentioned using Caymanians to sell the Cayman Islands abroad, this is not new, it is practiced by the Department of Tourism and it is certainly put in place, if and when, and as often as possible, that we can employ Caymanians who live in the regions in which we have a sales office. We have a Caymanian who is doing very well in the Miami office, they have a big region to cover and we would like to see this be the case in other regions as well, but there are not a lot of Caymanians in some of these cities who are willing to participate in this. At least not to the best of my knowledge.

I believe and it is my view that these programmes will help to have the Cayman Islands well-placed to receive our share of whatever business that is in fact available and certainly serviced well when market conditions improve. I think we are projecting the right image and I think that we are going about it in the right way.

Funds have been approved in this year's Budget for a Tourism Development Plan. The Portfolio is proceeding to make the necessary arrangements so that the Central Tender's Committee can make its selection. I would hope to have a review and report to be tabled in this House within this year. We have done well so far, but proper planning produces good results. I believe that we are at a stage in our development where the experts in this field should examine and objectively report on the most vital industry in these Islands. Its importance can never be overemphasised and I do not mean to belabour the point, but the ripples and serious concern that the slight downturn in January sent throughout almost all of our tourism related businesses here, underscores its great importance to our country.

Mention was made by some Members regarding the Three Year Moratorium Plan on hotel construction in the Seven Mile Beach area. They asked that it be reconsidered by Government. I can truthfully state that nothing has happened since the moratorium was put into place which would adversely affect the economic situation in the Cayman Islands, which would cause Government to change its position in this matter. If that were the case, we would have to seriously look at this and I think that this point was made in the debate when this moratorium was put into place.

In fact, the moratorium has gone a great ways to gain respect and support in the travel and tourism business at international levels for the Cayman Islands. Many of them have said in open forums at conferences that I have attended, here is at least one tourist destination in the Caribbean that is not trying to overrun their country, but encourages quality development.

I should respond to the point made by one Member regarding advertising abroad, the duty concessions offered to hotels in other parts of our three Islands and this is being done and I trust will produce some good results.

I would like now to mention the Civil Aviation Department. This Department continues to conduct its affairs in a serious and responsible manner, while coping competently with the increase in the volume of traffic being handle by our airports. Improvements with the travelling public in mind have been carried out both at Grand Cayman and Cayman Brac. I congratulate our Director of Civil Aviation and his staff for their professionalism. The safety measures which have been devised and put in place at our airports are also commendable. The travelling public's cooperation is highly appreciated in this regard. This further emphasises the tried and tested policy of aviation and that is, that safety will not sacrificed or compromised at any cost. This goes across the board.

The major project to be undertaken is the resurfacing of the runway at Owen Roberts International Airport, which is main lifeline to our Islands. It is progressing well, work should commence in September this year and hopefully will be completed by mid-December before the high season starts. The estimated cost of the project is $6 million. Part of the funds are expected to be loan funds and part will be financed by the Civil Aviation Authority itself. Much research and many surveys have been conducted before deciding to take this step. But, the work that is to be carried out is absolutely necessary and cannot be postponed. Tomlinson Engineering, a local firm, has been given the contract to serve as project managers for this project.

I may also tell the House (and I do not know how this will be received but, it is my view) that the airport at Little Cayman is a matter with which Government and the Civil Aviation Authority must come to grips. Therefore, last year the Authority took the decision to provide funds to have an engineering report and survey conducted so that a policy decision could be made on future airport development on that Island. The report is expected in the very near future and this project will be actively pursued. I realise that the matter of economics naturally, comes into play with this or any projects and justification for a sizeable investment must be part of the consideration. But, in my opinion, Little Cayman will always be there and it will always be part of the Cayman Islands and it will always need an air service. My position is, that this matter cannot be left in limbo any longer and that a decision must be taken, one way or the other.

I now come to Cayman Airways. I dare say that more time of this House has been devoted to Cayman Airways than any other subject for which Government is responsible. Rightly so, I would venture to say, because it is the national airline, it does provide a most important and valuable service to our country and in spite of differing views that might be advanced from both sides of the House, in the final analysis I believe that we all agree that Cayman Airways is in fact an essential service. In my opinion it is the single most important ingredient in our tourism development. This, as Members will recall, is what Cayman Airways is all about and what prompted Government to become involved in the airline business in the first place. I give credit to the United States' carriers for their contribution to tourism here and their service to the travelling public. But, let me say that I would also like to see these airlines do more toward specifically promoting and advertising the Cayman Islands as a vacation destination in their respective company's advertising campaigns.

However, the fact remains that never again must we ever become totally dependent on any foreign airline to provide all air services to and from these Islands. In my humble opinion they must complement rather than dominate our air service needs. It is also widely known and highly publicised that the airline business is a high risk business from a profit-making point of view. In fact, even if we put aside the profit-making aspects of an airline, here of late with many once-proud giants of the air filing bankruptcy and others closing their doors altogether it has come down to a matter of survival. Cayman Airways, like all the others, is no exception. It has been hard hit by increased fuel prices and other related high operating expenses. I know that over the past several weeks fuel has come down to about 40 per cent of what it was previously, but I think up until December, the fuel price had been increased as high as 100 per cent.

Cayman Airways has always had its financial difficulties; this in nothing new. Part of the reason is that it was undercapitalised from the beginning . But, even more recently in January this year, the airline has suffered an unusually rapid rate of loss due to low load factors, resulting in a substantial shortfall in passenger revenue earnings. The company's concern which I share, is over the irrecoverable loss which the company experienced in January and which is anticipated to some extent in February. Like other tourism related businesses normally at a time of year when we expect to generate higher income in order to tide us over the lean months of the year. We all know it is a seasonal business and that January through April is the worst period that any tourism related business could be hit because this is when all companies dependent on tourism mainly, generate additional revenue that helps to take those companies through the Septembers and Octobers and part of Novembers of every year.

I, at this stage, will tell the House that based on information that I have from the management of Cayman Airways, it is anticipated that the airline will experience a loss of some US $1 million in January. In February it is projected that the loss will be similar. These are large amounts because if one looks at the operation of Cayman Airways for the second six months of 1990, July through December, the total loss for six months was around US $2 million. But, here, in two months we are experiencing such a tremendous loss. This is a serious concern to the management of the airline and I share that concern. I would also like, having said that, to point out that Members should not be surprised if the company finds it necessary to come to Government, the sole shareholder, with a request to provide increased financial assistance to the airline in one form or another.

We all agree that the airline is necessary for many valid reasons: its direct and meaningful contribution to tourism development; it employs over 300 Caymanians; it generates over $40 million per year, the bulk of which remains in the local economy; it provides inter-Island services and as I have said it is an essential service to this country and I consider it should be treated with equal consideration that is given to similar essential services such as hospitals, schools, roads and so forth. The airline, it is true, has been granted a subsidy of $1 million per year, for the past six years and the company has endeavoured throughout its financial struggles, to avoid coming back to Government for any increase. During that time Cayman Airways, like other businesses has been adversely affected by inflationary trends but has endeavoured to manage on its own.

Efforts continue to be made to improve and streamline the company's operation, to reduce expenses were possible as well as to increase revenue. I have never attempted, or ever had any reason to conceal any information from this House. The financial statements have been audited and tabled in this House in a timely fashion. Additionally, at the request of the Third Elected Member for George Town, I forward on a monthly basis or as regularly as possible to all Elected Members, a copy of the airlines profit and loss statements, balance sheet , and traffic report on passengers transported system-wide. Through the past six years much progress has been made, new systems have been put in place and management is today more reliable and readily available. I have always done my best to keep Members informed about Cayman Airways and I am doing that just now.

The Third Elected Member for George Town in his debate spoke of the profit made by the airline some years ago, during the time it operated the 727 aircraft. There is no doubt that this was good and encouraging but it is also a fact that this was the result of good management and favourable marketing conditions. I must point out as I have repeated many times before, and that is that it was not achieved because of the type of aircraft that was being operated at the time, namely the 727s, but it was rather because market conditions were different. The travel market was strong and favourable and Cayman Airways at that time

enjoyed a near monopoly position. So, let that be clearly understood and let us not have an argument as to why the company was able to produce such favourable results. I am sure that it will happen again.

The Third Elected Member for George Town also spoke about the $12.5 million which were received from the sale of the lease of the 727s. As I pointed out in my reply to the Parliamentary Question which he brought, and he knows full well, the majority to some extent of the funds were used for capital projects, for route expansion, for the introduction of the aircraft which the security deposit also included and is an amount that is refundable at some stage if necessary. Much was spent on necessary improvements for the company and from which tourism also benefited substantially and in turn, the country as a whole.

In any event, I do believe that the public is somewhat tired of hearing the arguments for and against Cayman Airways. I think that it is time that we get away from arguing over which Government was right and which one was wrong in regards to the national airline. We all recognise the benefit of having it. The Third Elected Member for George Town thinks that he is right and I know that we are right in regards to the change of aircraft from the 727s to the 737s. The Government of which he was a part, took the airline over and we have to operate it. The fact is, we have Cayman Airways, Government owns it and we must deal with it and the facts of the matter will speak for themselves.

The request for the study of the airline as stated previously to this House, is presently with the Central Tender's Committee. It is expected that a consultant will be appointed in the very near future, subject to Finance Committee providing the funds. I, like other Members, await with much interest the outcome of this study. I assure the House that any delay has not been caused by anyone in the Portfolio or airline not wanting to have this study conducted, but rather that any delay must be due solely to the process involved in handling matters of this nature.

I would now like to deal with inter-Island service, which is operated by Cayman Airways. Let us fairly ad factually examine the situation. Before continuing, first let me preface my remarks by saying, that I do not differ in the slightest degree with the two Elected Members for Cayman Brac and Little Cayman in pushing for the best possible service to be provided for their constituents. They do deserve the best and they are getting the best that can be provided under the conditions if the situation is carefully examined. Both Members have discussed the matter with me from time-to-time and I fully understand their position. But, where I do differ with the Second Elected Member for Cayman Brac and Little Cayman, is that I maintain that Cayman Airways is providing a regular and dependable inter-Islands service and as I have said earlier, the high occupancy hotel rates in 1990, attest to this.

Contrary to claims being made, the airline has continuously and at much expense, upgraded and improved the services. As I have mentioned earlier, I concede that the departure/arrival times are not the most convenient but again as I stated earlier, some improvements will be made in times when the schedule changes on 7 April. I am prepared as the Member responsible, to continue my discussions with the two Members for Cayman Brac and Little Cayman, as well as with the Cayman Brac and Little Cayman Hotel Association, which I have met with just a few weeks ago, so that both sides can understand the situation more clearly and understand the rationale behind some of the actions that have to be taken by the airline.

Originally, Cayman Airways had been serving both Cayman Brac and Little Cayman with one commuter-type aircraft operating to both of these Islands. With expansion of the hotels in Cayman Brac and other improvements in the airport there, the situation has developed where the aircraft that suits the service to Little Cayman best, is not the most suitable to Cayman Brac. In aviation circles and people who travel frequently, it is commonly known and accepted that most commuter-type aircraft cater to the businessman with a briefcase rather than a scuba-diver with a large amount of baggage.

Additionally, Cayman Brac also began attracting group travel. There were numerous complaints that baggage was often left behind which was true, cargo could not be accommodated; it is subject to load. And, if the group was large, the aircraft had to make two trips. The market has always been small and directional. By that I mean, if you find a flight that has a fair payload in one direction you can depend that on the return flight the load is normally and usually very light.

There are a total of 115 hotel rooms on Cayman Brac. There are 22 hotel rooms on Little Cayman. So, the volume of traffic could hardly justify any more than one aircraft to service the local routes. Consequently, when the only aircraft was grounded due to maintenance, much inconvenience was created to the travelling public between the Islands, and the image of the airline was also suffering.

The Shorts aircraft was the last commuter-type aircraft operated by Cayman Airways. Amid strong objections and complaints about the service being provided, especially by this aircraft, Cayman Airways management reviewed the situation and decided last April that it would in fact, be just as economical and improve the services substantially, to withdraw the Shorts aircraft and to provide services by operating a daily, except Tuesday, jet service with the 737. One flight would be early in the morning and one in the evening. Meanwhile, Little Cayman would be served through a sub-service arrangement with Island Air which is paid for fully by Cayman Airways.

This plan was implemented and things went well for awhile, with the hotels in Cayman Brac especially having a good season. Of course, the company has to adjust its schedules from time-to-time to maximise the use of its two aircraft and to increase its passenger revenue earnings. These schedule changes which are complained about, have also been made, in some instances, to provide passengers originating in Cayman Brac with on-line and inter-line connections to other specific destinations.

Here, I would like to explain in some detail what has been a bone of contention regarding the proposal which Cayman Airways has in regards to scheduling as of 7 April. That is, the operation of a jet service with the 737 which on Saturdays operate Grand Cayman - Cayman Brac - Miami. It should be pointed out that this service is still in operation. In order to meet the requests from hotels in Cayman

Brac, Cayman Airways decided that they would provide this flight on Saturday, which would operate as I outlined. However the company has experienced substantial loss of business on this flight, business which has been lost to competitive carriers on its main route between Grand Cayman and Miami. This indicates that a midday service to Cayman Brac is not feasible because it penalises the company's revenue earning capability on other more productive routes. The most logical times for the services to be conducted between Grand Cayman and Cayman Brac by jet is in the early morning and not in the late evening. As I said, those hours are going to be adjusted. Believe me, these conditions are dictated by the set of circumstances under which the airline has to operate. There is no intention whatsoever, on anybody's part to put in place a service that would adversely affect tourism in Cayman Brac or Little Cayman.

When one considers the needs of the air service to Cayman Brac and Little Cayman, one must also balance the provision of this service and the complaints about it against a set of factors. One, the relatively small size of the market. The fact that Cayman Airways transports all tourist traffic to Cayman Brac and Little Cayman free of cost, since the international fares are common-rated with Grand Cayman. Therefore, only the local passengers which originate, either in one of the three Islands, will pay a fare. This is all absorbed and has been absorbed by the company in the past. The fact must also be considered that Cayman Airways subsidises the sub-service to Little Cayman fully on its own. Last but not least, that the service to Cayman Brac is being operated with the jet aircraft and it is the company's intention, although adjustments will have to be made from time-to-time, to continue with the jet service to Cayman Brac and to make arrangements with Island Air so that more frequencies can be operated in between the jet flights. There is no truth to the rumor and I can tell this House that I will not support the withdrawal of the jet service to Cayman Brac, even if it has to be reduced.

Some Members seem to have difficulty in understanding or accepting the fact that Cayman Airways loses substantial sums of money on the inter-Island route. I am certain, as good business people, this should be readily recognised and easily understood. In 1989, Cayman Airways external auditors, Price-Waterhouse, prepared a statement of in-coming expenses, whereby it was established that the airline loses US $1,276,418 per year on this service, calculating only direct operating costs. If indirect costs were added, the total would reach near the $2 million mark.

As you may well imagine, the higher operating cost would make it that much worse today. The airline management feel that the airline should at least be allowed to recover the direct cost of the inter-Island service. I have tried to outline the situation, not to disagree with the Honourable Member's request for improvements, as I understand their position, but to point out the many factors that must be taken into consideration when dealing with the inter-Island air services.

I will assure the Members for Cayman Brac and Little Cayman again, that I am not unmindful of the Islands needs and I will be working with management of the airline, to provide the best service possible, which has always been the intention and effort of the national airline. But, the limitations must also be recognised and acknowledged.

Before leaving the subjects of my Portfolio, I would like to make mention of our Fire Department, both here, in Cayman Brac and in Little Cayman, to say that the high degree of discipline exercised by our Chief Fire Officer makes the reliability of this Department unquestionable. I have had the honour of handing out certificates at several graduating classes over the past several years. I can truthfully state that the young Caymanian recruits that this service attracts, are civil servants of which their families and the entire country can be justly proud.

The Labour Office, though not an employment agency, in my opinion does a good job of helping to place those seeking employment - as least those who register. They resolve many disputes informally and therefore, provide a service in maintaining a generally good employer/employee working relationship and mostly a pleasant atmosphere. Their main function is the administration of the Labour Law which was designed, I might say, to protect the rights of both employee and the employer. My Portfolio keeps in contact with the director and even though the matter of gratuities have been raised by some Members of the House in past debates, it has not been considered necessary so far for Government to enforce a formula for distribution. But this will be kept under review.

Based on the latest information I have, it is quite possible and I refer here to a point made by the Second Elected Member for Cayman Brac and Little Cayman in his debate, I have had the Labour Officer investigate the point which was raised regarding the layoff of some staff recently. I have been advised that it is quite possible that some employers may have used the slowdown in January to layoff staff and to streamline their operation. However, while it is Government's responsibility to ensure that workers rights are protected under the Labour Law, it must be accepted that Government does not pretend to be able to step in and direct management how to operate their own private businesses.

Before I take my seat, I will comment briefly on the Constitutional Review. That a review is timely and necessary, there is no doubt in my mind. That is why I supported both motions - the one in June asking that there be a review, and the motion in November, brought by the Second Elected Member for Cayman Brac and Little Cayman, setting up a Select Committee of the whole House to study our Constitution, deal with the report prepared by the Constitutional Commissioners and report back to this House. I have had the honour of serving as the Chairman of that Select Committee, so far, and I look forward to continuing the work of the Committee to its conclusion.

Before I venture to say what form this should take, I, too, would prefer to see the report from the Commissioners on their fact finding mission to the people of these Islands and their assessment of the situation. Have they established what the people of this country are looking for? If it is not change, then, so be it. However, it is difficult to imagine that change (regardless of how slight) in a country like the Cayman Islands, which has progressed in every other way, will not be recommended.

If a Ministerial system forms part of the recommendation, I, in

1988, shortly after the Election, in an interview with the *Caymanian Compass*, made my position perfectly clear on that. I personally do not see this to be a system to be afraid of or any system that should prove to be a detriment to the country. It baffles me sometimes when I listen to the nationalistic comments that are made: how Caymanians should be put here and Caymanians should be doing this... sometimes it baffles me. Our serious concern seems to be that if this were to be the system decided on, Caymanians would not be capable of performing in that area as well. This is left to be seen and is left to be explained to my satisfaction.

As I understand it, if a Ministerial system were to be put in place, this would tend more to formalise and make official what to some extent is practised now. It would tend to provide, in my mind for a more organised approach to handling the business of both sides of this House. In any event, whatever the decision is, in the final analysis I support the view that we should put politics aside in this instance and work together and towards a Constitution that will meet the needs of this country for the next 25 years, one that will preserve our Crown Colony connections with the United Kingdom and that will maintain the stability of these Islands.

If we as a group of Elected Members can accomplish this, then, and only then, will we have truly filled our roles as representatives of the people of the Cayman Islands. I believe in spite of all that has been said, we in the Cayman Islands can still count our blessings and with God's help look to the future with unrestrained optimism.

Thank you.

MADAM SPEAKER: Thank you. This will be a convenient time to take the suspension. Proceedings are accordingly suspended until 2:15 p.m.

AT 12:48 P.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 2:16 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Continuation of the debate on the Throne Speech. Would any Honourable Member wish to commence his deliberation? Is the First Elected Member for West Bay ready for his contribution to the debate?

MR. W. McKEEVA BUSH: No, Madam Speaker. I am not ready...

MADAM SPEAKER: I heard you talking, so I thought perhaps you were.

MR. W. McKEEVA BUSH: I was talking to my colleagues. At least one Member of ExCo has not spoken, and several other Backbenchers.

MADAM SPEAKER: I do not think the Chair is prepared to wait all afternoon for someone to decide who is going to speak. The question can easily be put.

MR. W. McKEEVA BUSH: Madam Speaker, I am not ready to speak. I have not completed my examination of what I think needs to be done, but I would not like to miss my chance, if no more than to speak on those particular notes that I have already covered. I suppose that all the waiting will stop once I am finished.

This Throne Speech makes it the seventh speech that I have been able to take part in, debating the Government's proposals, achievements and failures. In November and December of last year the Government introduced its Budget which of course, is the critical moment of the life of the Parliament each year. Critical because it is the moment when the nation's housekeeping is put on display; because it is the moment when we should see in one focus the Government's economic response to the country's problems. Critical because within that response we should find the clue to the priorities which Government attaches to its search for conclusions to those problems.

The Throne Speech is critical also in that it sets out the Government's policies and programs for the year ahead. It should reflect the Government's strategy of action. So, both of these most important moments in our Parliamentary life each year, is the Government's opportunity to modify policy, to change priorities and to alter the direction of the effort if past experience shows that past methods are failing to effect change.

It is my opinion that this Government has failed our people in many important areas. It is a Government which has blamed everyone for its dismal failures. It has blamed the war in the Gulf, the recession in the United States, the Backbenchers and we heard the Member for Health blaming the past Chief Medical Officer for the Member's own failures of the health sector. I call them a blaming Government.

However, when we look at their programme, there are a lot of blanks, although there has been much chest-thumping on the part of some Members of Executive Council. But, this tells us nothing; our problem grows. The taxation measures, inflation - God help us - grows. Expenditure of the country's money grows and it is our unfortunate experience that as our money is spent their self-congratulation grows as well. Above this din, this glamour, our problems remain.

The Member for Health proclaimed his Portfolio as the people's portfolio. I should say that all four of the Elected Members of Executive Council should be saying the same thing because that should be the entire effort of the Government. The entire effort must be about people. That is what I want to discuss in my short contributions today, people, and what their plight is under this administration. We need

to consider behind all the bombast, all the chatter and propaganda of the Government, what is really being achieved for the people of this country.

When we examine the situations around us we find our people today are in a bad way. The cost of living has increased so, that today everybody is seriously affected. What has the Government done to address this malady of their making? There is no doubt that the spectre of rising unemployment shadows this country and is something to be concerned about. What is the Government doing about it? This issue of inflation and the rising cost of living is a matter that needs looking into. I have been saying this for some time now.

Last year when the Elected Members of Executive Council were on their taxation spree we cautioned them about the effects of such taxation on our people. But, as usual, they would not listen, they knew it all. According to them, the taxes would not hurt our people. The Members of Executive Council increased the duties on every item coming into the country. The result of this in the area of dock fees, has had an ill-effect where every item coming into the country is taxed. We must remember that the increase on the dock fees did not even come about through this Honourable House. The Members of Executive Council did it in Executive Council. When we heard about it, it was on the radio or in the newspapers. Then the cost of goods, groceries and so on went higher because of the taxes. If anybody doubts me, all one has to do is to walk around the aisles of the supermarkets where the housewives in this country have their shopping lists, trying to fill their carts; and daily you can hear the complaints from the people that it takes all of their meager salaries to pay the food bill. Our people are hurting.

Next was the Executive Council's increase on fuel imported here. This caused a corresponding increase by Caribbean Utilities Company on everyone's electrical bill. I am very concerned about those people in our community who might have to pay $25 more from pockets already strained from the effects of the rising prices. There are others who are hurting because of the drastic rise in their electrical bill. I know people who have experienced as much as a $200 increase on their bill. This is madness! Some poor people received a five per cent raise in their salaries but what good was that when an increase of $25 was put on their electrical bill?

Can you imagine what a poor person who makes $200 per week must go through when he has to buy food and pay other essential bills, like electricity? More than likely he has children too. Can you imagine what happens in a single parent's home with four children and a take home pay of $160 per week? While the Members of Executive Council sit in their nice offices, I have been on the highways and byways dealing with these types of problems and complaints. Today in these Islands there are many people, families and old people too who are hurting, they are taking a beating because of the Government's insensitive action in increasing taxes and causing the already high cost of living to rise even higher. We must not blame the merchants. They are doing a business. When cost is added to them, it is passed on to the consumer, to the buying public, to the poor people. We cannot blame the merchants; we must blame Executive Council, who would not listen!

I heard one of the Elected Members say that the economy is going to be booming by 1992. That is before the Election. I believe that even if that might happen and we pray that it does happen, that will not help their electoral chances. They have punished the people of these Islands and we hear that the people are listening and looking. Our people are not likely to forget what this Executive Council has done to them. This is the worst off the people have ever been in recent times.

For those people paying rent it is a nightmare. Trade and business licences were increased; for a small business it must create quite a difficulty. They have put up permit fees for carpenters, masons and so on. Government should have been actively trying to find ways to encourage the small businessman, the small entrepreneur to improve that business persons competitive position. But, they were actively finding a way to crush them and help take them out of business by increasing the cost on everything and thereby causing a devastating effect by this high cost of living that we are experiencing.

In addition to this monster of high cost of living which has been created by Executive Council and inflicted on the people of these Islands, as I said before, there is growing unemployment. That is a fact that we cannot get away from. There is discrimination in the work force. The Executive Council has told civil servants that although there is a serious rise in the cost of living, they will not get a raise in salary to match the rise in the cost of living. This has caused the private sector to follow suit in most instances in regards to raising the salaries of their employees in relation to the cost of living. This is a very sad state of affairs, seeing that there is, especially in the lower ends of the salary scale in this country, some destitution.

In regards to the Civil Service, they have come to expect their cost of living increases. It is an established practice. This is the first time that I know of when the Government has run the country so down and out that it cannot afford to pay these needed cost of living raises. Very important to all this is the fact that the private sector, as I said, watches the Government and more times than not, follows the Government in the paying of these cost of living increases. It then behoves the Government to say publicly when it will be in the position to pay the staff the cost of living. And then maybe those establishments who are adamant in not paying the cost of living raise, will follow the example of the Government.

We heard from the Member for Communications and Works hoping that Caribbean Utilities would reduce its rate since fuel prices have dropped twice in recent times. He should have been instructing Caribbean Utilities to do so in keeping with their contract and the formula set down therein. It is his duty and the duty of his colleagues to see that he does it. It is their responsibility to protect the public from this unreasonable cost.

Sometime back I brought a resolution to the House asking Government to look at the creation of a Public Utilities Commission. What an uproar that brought! That was going to destroy the whole country. A Public Utilities Commission according to them on the other side, had only been

created in places like Jamaica - these were the words used - where it had destroyed everything. What caused the creation of a Public Utilities Commission in those countries was the fact that the Public Utilities were discriminating. They would put lines and power a certain distance in an area and go no further, strictly based on people's wealth. The government there said no, we have to give power to all of our people so that they can get proper water and toilet facilities and so on.

So, I do not entirely know about the Jamaican situation or the other country's situation, but Public Utilities Commissions are created in the United States also and is working democratically, putting no undue pressure on any company. It is there to see that in instances like what we are facing today where the fuel has dropped in price but the price in electrical bills constantly climbs, they are there to investigate those matters. That was my aim in trying to create a Public Utilities Commission, but they voted it down. Why?

If that idea had come from them it would have been a godsend, but because it came from one Member from across the floor, it was going to destroy the country. I can tell you that attitude has prevailed and is hurting this country tremendously in other areas. If they do not say it or come up with the idea, it is not any good. No one man has the prerogative on brains! I believe that you are going to see the need for the creation of a Public Utilities Commission more and more in this country. I am a Member of the Water Authority and nobody can get up in this House and truthfully accuse me, although it has been said that I do not support it. That is not my record and I do not think that accusation could stand up because if that were so, why did the Honourable Member put me back for another two year term? I hope am not too quick, because their habit over there is that if I give them a little hell on these committees, they quickly change the rules midway in the game and take me off. That has been the record.

Nobody can say that I do not support the Water Authority. I think that my record is good there, I have supported what I could and opposed what I thought I should. However, we have a Water Authority where an amendment has just been passed (to which I agreed in certain instances on the Board) that is now saying that only Government can produce water to any extent. So there really is a need for a Public Utilities Commission to check into these matters. I trust that the Member for Communication and Works has not been talking for the sake of talking, just so the public could hear him say something about the high cost of fuel. We do not need talk; we need lower fuel bills. This is no joke! I have complained about it over and over.

Caribbean Utilities is a good company providing a good service; that is acknowledged. We are not going to do anything to hurt it, but our people must be protected. If the cost of fuel goes down, the price should lower itself accordingly. I am speaking from experience with these bills. So, I trust and pray that the Member for Communication and Works, if he feels strongly about what he said, he will ensure that this happens; that the fuel price will reflect in lower electrical bills. I hope he was not just saying so because people were listening.

I have some more to refer to from that Member's debate, but I will get to it in due course.

I have had many complaints concerning the recent layoffs in this country. I am most concerned that the rights and protection of our people have been somewhat disadvantaged. While it is the business of corporations to protect their own interests, we on this side would not wish a situation where businesses were run in a manner where for instance, it was unprofitable. I have to query whether the recent layoffs were the only solution available.

It is of no use that the Labour Office gets statistics and looking at the problem. We have a problem and I am not asking the Member to march down and mash up somebody's building. I am asking him to take a step to protect the people that he is constitutionally responsible to. We all said a lot about the late Mr. Jim Bodden, but in his time that would not have been allowed to have happened. He would have brought some pressure to bear somewhere, he would have found a means somehow to see that those people were kept on if at all possible. I am not saying that the two Members are alike; they are completely different people.

We are dealing with two of the most important pillars in our fragile economy: Tourism and Banking. However, it must be considered that workers who spend 18 years and 11 years respectively, in these establishments are not normal run of the day employees. In one instance in the tourism sector, one hotel is laying off workers at age 65 and over. From my district alone , I believe, there are between seven and 11 persons so far who have been notified. This concerns me because I know these employees and I know that they are conscientious persons, able and willing to work for an honest day's work, even if they over 65. I know one employee who has never been sick for more than one month in 18 years. Eighteen years with no time off except one month.

In these Cayman Islands of today, what I want to know is, even if that person is over 65 is, with whom will he be replaced? I have been to that establishment before on labour problems. The cry was then, that they were unable to find dependable Caymanians to fit a particular job. Nowadays the cry is still the same, therefore, they must have work permits to employ foreign help. In some instances, this is perhaps true to some extent. However, when you have employees who stay with you for 10 to 18 years with no sick leave to speak of, it says that those employees must be of some worth.

In one department alone at least four persons will be laid off. This is hard to accept because those persons come from either the bedroom area or work in areas like public bathroom cleaning. The truth is, that they might be hard pressed to find local help as was the complaint before. So the alternative will be to get permits. This in unacceptable to me. As I said, we are dealing here with long-standing workers who have enough loyalty to the establishment to be at work by 5:00 or 5:30 a.m.; this says something, Honorable Members, for that type of worker in the Cayman Islands of today. My question is: Could there not have been other alternatives to laying off? Were these alternatives considered?

We are dealing with people over 65 years of age, yes. But, I

would match them with any younger person, in terms of loyalty, punctuality, honesty, output and quality of work. I would match them with any younger person. I honestly feel that this situation needs closer examination by the authorities because I think it is more involved here than the recession. I feel in the instance that this is just a good excuse but one which must be stopped, with every available means at the disposal of those in charge. I feel that it is just an excuse to get rid of these older staff members who have been there and have reached the retirement age. What we as representatives have to bear in mind is that these are senior citizens who are still very capable of performing a day's work. If that establishment gets away with it, how many more will do the same thing? What is going to happen to those healthy older people who depend on their day's work to keep themselves in shape. Not only in shape but to keep themselves alive because that is their only means of income.

They are not only old people but also poor people and a $4,000 or $5,000 as a lump sum payment with no provision for pension is a mere pittance in comparison to 10 or 18 years of dependable labour, loyal and committed labour. Whatever the rules of that establishment, they cannot be made and carried out without due regard for the welfare of our people, especially of our older people. I do not have the Labour Laws, I said that I had not finished my examination of the whole Throne Speech and put all my papers together. I do not have the Labour Law with me but I believe our Labour Law talks about age, discrimination and so forth. So do not tell me that you do not have an avenue. Because there is one and we must do something to help our people.

I have been involved with many labour disputes since becoming a representative. At one point, a good friend of mine said, "McKeeva does not own this hotel." I have been called upon not only by my constituents, but by a lot of other Caymanians and non-Caymanians alike to deal with unfairness in the labour force, particularly in this vital tourism sector and the lower paying jobs. Now, it is coming to the point of discrimination against my own people. I have seen it; we have witnessed it. I have called upon the Portfolio in many instances to intervene on behalf of people who are being pushed out of a job and being replaced with a permit-holder. In many instances sometimes a solution was found, but in most instances, for whatever reason, nothing was done. I am saying that it is time that we examined the whole situation. It is no use having the development if our people are not going to benefit.

I am again calling on the Portfolio to intervene on behalf of our people. I heard what the Member said. I hope that he would rethink his position because if ever there was a time and cause for intervention by the Portfolio, it is now.

In regards to the banking sector, I recognise that this sector is one of the main bastions of the Cayman economy. There is no question whatsoever from this side of the House as to our recognition of the importance and necessity for the taking of measures to ensure that it operates at a high level of service in order for it to survive; no question whatsoever. It must be that this sector be given the best assistance where permits are needed because of the expertise needed to ensure quality service to clients.

However, in times of difficulty in this sector where there is the retrenchment of Caymanians to economise it must be that the Caymanian officer is to go only because the job he has been doing has been done away with. Even at that, steps must be taken to place him in a another department. It should not be that if there is a local officer and a foreign officer in the same department that when hard times hit, the Caymanian is made redundant. Especially if that Caymanian officer has 11 years of service with that firm.

This sort of discrimination breeds instability and contempt that can spread to something which we do not want. The feeling among our people is that there is discrimination and if they complain to their superior officer in the firm, they are set upon, they are a marked persons in some instances. We do not wish for any friction in these very vital industries, but I can tell you that I have found a lot of hard feeling and we might as well acknowledge it. We must not shove our heads in the sand like an ostrich and say that it does not exist; it exists. I trust that a sensible solution will be found and the Government will stop at no sensible end to see to it that our people are not disadvantaged.

A people who we must remember have no bargaining power in terms of organisation; none. The only thing they have to rely on in times of problems and disputes is the Labour Board. And, if the Labour Officer cannot do it and the Portfolio feels that they cannot tell a man how to run his business, what will happen to our people? As I said, that sort of situation breeds contempt, breeds problems.

There are many problems in the labour market today that I feel are not being addressed adequately. It is time that a meaningful dialogue be had with the establishments. I think it is very timely for an inquiry.

In the tourism sector there are areas where maids are paid as little as $3.00 per apartment, to clean it. It would take one maid to do 12 apartments in a day, for them to make $36 for that day. And, there are apartments which have at most times two and three bedrooms. A woman would have to kill herself to do 12 apartments in one day. And, at that, the job might not be well done. The bad thing is that if they complain about such conditions they are likely to be told, "If you do not like it here, leave. We can get somebody else." Sad. These are matters that must be dealt with now.

How long do Members believe that Caymanians are going to remain docile? Smile and say, "All is well." How long? These situations breed a feeling of contempt. I believe that it spills over in attitude toward our visitors. This is the dangerous thing about the whole situation. When an employee should be smiling and willing to answer questions about when the rain will stop, when the sun will come out or when the sea will calm down, because they are dissatisfied about conditions, they are sulky and unfriendly. This is what is dangerous about the whole situation.

In these times of high cost of living which is the fault of the Executive Council, $36 per day and very few gratuities is a vexing matter.

In these very hard times there is another area of vexing discrimination. That is where the hotels have been supposedly laying off certain staff temporarily. I have had

complaints in areas where employees have been laid off for as long as two months, while there have been certain permit-holders kept on. This cannot be right. In some instances these local people have very small children and are in one parent situations who have to do everything in the home. Do not tell me that a better time sheet in terms of fairness, where people have equal time off, would not be better. Theses situations must be taken into consideration when things get as bad as the cases are now and people are being laid off. So, I say that an inquiry is timely; it must be done. Steps must be taken to ensure that our people are getting the maximum from the development in these Islands. And, to ensure that those who are here lawfully are taken care of also and not taken advantage of just because they are on a permit. This is happening too, in this country.

Slave labour, exploitation of these people who have permits. I see it happening; they are cursed they are kicked, they are pushed here and there simply because they are on a permit. We cannot allow these things to happen. I stress that something must be done. I hope that what I said in this matter is taken in good spirit.

I do not want to hear that I made an inflammatory speech. I want this House to remember, especially those that were here from 1985, that if I wanted to be unreasonable, instead of bringing a motion to get a Labour Law, which I did, to protect our workers and employers alike, I could have advocated a union. But, I believe that a good and reasonable Law could offer the right protection for our labour force without disrupting our way of life. That is my philosophy. This, I felt was my responsibility to the country as a whole.

The Government must now ensure that trend will continue because if by inaction and disregard for those whose jobs are being made redundant and those who have every right to protest conditions in certain sectors, will cause problems. It will cause tempers to flare and problems to increase. The blood is on the hands of the Elected Executive Council. I think that people have worked very hard to build up this country. We cannot allow something to happen which will tear us down. They must act. The problems are there with constant complaints. Solutions must be found. I guess we are going to hear what the solutions are. They are in the driver's seat and we do not have any control anywhere, we can only do one thing now in this country and that is to talk. We have nothing else at our disposal. We can approach some Members and the Member for Tourism is one who will listen, but if he listens he must do something. This is one area in which something needs to be done.

I believe that this is the right area to talk about pensions. I have said it before and I say it again, the present Member for Social Services does not want to see the people protected any more than I do or any other Member from this side of the House. But, when we get a pension scheme it must be something that the people want and need and can live with. This has been my position from day one. I do not need to get on any political bandwagon about pensions to gain support. I believe that when the bell rings, I will be as good as the next man. So, I do not need that as an issue. My concern is that throughout the world welfare states are being dismantled right, left and centre. Is it not glaring to us that the walls of communism have been torn down and that they have realised that they cannot depend upon the state for everything. We realise that too. You cannot make a law that the people do not want. I think it was Hubert Humphrey who said, "No law can stand where the people do not want it."

MADAM SPEAKER: Would this be an opportune time for you to take a suspension? We will suspend proceedings for 15 minutes.

AT 3:19 P.M. PROCEEDINGS WERE SUSPENDED

PROCEEDINGS RESUMED AT 3:40 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. The First Elected Member for West Bay, continuing the debate on the Throne Speech.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.

When we took the break I was dealing with the issue of pensions. As I was saying, we on this side support the position that every working person in Cayman, should have a pension at the end of his working days. What I want to deal with is the accusation that the Pension Bill was withdrawn because of the non-political support of the Backbenchers. That is ridiculous! It only highlights another attempt from the Members across from us to try to get our people against us. They talk about political rhetoric! That is the height of it and the gall of some of them to get up and accuse us of political rhetoric when they make those kinds of statements.

From 1986 and 1987, when this matter of pensions was in the air, the Member on the Executive Council, the Member for Communications and Works made a statement at the Chamber of Commerce meeting at the Hyatt Regency Hotel, that nobody was going to ram any Pension Bill down the throats of his people. Now, I understand that the when the Bill came, the Bill that was not taken to the House, the same Member and other Members of Executive Council did not support the Pension Bill and therefore, they forced their colleague, the Member for Social Services, to withdraw the Bill. How then can he say that it was my fault or the Backbenchers' fault for political reasons? If there were political reasons it came from within his own group, his own colleagues; not from the Backbenchers. If that Member had the support of his honourable colleagues in Executive Council, for pensions for the people of this country, he could have passed it as they passed that retrogressive step in putting Finance Committee in and all positions in this House for all Members to vote on. If he was as interested and had the support of his people, his colleagues in Executive Council but he did not have

that support. If he had the support of the First Elected Member for Cayman Brac and Little Cayman, who usually votes with Government, than they could have passed the Bill.

The Backbenchers, as we are termed are only seven in number. It is the four Members of Executive Council who bring issues to the House only after they have majority consent in Executive Council; that is their constitutional duty. It is not our fault why this Bill is not in the House. It he thinks the Bill is so good for the people of this country, he and his colleagues must put it on the Table of this Honourable House. Do not blame the Backbenchers. If he had the support of the Member for Tourism, of the Member for Education and the Member for Communication and Works - he had your support Madam Speaker. The Member for Education is telling me that the Member has his support, well who's support does he not have?

When the vote are taken in this House, when the matter is brought up in Executive Council and a decision is taken and everybody agrees it come to the House. The four Elected Members with the three Official Members' votes and the First Elected Member for Cayman Brac and Little Cayman who votes with them, therefore, it is passed. Them against seven, if we are against or not against something. So what is this talk about the Backbenchers not giving the poor people their pensions. Further more, the Pension Bill would not have taken care of the poor people in the country. So why try to make the people believe that they were going get something that they could not get under the Law?

The Bill, if it was passed in November could not have taken care of the people that I mentioned - the old people that are being laid off. The Bill would not have taken care of them so why try to make the people believe that those people too would have been taken care of? Under the time limit of the Pension Bill, they could not qualify! But, what those Members of Executive Council should have done a long time ago, not this year, but from the time that I was beating my gums on the floor of this House in my first term about pensions for the people of this country. They should have brought in a Law to ensure that every person in this country had the right to a pension. That was what was needed but instead there was much vacillating and playing up to the banking institution which was against it and playing up to the Commerce, which was against it. Therefore, nothing was done in the first term. Do not blame the Backbenchers. They have the votes to do it when they want to do something. When they wanted to change the Finance Committee, as I said, they did it without due regard for thousands of people.

The Member said in the November session that he was washing his hands of the whole subject of pensions. I took it upon myself to try to get a committee going that would ensure that people had a right to get pensions. I have been meeting with the Chamber of Commerce and we have been discussing this matter of pensions. I have told them that if they do not act fast enough for me, I am going to bring that Bill by the end of this year, if not before. A private Bill to ensure that the workers of this country have some sort of pension. So, I am not going to renege on my duty to the people whom I represent. I am going to ensure that something is not thrust upon them that they cannot handle and that the money, when it is put there by our people, that the eight per cent will not be used by Executive Council to build a hospital or a road or to pay Cayman Airway's bills. That is what the intention was. The people told me right, left and centre, from the richest to the poorest, "No we do not want that kind of Pension Bill." Therefore, they told me not to support it. I am one of those representatives that is guided by his peoples' wishes.

They say that is politics and it is not statesmanship but I am going to come to the subjects of politics, statesmanship and pork-barreling. I am coming to those subjects.

There is no Member in this House who love the people any better than I do, and I am guided by them. I represent them, I feel that I must do what is in their best interest. They did not want that situation. How could we thrust a Law upon them and say, "Here, we are going to give it to you whether you like it or not." So, let us get this, once and for all, thing of blaming the Backbenchers for the Pension Bill not coming to this House, behind us. If the Member wants to do something, come and work with me and let us get the Bill. If he wants to do something I challenge him. Forget about the Chamber of Commerce Bill, forget about my Bill that I would bring, but have him bring a Bill; we will support it. A Bill that says that the people of this country must have a pension.

They are not concerned about the people, it is the grandiose projects which the Pension Scheme could enhance. Every country from all the authorities, I have read, are dismantling social welfare. These types of social security
schemes. Are we different? When our country is dependent wholly and solely on the business from overseas international business. And we must bear in mind that the business that we depend on here is running from that type of situation in their own land. Those people are taking the opportunity of the tax-free status in this country. We are a tax haven; they are running from tax. We have to be careful about what we do here; not like in Barbados or Bermuda, even though we are similar to Bermuda. I say again, if the Member wants to do something to ensure that people get pensions, let him bring the Bill that says people must have pensions; if they really believe that.

Madam Speaker, as I have said, the Members of ExCo have been congratulating themselves about their successes. I have no doubt that some Members might be trying in some areas. I think the country recognises it as well. Where they have been trying for a positive benefit to the people, we on this side have given them our whole support. They should not however, expect us to agree with the many blunders they have made. They should not expect us to support them in abdicating their responsibilities to provide a sound economic policy in times of recession; we cannot. When we examine their record, certainly they have abdicated this responsibility. This is borne out by the fact that they have increased taxes heavily. They increased Duties which increased the cost in every item, for instance increasing the dock fees.

They have borrowed very heavily thereby causing a serious rise in the cost of living in these Islands. To top it off, there is a wastage in grandiose projects. Government has not received value for money spent.

We on this side have been criticised for our efforts to bring

pressure to bear on them for their many irresponsible acts, but we are loyal to our people. It is our bound duty to try and resist any moves which are not in the best interest of out people. I know that they have what they call the economists, the accountants and the professionals on their side of the House, but Lord what a mess they have made. What a mess they have created. I can never forget that night in West Bay when they came there to tell the people not to listen to McKeeva because we have the experts in ExCo; we have the Member for Health who is a health professional; the Member for Education who is an educationalist; the Member for Communication and Works who is an accountant and the Member for Tourism who is the longest-serving person dealing with airlines. They said not to listen to McKeeva and so now we have it and Lord what a mess that group has made.

They have mismanaged the finances, they have mismanaged our money; this is the worst this country has ever been. That is borne out by the large deficit and the reduction of the General Reserves. Now, I am going to use a term which I hear regularly: They are cooking the books, to say that they ended the year in a good position. There could not be enough accountants who could put that mess in the perspective that would put them in a good position.

When the Audited Accounts came out regardless of what His Excellency the Governor said in this speech, we knew that those were only their words that he was speaking. We know that he only reads the Throne Speech but that Executive Council puts it together. No matter what he said in this about the good position that they are in, when the Audited Accounts come to this House, the true position will be borne out. So, they can stew the books; they can run but they cannot hide. We are on the Public Accounts Committee and we will make it known. The country is in a mess financially, a real sad mess. How can they get up and talk about financial prudence? That would be an abomination to an economist if he would look at our books and see what they have done with them.

They like to use those words glibly. A $20 million deficit; if it is not $20 million then it is $17 million and they call this economic prudence! To spend more than you have. All of us know that when you spend more that you have, you are bankrupt. I do not call that economic prudence. I called that in the last Budget debate (and I say so again today) mismanagement; 'Benson-omics', 'Linford-omics', 'Ezzard-omics', and 'Norman-omics'. What a mess we have. Time to go gentlemen, time to go!

The country cannot take two more years of their bungling mismanagement. You simply cannot spend that which we do not have. And, that is what they attempted to do. This year it is going to be worse!

They are all now talking about this financial prudence. They are all now talking about the effects of the recession in the United States on these Islands. There are many inconsistencies in the Throne Speech which I will point out at a later stage. There are a lot of inconsistencies in the contributions made by Members of Executive Council; those that have spoken and the others that are coming, there will be no difference. They will be just as inconsistent. But it all bears out, the sad fact of why this country is in so much trouble.

In the debate on the Budget in November, some Members of Executive Council were labouring to convince the House and the public that a recession in the United States did not mean a recession in these Islands. In the debate on the Speech from the Throne the same Members have been labouring as hard to tell us that lo and behold because of economic variables in the United States economy, the Caymanian economy has been affected. What a strange turn of events! What a finding! What economic sense!

We knew it on this side of the House. We were sensible enough to recognise that, surely, when the United States economy is in trouble, we feel it here a few months down the road. We were trying very hard to help them understand that, but they would not listen to us. They would not listen to us. Now, if the Members of Executive Council are the managers they say they are, and if they believe that we are externally controlled, as the Member for Tourism has said, why did they not listen when we were pointing this out to them? Why did they not take the invasion of Kuwait into account when putting forward the 1991 Budget?

Kuwait was invaded on 2nd of August, and the Budget was presented in November. Executive Council must have known that war in the Gulf was inevitable, and in my opinion should not have put forward a large tax package with high increases on oil, resulting in hikes in electricity. I know that they put it on in November, but they knew of the grumblings, and they should have had their ears to the ground. I know that the tax package was introduced in July. To top it all off, they have large projects with funds of $13 million from local banks. This they said was going to have a domino effect. The people were supposed to have been resurrected after they were finished with that foolishness. This was to be the savior of the Caymanian economy. Lord, what a mess we have had these last couple of months, and it is not going to get any better.

We hear a lot about a Chief Minister and a Leader of the Opposition. What we need are some people with grass-roots sense. We need people who can bring money into the country, not to spend it every time one turns around. This Government has failed to bring in projects that have brought any kind of money into this country. They usually ask the banks, the trust companies and so forth, but what have they done to put the country in a situation where it could have had larger reserves? They have spent and spent. They have not brought one Bill, one idea, or anything to enhance our development. They are managing the country wrongly. It is that simple.

They want a large hospital for the year 2000. They want better highways. Every one of them has a bag of wishes, but they have not come up with any ideas for where they are going to get the money. They are going to borrow it. Where are they going to borrow it from? Have they told the people? Are they going to get it from the World Bank? Are they going to get it from some large corporation in the United States? Merrill Lynch? Into whose hands are they going to put this country? It must not be because you know that the people are going to dump you that you saddle the next Government with a large bill. They have been telling us, "We are going to do this, and when you take over you are going to have to pay it back."

How? is the question. How will we pay it, if you have failed to

produce? You have failed to produce. We have a Member for Education who tells us that those students that are coming out of high school are not supposed to hold a job. That was his answer, I do not know what he meant. He might laugh, but I hope that he can explain it because that is serious. They are bereft, they are bankrupt of ideas to bring money into this country and they are just plodding along now, spending, spending, spending.

The Member for Communications and Works, my good friend, my cousin, recited a number of roadworks which were done by the Public Works Department in 1990. He particularly spoke of the amount completed in Cayman Brac and Little Cayman and used this to show how much his Government was doing and how much they were spending in the two sister Islands. What he failed to mention was that all districts had much more money for Capital Works than ever before because the Backbenchers took the Budget in 1989 and gave our districts money that was needed for works for 1990. In last year's Budget, Little Cayman and Cayman Brac received $1.5 million in Capital Works and over $800,000 was for roads. This year, 1991, now that the Government has total control over Finance Committee only $380,000 has been allocated for the year. A difference of almost $500,000 less.

The Public Works Department that he has been boasting about is the one in Cayman Brac which he says he has no responsibility for. He said this in a meeting in November, he said he has no responsibility for the public works in Cayman Brac.

The other bit of rhetoric, although he was preaching against rhetoric and political propaganda, that was coming from him was that we on this side of the House suggested that they should trim the Budget but that he was glad that they did not do it because they would have had to lay off people right and left. This is what he said, the Member for Communication and Works. That is not true; it is a misleading statement, political propaganda, rhetoric. What we suggested would not have given any reason to lay off anyone in the Public Works Department.

The areas in which we suggested to put more money was to give Public Works more money. In fact, the First Member for Cayman Brac stated that there was need for more money because what the Government was allocating in the Budget would not last until June. So that is why we were attempting to get more money for Cayman Brac. Yet, you have the Honorable Member foe Communication and Works saying that what we trying to do was to lay off more people. And they talk about rhetoric and political propaganda! They are masters at it. While they stand up and preach about political rhetoric and propaganda, they are stinging the Backbenchers. They are killing us kindly with soft-spoken Christian words, but stinging us.

It is as the story goes about the scorpion and bullfrog. The scorpion said to the bullfrog, "Take me across the river." And the bullfrog said, "Wait a minute. If I take you across the river you are going to sting me and I will drown." The scorpion replied, "But, if I sting you I will drown too." So, the bullfrog said, "Okay, hop on." The scorpion got on and midway in the river he did what was known to his nature - he stung the bullfrog. The poor bullfrog said, "I thought you said you would not sting me. Now you will drown too." The scorpion replied, "I know, but it is my nature to sting."

"Not all who cry 'Lord, Lord', will go to heaven."

There have been official statements in the media and pronouncements in this House by the Member for Communication and Works which were that the Motorola deal would fulfill all needs of the Cayman Islands Government for radio communications. It was also said in Finance Committee that Cayman Brac now had the system in place to correct the inadequacy in its Police Communication System. Where, often the only answer to the telephone is an answering service. The Member for Communication stated that when the approximately US $3 million was approved, all systems were ready for installation. It is now clear, that is not the case and Cayman Brac and Little Cayman does not have the equipment that the House, the Finance Committee and the country had been told it had been given. There seems to be little doubt that sometime in the near future the Member for Communication will be asking for more money, saying that more equipment is necessary than was estimated. I heard that this is already in the works.

The Second Elected Member for Cayman Brac was quite right in saying, that the Government had not installed the system in the Cayman Brac Police Station which could switch a call to a police car in the field, when no police officers were at the station. Surely Government does not have to install a pack-set radio in the hands of the District Officer in Little Cayman and the two police cars in Cayman Brac, where officers can telephone to base for detailed information.

There are many answers yet to be found with regards to the Motorola system which has been purchased by Government. I trust that the Member for Communication and Works will soon have those answers. But, in the meantime he must not try to lay any blame on the Elected Members on this side of the House.

It is getting on to closing time and the only issue that I can deal with in a short time is the issue that was raised by the same Member, the Speaker's motion. I did not want to have to speak on that. I took it that the motion was passed, the ceremony was held, the Speaker is in the Chair, so we should leave it at that. But an inference was thrown in by that Member which is not correct. I take umbrage when he said that the Speaker's motion was passed to get rid of the Governor. If that is the way those four Members feel, they should run and hide. All the tumultuous, self-congratulatory speeches about who had voted for it and who had voted unanimously for it is not entirely correct. There was not a unanimous vote for that motion. Those four, as usual, played politics. They attempted to do then what the Member did in his speech. They attempted to throw cold water on that whole auspicious and momentous occasion. That was their attempt, simply because they did not have the mettle to bring democracy to this House.

The people wanted it and it was necessary. We did it, and I am glad we did it. I did not move it to get rid of the Governor. I moved it because of the inconsistencies in the system. The only relation that the Governor's post has to it is that the Governor is the Chairman of Executive Council, Presiding Officer and Head of Departments. That is why I moved it, because full democracy was not at work. Sure,

we had our wrangling; but do not attempt to throw cold water on the whole thing by saying that the motion was only moved because of that. It is disrespectful to the House to have said it. Do you know what? Another one of their faults is that they misjudge the people. They misjudged the grand occasion that it would be and they did not bring it about. They are like little children. That is why this country is suffering. No man is an island unto himself. No man has the prerogative on brains. The four of them have yet to learn that.

I am glad that the motion passed. I did it in the way it should have been done and I have no regrets. Everybody can see that this House is running better. Everybody can see that there is decorum in the House and respect for the Chair - and respect from the Chair, which is an important aspect. So what are they talking about? They should run and hide.

MOMENT OF INTERRUPTION - 4:30 P.M.
STANDING ORDER 10(2)

MADAM SPEAKER: Honourable Member it is now time for the Moment of Interruption.

Before I take a motion for the adjournment, I wish to remind the House that there is the Annual General Meeting of the Commonwealth Parliamentary Association immediately following.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this House until 10:00 o'clock tomorrow morning.

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

AYES.

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

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM FRIDAY, 1ST MARCH, 1991.

FRIDAY
1ST MARCH 1991
10:01 A.M.

PRAYERS

MADAM SPEAKER: I will ask the Second Elected Member for Bodden Town to say 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, the 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, Amen.

Let us say the Lord's prayer together:

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.

MADAM SPEAKER: Please be seated. Proceedings are resumed.

QUESTIONS TO HONOURABLE MEMBERS

MADAM SPEAKER: Questions. No. 72, standing in the name of the First Elected Member for West Bay.

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

NO. 72: Can the Honourable Member say what are the leave regulations for doctors at the George Town Hospital and whether there are any specific cases. If the answer is in the affirmative, will he make a statement?

ANSWER: The leave regulations for the doctors at George Town Hospital conform to the standards of the Civil Service, i.e., 25 working days per year, plus 10 days statutory holidays. One doctor was given a specific arrangement in 1986 which allows him days off in compensation for days worked on weekends. This enabled the services of a very highly qualified professional to be obtained, within approved budgetary provision.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Honourable Member would be in a position to say what are the qualifications of this individual?

HON. J. LEMUEL HURLSTON: Speaking generally, the individual is a specialist in the area of internal medicine.

MADAM SPEAKER: If there are no further supplementaries this concludes question time for today. Government Business, debate on the Throne Speech. The First Elected Member for West Bay continuing.

GOVERNMENT BUSINESS

DEBATE ON THE THRONE SPEECH DELIVERED BY

HIS EXCELLENCY THE GOVERNOR, MR. ALAN J. SCOTT, CVO, CBE

(Continuation of debate thereon)

MR. W. McKEEVA BUSH: Thank you, Madam Speaker. Yesterday at the close of business I had dealt with several areas, and I would hope that I could cover the subjects which I am particularly interested in; that of the Health Services, Social Services and Community Development.

This morning I hope I can reach those subjects in a short time. But, before I do, I would like to say a few words about Education. This is a subject i rarely speak on because there are other people on this side of the House who are more qualified than I. However, I have made some observations which I think are very pertinent. I would say that all is not well in the educational system in our country. We have heard that the Education Review is going to come to this House in June. We do not know what it contains, nor do we know what the Member's plan for education will be. I am most concerned about steps being taken to dismantle the Middle School system. One of the objectives of that system, is to keep that particular age group together rather than have them in a situation where they are competing with older children. I am afraid of these changing systems. We have to make some changes, that is obvious. I am going to elaborate a little bit on what I feel should be some of the changes looked at. We just made a change, we just moved from GCE to something else. This is our children's future we are dealing with.

Children and parents in this country are very unhappy. There is some disillusionment. It is a shame that children are coming out of school in a state of functional, if not total, illiteracy. They are going through the process and coming out virtually unchanged. This thing is not given the attention it deserves. All the buildings that we built, the money that we spent will have meant nothing. Those buildings will only be there as monuments to folly and deception. We find it disheartening to young people and distressing to the future of the country that they turned away children from the sixth form. Of those who were lucky enough to be admitted, pressure had to be put on by parents and others for them to be admitted to the sixth form.

They talk of priorities? This is one that is seriously lacking. While the Members over there sit and make tirades and blame the Backbenchers for everything, important aspects in this country such as education are in a serious state of affairs. We will be watching carefully to see what the Member intends to do. Let me say on my part and I believe on the part of the Honourable Members on this side of the House, we are not prepared to sit back and let the Member play with our children's future. We refuse to take any part, or to offer any encouragement in the educational stagnation of this country.

What I hope is being considered is what I would like to call the qualitative relevance of the system to our national life, and to our economic situation. Since I said that I do not delve too often in the areas of education, let me indicate what I mean by this. I would imagine that we would all agree that the purpose of education is three-fold. First, to prepare a child for the possession of skills that can be used in his community and which, in turn, will support him. That must always be the primary purpose. Secondly, it must be to create in a person, some sense of the environment in which he lives and an understanding of his social order; the comprehension of his political system and an element of citizenship in his makeup in which he is committed to the works and purposes of the society.

Thirdly, there would be the whole question of preparing a man for the ability to enjoy leisure activities and to use his leisure creatively. But, if we look at our education system from this form of reference, what do we find? We have inherited a system of other countries education systems relevant to that country's history, economy and social makeup. The greatest weakness, and most distressing of what is happening now, is that we are turning out an educational product that in a very large measure is irrelevant to the needs and opportunities of the economic system in this country. It seems to me that what we are turning out is an over supply of clerks, people with clerical skills and unskilled labour. We have a few good passes but they are in the minority.

I cannot detect that present educational policies will reverse this trend. I suggest that the system is pushing this trend further. Everything, it seems to me, is to create further imbalance between the product and the economy that is to absorb the product. The system seems to be producing a majority of youngsters with no comprehension of their social environment, with no grasp of the political system and, above all, no values which would tend to create in their minds the commitment to their country which is the foundation of citizenship. So, as I said, I hope the consideration is whether the qualitative quantity of our educational system is as relevant as it should be.

I hope that the modifications are forthcoming in regards to the changing of the curricula to suit this country's needs. We have heard a lot of hoopla about it. We have had a lot of promises about it, but, as I will tell you later on, not much has been done toward that end. Oh, we are going to get a building in time for the Election to try to boost their electoral chances, we know that.

As regards Education, I think that the Government and the Member for Education in particular, should realise that the churches in the Cayman Islands play a prominent part in education in these Islands. The record will show that the first efforts at formal education in these Islands were initiated by the churches. To this day churches continue to play a prominent role and we must take our hats off to them. This leads me to mention that there is one such school in West Bay operated by a church for which I have much respect and with which I have a lot of background. In fact, it is where I grew up - The Wesleyan Holiness Church. Recently I have been disappointed with decisions regarding the granting of teaching licenses to some staff members at the Wesleyan Christian Academy. This is especially puzzling in light of the fact that a precedent in this regard was already set.

In the instances mentioned, I would hope that the decisions are not politically motivated and that a request for the review of the decisions can be favourably examined when

received by the relevant authority. We would hope that the Member for Education, who also happens to be one of the representatives for West Bay, will do all that he can and not undermine it. Too much politics is being played with certain educational aspects in this country - all a game for some people to be up on the next one. The Member for Education has much to do with it. He is not here at the moment, but if he were I would be saying the same thing. I know that his 'satellites' will let him know what was said. I hope that notes are being taken in this regard because this is very important to our lives.

The country is experiencing serious problems with our young people. I am not saying that there are not Members of Government who are trying to do something. I believe they have been kicked in the right direction; they are beginning to see the mistakes they have made and they are tending to do certain things about what we have asked, although they are calling it something different. I think that bold initiatives need to be taken. We know that one of the greatest problems we face with our young people in this country is discipline. I feel we will never scratch the surface of this problem until we take a basic national decision.

That national decision I proposed before, and I do so again today, is that we institute a scheme of national youth services in this country, the purpose of which would be to provide basic training and experience in artisan skills, and to provide all the youngsters with a period of constructive discipline. This might be the means of teaching our young people about positive work attitudes, i.e., punctuality, providing an honest day's work for a day's wage, respect for others, respect for authority and respect for co-workers. It could have a lot of scope for doing positive things for young people in this country. This service could be a period of two or three years. We would even look at those with educational exemptions, who could be made to spend at least one year in the scheme. It is needed, and it is time that we take these bold initiatives. The full ramifications of this programme are still to be fully explored, but I feel that we need some kind of national service as such, and there is room for it in these Islands today. I propose it and I give the House notice that before the year is out, I will bring a motion to deal with it. We are not proposing any specific age group as yet, since the full ramifications have not been fully explored.

I will now deal with the Health Services. We have heard quite a bit about the Backbenchers trying to stop the Government from giving the people good health services - the usual political propaganda from the statesmen on the other side. I think our position is well known. We did not give him the $1 million that he came and asked us for in 1989, when the 12 Elected Members were in control of the finances. We asked him to explain the $1 million that he was going to give to the International Healthcare Corporation, but he could not explain it. He went ahead in the course of 1989 and very recklessly spent hundreds of thousands of dollars with that company that had no experience in the building of hospitals.

Although this company had put together these documents, the Health Delivery Systems Plan and the Health Facilities Plan for these Islands, the kind of approach that is embodied in these documents, if used, will result in continued chaos of the health sector. And do not tell me that all of the health professionals in this country are wrong and that Member is right. There has to be something wrong there when so many people are against a split-site hospital. Let me say that he blamed the previous Chief Medical Officer (the one that he just got rid of), for having his own agenda. That is because the previous Chief Medical Officer stood up to them like a man and said, "What you are proposing for this country is going to result in chaos." So what did the Member do? He got rid of him. He got somebody else who will tell him what he wants to hear.

The Member has been very inconsistent in this whole fiasco, very inconsistent. In his attempt to blame the Backbenchers, he has forgotten what his own guidebook - the Bible of Ezzard - has told him. He has said recently that Government does not plan to build a two-site hospital. I can back that up from the Hansards. Yet, when we pick up this book that we paid over $100,000 for, what does it tell in their recommendations but that there should be a split facility into in-patient and out-patient services, locating the in-patient services on a new site and the out-patient services on the existing site of George Town Hospital. Can the Member explain to the House what that means? If that is not two different sites? It went on to say that after a further review of all the data and comparisons, International Healthcare Corporation concluded - it should probably say International Healthcare Corporation and the Portfolio concluded - that the most viable alternative to pursue, was that alternative. "As you can see from the points of comparison, it has numerous advantages, but the most important is the utilisation of the existing compound as an out-patient facility. A use for which it is best suited.".

It was a foregone conclusion. I will go on to show you Madam Speaker, that they never made any real comparisons for this split-site hospital. In this plan there was no overall hospitalisation utilisation data presented to indicate the average occupancy rates overall and by service. Thus the determination of number and services needed for beds could not have been properly made. That must be an important aspect when we are going to talk about borrowing $15 million, which we know, when Government gets through with it, will be $20 million. No foundation was given to support their assumption that increasing percentages of births will occur in the Islands.

Another concern of ours at that time, and still, is the issue of in-patient versus the ambulatory settings. For the services that this country needs, what is the most cost effective means of providing these services? What is the optimal means of providing the highest quality services? What is the proper balance of these? In this document there are many deficiencies in regards to the issues that I just mentioned. For instance, there is no analysis of physician preference provided. This must be taken into consideration. Also, when the Member came to us with no information except that book, we had to take into consideration the competitive environment of the Islands. The answers which we needed to make a sound decision were not there. We had to give consideration to whether Government should be the sole provider of the total Healthcare requirements of the public, or should the private sector be the sole provider, or should there be a combination? If so, what would be the appropriate mix of services provided by both entities?

According to the Member, he already has his mind made up. The Government should do everything with IHC as their back-up, and put all the stumbling blocks that they have in

front of the private sector. But, in the book from IHC there was nothing to help determine the services that the Government desires to provide or what services the Government is capable of providing. There were no analyses of alternative providers, market shares or cost by service. There are many deficiencies in that book that the Member tries to make the world believe is the Bible for health care in this country.

There are no considerations for the potential impacts of a private hospital, no considerations for the volumes and mixes of the private clinics on the Island. There is no justification for the assumption that the Islands' patients' preferences for overseas medical care will decline. There is no consideration for those things simply because the Member knew that he intended to give the private sector as many stumbling blocks as possible so that a private hospital would not come on stream.

He is the Member for Health; he directs policy. As I said, these factors are most important when we go to borrow millions of dollars. What are you going to do, close down the private clinics? Are you going to tell people that they cannot go overseas? The Member puts the cart before the horse, when he speaks of insurance. What the Member should have done, is explore that situation first, before attempting to put up the fees at the hospital to match the rates in the United States.

The Member went into that whole situation in the health sector like a bull in a china shop. The result is that he is all confused and he will have to spend a lot of money to do all that is necessary, when that should have been done before he got to this point. I am not a health professional. I did not go to college, but I do have common sense. What that Member intends to do to this country, by rushing headlong into that hospital, according to that 'book', is going to have devastating effects on this country for years to come. He will get to borrow - he has the support of the House. They have the Finance Committee the way they want it. They have the support of the House when they need it. Another $15 or $20 million on top of the $40 million worth of loans, and where will this country be? Yes, we need good health care. We are committed to giving our people quality health care, but we feel that we must be practical. I do not know what the $15 or $20 million will cost, but I will give you one example. I do not know how big the hospital will be, but when you look at a building like Laguna Del Mar on the West Bay Beach which was built for approximately $8 or $10 million - that is 36 condo-apartments each at 3,000 square feet, each one is $1 million or over - first class, excellent, opulent living styles. But, for only $8 million!

If we do not get rid of that leach called IHC, that vampire of the finances of this country, we are going to suffer. The grandchildren and great-grandchildren will be affected by that if the electoral gods do not catch them before. The Member cannot be practical because IHC has its eyes on these lucrative contracts and the more money IHC advises that Member to spend, the more money IHC will collect.

I purport to be the shadow for health services and I am committed to a good cost-effective facility. We feel that it can, and it would be our policy to remove the Mosquito Research Unit buildings and to utilise that space for new hospital facilities.

The Member is busy finding ways to back his position of not having enough space on the present site and adjoining lands to build a new hospital. He is messing up the car park and the empty space behind the Conference Centre in order to facilitate his idea of putting that new hospital somewhere behind Halfway Pond up in the swamp where you have to reclaim land. This is what has happened. He has been doing it since the day he entered that hospital as the policy-maker of the health sector.

They chased away the Chief Medical Officer, not that I am saying that he was the best man in the world, but they chased him away because he dared stand up to them; the man who was capable of advising the Member. What with overruns, professional fees, equipment, site work, plans and all the other things that IHC will throw in and charge to us, we will never finish paying for that hospital.

One factor that I have to take into consideration, if we keep the hospital on the present site, is the approach of the aircraft. This has been the site of the hospital ever since we have had airplanes flying in that direction. If you go to the United States, right in Miami itself, Jackson Memorial and all the others are right in the approach path of aircraft. That should not be the deciding factor to dismantle everything that we have there. We can build a new hospital where the Mosquito Research Unit is located because that building should not be in that area anyway; it is time that is moved. That is what the Member for Health and the Member for Education should be planning. Instead of planning to mess up the Backbenchers, they should be doing their work.

We believe that we can have a turn-key operation for less than what IHC is proposing, into which the Member has jumped and taken up. We are committed to that kind of prudent financial control and I feel that we can give the people of this Island good health care for less money. That would be our policy.

The Member for Health spoke at great length about his concerns for public health. I can see eye-to-eye with him on this. But, I believe that one thing we do have is a country that is health conscious. I am not saying that more cannot be done to educate our public. I think that this is a good move that he is making. I appreciate the effort very much to have a successful programme to reduce heart disease; one of the main killers in our communities. He called the programme 'Heart Beat Cayman'. It is a good programme and I support it. The Member has our support where we can support him. But, we are not going to support him in a folly that will put this country into a bankrupt position just because he said that he wants this type, and in that particular area.

I want now to deal for a few minutes with Social Services. I see that the Member has stated to the House that he intends now to do something about the community development that I have been begging for in this House. In February of last year, a resolution was passed that Government consider the institution of a programme for youth development and other community efforts by 1991, and deemed appropriate for each district including the Sister Islands, in which there will be provisions for youth workers. I cannot remember whether he said anything about the youth workers, but I know he mentioned about the community development programme. Of course, he did not say anything about the fact that we had brought that

motion in February of last year which committed him to have that programme in place by this February. It took him a whole year to get to that point. Of course we know that he went to Kansas City, Oklahoma and all those nice places and looked at their programmes. That was just in January, so I do not know how much thought has been put into it between January and February when he made those statements. But, I trust that he has done his homework properly. I believe that although he gives here a lot of hell, personally, I think, he is a conscientious director who has some very good ideas; all he needs to do is to listen and to take advice.

They always go abroad and look at these programmes and talk to their consultants. But the fact is that what they go away for and in particular, in this instance, when he went away to look at some of these programmes, the developments have been here already, or already suggested, or requests were made to do something about these situations. Policy is one thing, but having the mettle to implement them is another. That is what was lacking.

No attention was paid to the social development in this country and it took a lot of kicking from this Member (although you are not going to hear that), and from other people as well, to get to this point where he has finally accepted, after many vacillating policies, that something needs to be done in the districts where our problems lay; where the teenage pregnancies exist; where the young children are around the bars and hang-out around the coke houses. That is why we need youth workers. I have been saying it since I have been in politics and ever since I entered these Hallowed Halls. That is what we need to do. We do not need to put the Drug Counselling Service in the Creighton Building. That is good, yes, it is a start, but we have been there long enough. Let us expand and decentralise into the districts.

I had one boy working with me who was a client of that facility. He had to leave work at 4:00, when he should have left at 5:00, to go home to change his clothes and get dressed then get a ride to the clinic for 5:30 or 6:00. If we had facilities in the districts, it would not be such a problem. A lot of times when I called the facility, this boy did not show up. There was nobody to rush him. I chased him all that I could, although you hear that I am not doing anything. But, that is why they cannot beat me in West Bay, although they are trying hard to. They need people in the districts to chase after these kinds of cases.

We heard the Member talking about the children with behavioural problems and that they would be put in homes. As I said, this should have been done a long time ago. At one point, according to him, the halfway house was not necessary. He could send them to Hazeldon. He found out that does not work so he is agreeing that the halfway house is necessary. He said the remand home, I believe you are familiar with the Caring Homes Review Committee, their recommendation was that they have such a facility. The Member came to the House with much pomp and circumstance and a long spiel about what he had done to get this committee. Yet, when the committee made its recommendations, he would not accept them.

He said that he would duplicate the Oklahoma situation here, as far as juvenile delinquents are concerned. Our homes, the Boys' Home and the Girls' Home can work. All they need to do is to put some more effort into it. Not just plod along as they have been doing. In a lot of instances they have neglected the two homes to get some other highfalutin policies that some consultant told them about. In dealing with these consultants, they had a very respected and distinguished sociologist from the Caribbean region. They brought her here on some sort of consultancy, she did a review which has not seen the light of day. What has happened to her report? I think the Member knew that I was going to call on him to tell me about it, so he left the Chamber. But I am still waiting to see that report. You see, they do not believe that anyone in the Caribbean can tell them anything, so they go off to Oklahoma and Kansas City with a delegation as big as some of the Arabs have with them.

They have to stop pontificating with these programmes. They have to get to the root of the problems in this country, in the districts. They need to get to where they can be in touch with the young girls and stop the teenage pregnancies. And, by God, we have a lot of them - even though you do not hear about it. They should have situations where the young boys can have positive influences to control them. That is what I had in mind with that Community Centre for West Bay that the Member did not accept. But, I heard a lot of things from his speech the other day that says to me, that he has taken some of them into consideration but has given them a new name.

I do not have the time today to get into all of that situation of what I recommended, it is all there in the records. He said that he recognised that the crises arise at nights or on weekends when the Counselling Centres are not open. That statement should tell him something. It should say to him what I have been saying for so long, that he needs programmes in the districts. He has admitted to the times when the crises arise. We want something that is constantly open. In fact, where the people are out there on the highways and byways of Boatswain Bay, Northwest Point, George Town, looking for our young people that are on cocaine and becoming pregnant as teenagers - or else, no matter how much development we get in this country, it will not help our people because that generation is going to be the Waterloo for the country.

He said he has come to realise that they cannot cure drug addicts. I do not have that kind of information to agree with him on that. I believe that there are people who have been cured. What are the tests to say that people cannot be cured? I do not know. He has now accepted, according to the Hansards of his speech here the other day, that there is need for a rehabilitation centre. He has accepted it now. We have moved motions in the House that he has turned down. He has been on public platforms and has criticised me for suggesting it because we wanted a building. But now, he recognises it. I wonder if he does not see a rehabilitation centre with one eye, and the Election with the other.

So, all those things that we on this Backbench have been talking about - the halfway homes, the remand homes, the rehabilitation centre, which we have been in a lot of hot water with them about - he is now recognising that they have to be done. I believe that we can get the corps of voluntary help that we need in the districts to help any programme that Government has. That is what I was aiming at. Government needs to show some initiative in the districts and people will come along. Government can offer some

management, maybe even train voluntary management. These are all things that can happen and should happen.

We hear the Members saying that they cannot force people into attending a drug counsellor. But, I believe that those bold initiatives that I am talking about need to be taken up. I am one who believes that yes, it is time to force some of them while they are in prison, and they should make it be a condition when they are let out from prison that they do attend those counselling sessions. You must force them to do it. Furthermore, rather than fill Northward with them, you can send them there, you force them to do it - make it a condition of parole. We have to take these initiatives, because what has been the norm is not working. It pains my heart, when I go to Northward with a church group or on a visit, to see the talent in that institution, to see where the future of Cayman is. And, they on that side are getting up and saying that they are managing the country well. Managing it well for whom? They had better take heed.

One programme that I spoke of in the district was the need for more parent educational activities, better parenting in order to improve the home environment of young children. Oh, how he laughed at me. The Member for Tourism had a meeting in George Town and they had him on the platform. The only thing he did not call me and the First Elected Member from Bodden Town (about the programmes that we were suggesting), were gentlemen. But we were all wrong, we did not know what we were talking about. While they have their slanderous political meetings and sit back in their cozy offices and take the trips to Oklahoma, Ohio and Kansas City, our young children are going down daily. There is a lot that needs to be done. The rising crime rate is very evident.

As I said recently, the conviction ratio is high which means that people are being sent to prison and every month there are more burglaries. That says, very sadly, that there are new offenders. It is not only drugs that are the cause of it, but that is one of the main reasons. They have to stop pontificating about projects from Kansas and Oklahoma and thereabouts. What we need is action where it reaches the heart of the problem.

I could go on all morning, but my interest in these matters is well known and my attempts - the motions that I have brought - are there, although not acted upon. I trust that those Members over there will change their minds. I want to read something from the speech of the Member who could not take the heat and left the Chamber - the Member for Social Services. He said that he had tried to be non-adversarial in his debate and to depart from the adversarial politics of the recent past, to forget about one-upmanship and political gain and to work for the common good of the country and what criticism they had to make, was to be made in a constructive mode and to offer serious alternatives.

That is what we have been trying to do. All he needs to do, is to believe this. I challenge him to put me back on the committees that he took me off in political spite, like the Housing Development Committee. When we asked him about it, he said that he was taking me off for no other reason than because he had the power to do so. I am challenging him to sit down and discuss with me my ideas, as against these, and see what we can come up with for the betterment of the country - if he means what he says there. If that is what he wants, I challenge him to take up all of the ideas I have come up with, sit down with me and discuss them. I have no hard feelings against him, or any of them on the other side. All I want to do is to try to better the conditions for our people. But, they say one thing and mean another. That was evident in the CPA meeting yesterday. They say one thing and mean another. I believe it is unparliamentary to call them hypocrites. I think it is unparliamentary.

MADAM SPEAKER: If you know that, why do you do it?

MR. W. McKEEVA BUSH: Madam Speaker, I did not. I am saying that I think we know that. I challenge him and the group over there to put us on the committees if they want us to be constructive and to take up our ideas. I stress that. Instead of changing the rules in mid-year because we said we did not think "that" can work. Politics - they know how to play it, and they are masters at it.

I will now deal with a few items from my district, before closing. We have said in this House that Government should allow the districts to grow. Allow, and encourage, more development in the outer districts. Ever since the Government became a minority, they have been placing stumbling blocks in the way of projects in the districts.

Can you imagine that since December 1989, the boat ramp in Vicksville has needed some repairs and 14 months later the Member for Communication and Works is saying that they have to wait until the season for Northwesters is over to repair it? Political victimisation!

Can you imagine that since December 1989, the money was put in the Budget and the property bought to get the West Bay Post Office and the MLA office built and 14 months later nothing has been done except to find fault and say that there were only five parking spaces allocated? Do you mean to tell me that it takes 14 months to recognise that you only have five parking spaces? That is not the reason. This is no accident. It is well planned, well timed to enhance their 1992 electoral chances, while trying to make the people believe that the representatives are not doing their job. When 1992 comes around, God willing, they are going to get a trouncing that they never had before. If they thought that I left them in my dust in 1988, just wait until 1992.

For our district, the district of West Bay, money was voted but the Town Hall was not finished and cannot be used because of the neglect of the Member for Education and his victimisation. Just because he did not put the money there and it was not his project - one that he recommended. The roads are not done; you heard the Member for Communication and Works saying that they had tried to contact me about some matter. When they want me they can get me, why could they not reach me then? They do not have to wait to call me; I call them. Let me say, this matter about people's driveways, you go into West Bay and find out if a private driveway has been paved for anyone. A private driveway, as far as I am concerned, is from a man's fence

to his garage door; that is a private driveway, not from the road 100 or 200 feet in and four or five houses.

MADAM SPEAKER: Honourable Member, you said you were about to close. Do you have enough time to close or would we take the suspension now?

MR. W. McKEEVA BUSH: No, Madam Speaker, I have three other areas to cover besides my district.

MADAM SPEAKER: We will suspend the House for 15 minutes.

AT 11:14 A.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 11:35 A.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. The First Elected Member for West Bay - continuation of the debate on the Throne Speech.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.

I was naming the projects which are not done in West Bay, where money was voted for so long. As I said the Town Hall, roads, the schools, the post office, the library. I see the Member has appointed Mrs. Orrett, the known political candidate, to the Library Committee. I guess they are going to wait to do it until the Election so they can say that it was her suggestion. The ramp is not done; all these things not done when money was in the Budget from 1989. Not done, while the Westshore Centre Post Office is full steam ahead. I wonder what kind of barreling they call that, if our projects are pork-barreling? Or rather, what kind of bargaining is that?

While those Executive Council Members have been talking about the Backbenchers pork-barreling, they have been busy trying to get themselves elected. A good example is the situation with the North Side Post Office. They say it will be completed by November 1991, that is when the Member for Communication and Works will go up to cut the ribbon, and the money was only put in the estimates two months ago for that project. Our requests have been since 1989, and nothing has been done. I am not complaining about North Side getting a post office, because I suggested they get one for less money.

That is what is called pork-barreling. You did not hear the Member saying anything about my proposal to take the old North Side Post Office and turn it into a district library. We did not hear that. You only hear him talk about having their post office done by November and that the Member for Communications and Works would come up and cut the ribbon. You would not hear him say anything about the public library, because it came from this side. So, they are doing their endeavoured best to put stumbling blocks in the way of all our road projects and other projects.

I find a disregard for the area known as Hell in West Bay. Shops are there, we have a sub-post office there, but it has not yet been officially opened by Government to give it some prominence. I do not think any signs are up yet - a disregard.

When it comes to West Bay, there are a lot of people who are trying to scuttle the potential of West Bay. I know that some real estate agents have been selling West Bay short. They are telling potential clients that West Bay is a crime area. West Bay does not have any more crime than George Town, or anywhere else for that matter. It is done with ulterior motives, of course.

Throughout the course of this year I am going to try to complete my attempts to rectify that situation. I am going to solicit the assistance of the Department of Tourism, and the Member for Tourism, in promoting such districts as West Bay, who have so much potential in tourism-related development.

What I have in mind is that they could do some advertising showing the area of Hell and the Turtle Farm. There is so much in the Barkers area for tourism-related development. But, Government really needs to put more effort into those areas and districts such as West Bay. We know that the Seven Mile strip has practically outgrown itself. So, as I said, I am going to solicit their help.

I have already spoken to the Member for Tourism about turning the Lighthouse area into an attraction. It is already declared a tourism stop. We are going to fix it up, beautifully. The Member has assured me that he will look into the matter. There is a lot that we can do for ourselves, but I know that some people have been selling the district short. The absence of piped water is causing some concern for new developments. It should have been coming sometime during the first half of this year, however, I do not think that we will get it until the latter half, as I understand through the Board, that they are experiencing problems. I would hope that by year's end we would have that particular necessity.

In regard to West Bay I do not know if we will get very much done, just about three or four roads. Most of the money allocated to the district for roads ($100,000 some odd, out of some $200,000), is for the re-alignment of the junction by the Government school there. So, I do not think that the residents in West Bay can look forward to much help when it comes to the poor condition of the roads. They have placed the stumbling blocks. They are doing just what they promised with our district projects when they lost the majority of their supporters. They said, "We are going to starve them." That meant that they would neglect the districts. There is not very much more that I, or the Third Member for West Bay, can do. We have been doing all that we can in regards to the projects in West Bay. We have no support, of course, from the other Member for West Bay who, himself, is a Member of Executive Council and should be looking out more for the district of West Bay. But he

counted it as, what he called, "pork-barreling", when we asked for the projects - of course, he did not vote for the projects as they were not his ideas - but, the Member for North Side can get them and not be considered to be "pork-barreling".

I will now deal with the Constitution as was mentioned in the Throne Speech and in several of the Members' debates. Much has been said about the Constitutional Review. As I have told my people, it is now a wait-and-see situation as to what will be recommended. At this point in time why are the Members of Executive Council so worried about a Chief Minister? Why are they so preoccupied with who is going to be a Chief Minister? The Member for North Side has declared that he wants a full Ministerial system even though one of the Constitutional Commissioners, Sir Fredrick Smith, said that if we went to the stage of a full Ministerial system, the next step would be independence. We have been told that, yet that Member is adamant that he wants a full Ministerial system. Why?

You hear them talking about wanting to control civil servants. I have had my disagreements with them but, by and large, we have a good Civil Service. What really bothers me about this talk of controlling civil servants is that you hear the Members of Executive Council complaining about the civil servants putting stumbling blocks in their way. If the roads are not done, they blame Don Ebanks. When something else is not done you must blame one of their Portfolio members of staff. But, when the roads are fixed, it is the Members of Executive Council who did it. What kind of double talk is this? How is it that when something is fixed, they did it but when it is not fixed, it is the fault of the civil servants? The drive for power in this country is going to kill some people and is likely to destroy the country in the process. Power!

The Member for Communication seems to be most concerned about his claim regarding the Third Member for George Town being rejected for leadership from our group. This is not true. There has been no test for leadership by anyone in any group that I know about, unless it is on their side. He said that he and his colleagues were solid together. Very unconvincing because there was no tumultuous applause in agreement from his other three colleagues. In fact, had he seen the look on their faces, he might have said something else. But, they were all looking at me, and he was at the back of them. What has happened to that Member is that he has found himself on the outside, as his former running mates will not support him. He knows it, and I know it. I do not know how many other people are aware of this. Now, he is hoping to split this side up because he is out in the electoral wilderness. We on this side have had our problems. By God, who could have had any more problems than the Third Member for George Town and the Second Member for Bodden Town and I? But we put aside our differences in the best interest of this country, because we had an administration who were doing their endeavoured best to trample our people. So, they are not going to split us up.

The Member for Communication and Works and the Member for North Side claim that there is a fight on this side about a Chief Minister. I do not know anything about it. I think that is what they would like to see, because all of them see a split on this side as an oasis in the electoral desert in which they now find themselves. But, let me tell them that what they are seeing is only a mirage. There is no split on this side, and they will not cool their political thirst at the Backbenchers' expense. Let them get that into their thick skulls.

In regards to this Chief Minister affair, I do not see a Chief Minister as the cure to our problems. What this country needs is someone concerned about people. A common-sense person to bring in business so that taxes would not need to be raised on cars, on businesses, on licenses and permit fees, on post office boxes and so on. This is what we need. I agree that the country needs a leader, yes, because it does not have one in the four of them, as they are cutting the throats of one another. If they were solidly together and they could marshal their plans and bring them to the floor of this House as a solid four-member team, that could mean any amount of good leadership for the people of this country. That is not happening.

We need somebody that can bring business into the country. Somebody that can think, who is not bereft and bankrupt of ideas as is shown by that group. They have not produced any money-making projects in this country, they have only taxed it to get what they want. Say what you like about the previous administration, they brought business into the country and found ways to make money. That is what this country needs today more than anything else - it needs someplace to make money.

Can you image what would have happened to this country if we had not stuck together as a Backbench and allowed them to push through the Master Ground Transportation Plan? And allowed them to build a hospital and get involved with all the other things that they were getting into, that would have cost millions - $200 million projects? What would have happened to this country? I did not need a leader to tell me that I had to vote against that sort of foolishness. My common sense tells me that if we do not have the money, we must cut our cloth accordingly.

Concerning this Chief Minister, if and when the time comes for a Chief Minister anyone on this side could take that position. If and when the time comes, we on this side will rise to the challenge. So much for that!

There is much talk about statesmen. That word has been used very glibly. I know that a lot of times it is thrown at me - I am no fool. I get hot under the collar and I am one of those who raises his voice probably a little too loud because I have a good tenor voice. But, let me say, it takes more to make a statesman than talking about it. I do not profess to be a statesman. I accept that now I am a strong-willed politician who always tries to look out for the common good of the people that I represent. That means trying to give them a better quality of life, i.e., proper roads, proper lighting, libraries, post offices. I do not count that as pork-barreling. Constitutions by themselves cannot, and will not, give us a better quality of life.

I know that the fingers are pointed at me when they talk about statesmanship. It takes people with honesty of purpose and sincerity to improve the quality of life for our people. This is my aim. When I am let go by the people that I represent, I want to be able to hold my head high. I do not

profess to come from any college. I come from humble beginnings, a poor family; I make no bones about it. I took a job as messenger clerk in the bank so that I could move up; that was not a mistake. So, all the insults that are hurled across - the 'kind' insults, because they are not raising their voices these days - so they say that I am a statesman. I want to be able to hold my head high. I want people to be able to say that McKeeva never put any stumbling blocks in our way, that he never tried to outsmart us in business, but he tried his best to help everyone who went to him. I want to be able, when my people let me go, to still walk and talk with my people.

There may not be any O.B.E. or M.B.E. for McKeeva Bush, but I will never kowtow to anybody to get one. There may be no Queen's recommendation for me, but I will walk out of these hallowed halls with a clear conscience.

No, Madam Speaker. Constitutions do not make leaders - leaders are born. It takes more than words, it takes more than O.B.E.s and the favour of the Governor to make a statesman. As one Jamaican national hero said: "The ends you serve that are selfish, will take you no further than yourself. But, the ends you serve that are for all in common, will take you even into eternity.". So, I think that it is time for all the self-congratulations to stop. It is time that all this self-statesmanship measurement stop. Our people are living in the real world today, a bad world. In Cayman today, a difficult world! They are in trouble and, believe me, the problems are not going to be solved by this roar of self-praise that you hear coming from the other side.

I have said that the Executive Council has mismanaged the affairs of this country, and that is so. There is rising unemployment; high inflation; with prices all around being sky-high; our people are being discriminated against in terms of jobs; there is now every effort to borrow large sums of money without a means of repayment, thereby creating further cause for more taxation; we have a mismanaged education system; a health system that is being manipulated to confirm the Government policy of a new hospital on separate grounds. The net effect: our people are in a bad way. That is what Government should be about - effecting a better quality of life. The net effect of their mismanagement is that the people suffer.

Our people live in a country bounded by arrogance to the north, by victimisation to the south, promises to the east, where the sun of hope rises, and by non-performance to the west, where that same sun of broken dreams sinks beneath the horizons of our expectations. I say that we do not need as much a Constitutional change as we need an Election to get rid of the present Executive Council.

Yes, our people are in a bad way. Construction is down some 20 per cent. If you talk to the real bankers who do not sit on the fence but evaluate fairly, they will tell you that 25 per cent of the people on loans cannot meet the repayments in this country today. It is serious. They will tell you that what is being done by the policies of the Government is that Cayman's credit rating is going from number one down to number three. People are having a hard time, and they are out there self-praising and postulating about statesmanship. I want to see that feed the people.

Our people need protection. What is the use of building a Community College if at the end of the day employers are allowed to put advertisements in the news media saying that a job is open (but a person must have 12 years' experience), when the truth of the matter is, that they already have a man ready to take the job which could have been taken by a local with four years' experience in the labour market? If they want to do something, let them do something about that type of situation. That is what they are elected to do. I call on them to do that inquiry into the labour situation of this country.

I have done my best, as a representative this past year, and in the seven years that I have been here. With God's help I will continue to do what I feel is right. Forget about my shouting, just think about what I am trying to accomplish. I will never say that, "I am a statesman", I am a politician. "The woods are lonely, dark and deep, and I have promises to keep, and miles to go before I sleep. Miles to go before I sleep."

I can offer my congratulations to the Governor for delivering the Speech. But, in totality, it is a non-speech. I congratulate him for bringing it to the House, but not for what it contains. Thank you.

MADAM SPEAKER: Would any other Member wish to debate the Throne Speech? (Pause) Honourable Members, we are here to do the business of the House. If no other Member wishes to continue the debate on the Throne Speech the Chair will be forced to put the question.

The question is, THAT IT BE RESOLVED that this Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the Address delivered at this meeting; AND THAT IT BE FURTHER RESOLVED that debate on the Address delivered by His Excellency the Governor be deferred until Wednesday 20th February 1991. Those in favour please say aye, those against, no.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED:THAT IT BE RESOLVED THAT THIS HONOURABLE LEGISLATIVE ASSEMBLY RECORDS ITS GRATEFUL THANKS TO HIS EXCELLENCY THE GOVERNOR FOR THE ADDRESS DELIVERED AT THIS MEETING; AND THAT IT BE FURTHER RESOLVED THAT DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY THE GOVERNOR BE DEFERRED UNTIL WEDNESDAY 20TH FEBRUARY 1991.

MADAM SPEAKER: Continuing Government Business, Bills.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991.

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

SECOND READING

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991.

HON. RICHARD W. GROUND: Madam Speaker, I rise to move the Second Reading of the Criminal Procedure Code, 1991. This is a short Bill to make some various unrelated amendments to the Criminal Procedure Code.

The first and perhaps most significant amendment is the addition, in section 50 of the Code, of three new subsections dealing with the position of the Court Reporter and the way in which the Court Reporter's note is to be treated by the Court. I may say that in moving this that the amendment in its present form was put forward by the Judiciary, by the Honourable Chief Justice. I will have one small Committee stage amendment to make which I have circulated to Members. That also arises from the same source as the original suggestion.

We heard in the debate on the Throne Speech by the Second Elected Member for Cayman Brac and Little Cayman, some comments on the position of the Court Reporter and these amendments go a long way, if not all the way, towards meeting the concerns that he was expressing. At the moment as the Criminal Procedure Code stands now, it is the Judge, which includes the Magistrate in the Summary Court, who has the duty of taking the notes which form the record of the trial. It is those notes which then go on to the Appeal Court. The effect of the new subsections is that when a Court Reporter is employed to report verbatim any criminal trial or proceedings or any part of a trial before any Summary Court, a transcript of the report, duly verified in accordance with the next subsection, shall constitute the record of the trial or proceedings, or part thereof, as the case may be.

The next proposed new subsection reads that verification of the transcript of any record made in accordance with the proceeding subsection shall be by a certificate given by the person making the transcript - that is, the Court Reporter. The certificate should say that to the best of the reporter's skill and ability he has made a correct and complete transcript of the trial or proceedings, and that the report transcribed was taken by him and was, to the best of his skill and ability, a complete and correct account of the trial or proceedings, or as much of the trial or proceedings as is specified in the certificate.

The proposed additions go on to say that if for any reason a record of any trial or proceedings made in this fashion is not available or, if for any other reason, the Grand Court so requires, the Clerk of the Court shall, if the Grand Court directs him to do so, request the Magistrate of the Summary Court to furnish him with a certified copy of the whole or any part of the notes of the trial, or with a report in writing, giving his opinion upon the case generally, or upon any point arising upon the case or both. The Magistrate shall furnish the same to the Clerk of the Court. That last subsection will operate as a safety net for those occasions when, for whatever reason, there is not a Court Reporter in the Court.

I had said that there was Committee stage amendment, and perhaps I might just address that point now. The proposed new subsection (3) begins: "Subject to the provisions of this Law, except subsections (1) and (2) of this section, when a Court Reporter is employed..." the procedure that I have just read out shall be followed.

Subsections (1) and (2) of section 50 are as follows. Subsection (1) says the Judge, or it would be the Magistrate in the Summary Court, may, subject to any provisions of this Law, give directions as to the manner in which evidence is recorded in any proceedings before any Criminal Court. Subsection (2) says, subject to the provisions of section 76 and to any directions issued under the section I just read, any inquiries and trials in criminal matters before a Summary Court, the evidence of the witness shall be recorded essentially by the Magistrate.

It is obviously necessary to exclude the operation of subsection (2), the evidence shall be recorded by the Presiding Judge or Magistrate, if you are going to have it recorded by the Court Reporter. But, on consideration, it was felt that the Presiding Judge or Magistrate should retain a residual power to direct the means of recording evidence. So, for that rather convoluted reason, the Committee stage amendment is intended to take out the exclusion of subsection (1) - the power of the Court to direct - but it leaves in the exclusion of subsection (2) - the duty on the Magistrate to take the master record.

I think Members know from an answer that I gave at the last sitting of the Assembly, that there are now two Court Reporters employed in the Courts. At the moment, the practice is that one covers the Senior Magistrate's Court and one covers the other Magistrate's Court. The system is still in its early stages. I understand and believe that it is working out well and it is hoped that this amendment will regularise the position.

I might add a further comment on the scale on which the Court Reporters are paid. Again, I think I addressed that in summary in the answers to supplementary questions at the last meeting. It is not so low a scale as the Clerical Officer's Scale - the $11,000, that I think the Elected Member for Cayman Brac and Little Cayman mentioned. It is not that low. They are at a special scale which is higher, and which is hoped will attract Court Reporters. I do not have the figures with me, but if he is interested to pursue this, I can discuss it with him and tell him afterwards.

If I might go to the other proposed amendments made by this Bill - Clause 3 amends section 78. Section 78, if I might just begin by telling Members what that does, section 78 is the power of the Summary Court to impose penalties, fines and so on. It includes an express power in paragraph (b), where it has imposed a fine to allow time for the payment of the fine. This is obviously in the interest of justice that there will be cases where it is only proper that a convicted person who does not have the funds immediately should be allowed a period to pay the fine, rather than being sent to prison in lieu. The problem was that, though the Court could allow time upon imposing the fine, if a person was not able to keep up with payments ordered, the Summary Court had no power to vary the Order and extend the period allowed, or to vary the amounts to be paid. This was obviously an unhappy situation because there might be times when someone, through circumstances beyond his own control and possibly because he was no longer employed, needed to come back to the Court to ask for a variation of the Order. So, the amendment, which I think is a small one, simply allows the Summary Court further time for payment, or may direct payment by installments.

The next proposed amendment is in clause 4. It inserts a new section - 145A. It does the same for the Grand Court, to bring the provisions we have just been looking at for the Summary Court. There was no clear and express power for the Grand Court to allow payment of fines by installment and so on. So, it clarifies that. I think the Court had always proceeded on the basis that it had that power, until, in a judgment a little while back, it was questioned. This simply puts it beyond doubt and again gives that Court power to vary its original Orders upon later application.

The final point addressed by this amendment is in clause 5. It addresses section 172 of the Criminal Procedure Code. Section 172 deals with the power of the Grand Court on appeal from the Summary Court. It was always assumed, for many years, that the Grand Court had the same power as the English Crown Court, on hearing appeals from a Magistrate's Court or from a Summary Court. That power included the ability to vary a sentence upwards. However, that assumption was tested in a judgment a year or so ago in the Court of Appeal, where the Court of Appeal held that there should be no such power implied unless it was spelled out in clear and precise words. They further held that the present wording of section 172 was not clear and precise enough to confer such a power.

It has been recommended by various bodies, not least the Judiciary themselves, and also the Advisory Council on the Misuse of Drugs, that such a power be expressly spelled out and this amendment is brought simply to do that. It is proposed to insert into section 172 the words "including the passing of some other sentence (whether more or less severe),". The effect would be that the section would read as follows:

> "The court may adjourn the hearing of the appeal, and may, upon the hearing thereof confirm, reverse, vary or modify the decision of the Summary Court, including the passing of some other sentence (whether more or less severe) or remit the matter with the opinion of the court thereon to the Summary Court, or may make such other order in the matter as it may think just, and may by such order, exercise any power which the Summary Court might have exercised, and such order shall have the same effect and may be enforced in the same manner as if it had been made by the Summary Court.".

Madam Speaker, those are the various miscellaneous amendments proposed by this Bill. I commend it to the House with notice that the one Committee stage amendment will be brought when we get there.

MADAM SPEAKER: The question is that the Criminal Procedure Code (Amendment) Bill, 1991, be given a Second Reading. The motion is open for debate. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I support the amendments to two parts of this Bill, but object very strongly to the amendment which is set out in clause 5 of the Bill. I will deal with the amendments individually.

I agree with the amendment which makes provision for the taking of the record by the Court Reporters. I think this is a matter that had been called for by this House on previous occasions. However, it seems to me that we will have to look at employing more than two Reporters as the Courts (and there are many of them sitting now), have very heavy work loads and the two Reporters could easily become overworked. There would be difficulties with providing them with leave and giving them time off when they are sick. Apart from this, I have no objection to the amendment to the Bill.

The second set of amendments in clauses 3 and 4 of the Bill seem to be reasonable enough, giving the Courts the power to give time for the payment of fines, to require immediate payment, to allow time for payment, or to direct that payments be made in installments. This is reasonable, as today we find very high fines are sometimes imposed in certain cases and I believe that the entire Islands have become accustomed to living on the installment plan. Nobody seems to have a large sum of money ready for any particular purpose. So, the provision for the Court to use its discretion to allow large fines to be paid

by installment seems to be a reasonable amendment.

The final amendment would give to the Grand Court a power which it never had before. That is the power on appeal, to increase a sentence - to make it more severe. They have always had the power to make it less severe. I do not know the reason why the Grand Court never had the power to increase a sentence, but there must have been some good reason why they have never had this power. We have had a Grand Court which has heard appeals from the lower Courts for many years and the Grand Court did not have the power. This has been tested in the Appeal Court, and has never had the power to increase sentence. I think we should leave it like that.

It is my understanding that the Appeal Court has the power to vary a sentence either upwards or downwards. But, the Appeal Court is altogether different, in that in the Appeal Court we have the benefit of three Judges deliberating on the sentence or on the review of the case. We would hope that, as two heads are better than one, three heads will be much better than one and certainly to give the one Judge in the Grand Court the power to increase a sentence which has been set in the Magistrate's Court is, to my mind, denying the appearance of justice to anyone coming before it. Furthermore, as far as the Islands are concerned, the Appeal Court is the final Court in the Islands. Very few people can afford to go beyond the Appeal Court to the Privy Council. This is, perhaps, why the Appeal Court has the latitude which the Grand Court never had.

If you turn that argument around, one might say, 'let the Grand Court increase the sentence and then the person can appeal.' But this, again, is wrong because the person would have to go to greater expense to take the case which had been appealed at the Grand Court on to the Appeal Court. I can never support that this power to increase the sentence, which was considered fair in the Summary Court, be given to a single Judge in the Grand Court. The power has been given to the Appeal Court, but the Appeal Court, as I mentioned, is made up of a number of Judges. So, the appellant finds himself in the position where he should receive a different hearing from a tribunal made up of three Judges, rather than being restricted to the opinion or the findings of a single person.

We must remember that the person appealing from the Grand Court, if he had been a defendant in a case, is appealing simply because he is seeking relief from the sentence which had passed upon him in the lower Court. For him to find that sentence is increased would indeed be a shock and would leave with him a bitter taste and a feeling that justice had not appeared to have been done. I know the prosecution itself, if it had been a criminal case, may have taken the appeal in the belief that the Summary Court had not inflicted enough punishment on the convicted person. But, then the prosecutor would be putting himself in the position of a persecutor. Here again, this would do nothing for the system of justice. So I cannot, and will not, support the amendment which seeks to give to the Grand Court a power which it did not have before and will, when the vote is put on this Bill, have to vote against that clause.

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, I rise in support of the Bill and I would hope that the Member moving the Bill will be able to clarify certain things at the Committee stage.

In particular, I am happy with the section which seeks to empower the Grand Court to allow time for payment of any sum ordered to be paid by a convicted person. Many times in having to help our constituents, we are called upon to make representation by way of a letter to the Court asking for time on a steep sentence where money is concerned. This has been a concern of mine for a long time, that they could have that power themselves and it could be done at the moment of sentencing. So, I support that.

In clause 2 of the Bill, which deals with the Court Reporter, I would hope that the Member can tell me that the reports are to be verbatim reports and not what the Judge would like in the report. I think the object is to have verbatim reports. I look forward to the Committee stage, to having a conversation in regards to clause 5 for the clarification on this matter.

I, therefore, am happy that the Bill has come for those two reasons. Thank you.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.

I rise to give my contribution on this Bill. First of all, I want to say that I feel that it was a good move to establish the services of Court Reporters. Personally, I think it will improve the proceedings because I had occasion recently to be in a courtroom and it was comical. Here is a defendant giving a statement, or a witness giving a statement, and the Judge having to say, "Slow down you are speaking too fast", even though there was a Court Reporter present. I think if the Courts depend upon the transcripts and records of the Reporter, that this will definitely improve the proceedings of the Courts.

My question is, and maybe the Member can clarify this, is it the intention to use Court Reporters in all Courts or just the Magistrate's Court? If the intention is not to do that, such persons should be employed to record all Court proceedings including those of the Grand Court and the Court of Appeals.

I also welcome the provision for time for the payment of fines. Today, court fines are very stiff. They are huge! What you find is that it causes a lot of financial pressure on the parents. of those defendants. The defendants are usually young men and women who get themselves involved in drugs and are arraigned and held in custody as a result of urine tests. The fines are sometimes several thousand dollars. Because the defendants are normally not working themselves, or are not earning large amounts of money,

then, unless it is the position where they can pay this fine over a period of time, a warrant is issued for their arrest because the time period, which the Magistrate initially offered, has expired. I welcome the provision where this can now be extended at the discretion of the Clerk of Courts.

I am also interested to hear what the Mover has to say about the provision in section 5, because I was always under the impression that the reason for an appeal is to attempt to have whatever sentence the Court might impose, reduced or eliminated - not running the risk of going to a Court of Appeal and having the sentence increased. It will be interesting to hear what the Mover has to say about that particular point. So, until we reach the Committee stage of this Bill, I would just like to say that I commend the Mover for these steps, and I look forward to hearing his explanations on certain provisions. Thank you.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

I, too, rise to support this Bill - a Bill for a Law to amend the Criminal Procedure Code. But, I disagree with at least one section of it.

I think it is a major step that the Government should bring an amendment which, at long last, recognises the need for a Court Reporter and that a Court Reporter's recording of evidence before a Court is the more realistic, modern and sensible way of recording proceedings in a Court. As it presently stands, it is the Judge's notes which are taken and, as I said in my debate on the Throne Speech, it is my belief that the Judge can better listen as a trial proceeds and see what is happening in a Court, than also being called upon to record (I imagine mostly in longhand) what is said by all parties - or to try to make a summation of it.

In the proposed section (3) amendment it says:

> "Subject to the provisions of this Law, except subsections (1) and (2) of this section, when a Court Reporter is employed to report verbatim any criminal trial or proceedings or any part of such trial or proceedings before any Summary Court, a transcript of the report, duly verified in accordance with subsection (4), shall constitute the record of the trial or proceedings or part thereof as the case may be.".

I wonder about the word "when", because it is my understanding that the Reporters are now employed. I wonder if it is a case where these Reporters may be terminated and new ones hired, or what the case may be. Also I take note that it says, "a Court Reporter is employed to report verbatim any criminal trial or proceedings or any part of such trial". Is it saying that Court Reporters will only be used when it comes to recording criminal trials, or will they be used in Civil cases as well? I certainly would hope that the idea would be for Court Reporters to record the proceedings and the evidence in all Courts, in all trials.

Certainly that is my belief, feelings, and position on it and, to the best of my knowledge, at the time in 1989 that Finance Committee unanimously agreed that Court Reporters should be in the Courts and that all Members were prepared to vote such sums of money as were necessary to employ them, it was my distinct impression that it was not just to limit the recording to criminal cases but, indeed, they would serve in all of the Courts and all of the various types of trials. So, I would like if there could be some clarification on that and, perhaps, if this is not the case, perhaps the Honourable Member moving this might consider moving an amendment in the Committee stage to clarify it, as the case may be.

I also see, if I understood correctly in the presentation by the Mover of the Bill, that a part of the present Law would be retained where the Judge would direct the manner in which the evidence was taken. I am not quite certain that I have that precisely as it was said, but I would certainly like some clarification on that in the winding up, or in the Committee stage, because it is my belief that a Court Reporter is a professional person trained in the art of recording what is said in the most efficient, modern and best-known way for this to be done. I would certainly have a query in my mind about a situation where a Judge would be directing the Court Reporter as to how to take the evidence. I believe that the evidence should be taken exactly as it is said - the verbatim word of witnesses, prosecution, defense, the Judge, everybody who is involved in the particular proceedings. So, that part, I trust the Member would offer some clarification on.

Also, I share the view of the Second Member for Bodden Town, who raised the point about the Grand Court being given added power where it could increase or lessen a sentence. I think that when a person appeals from the Summary Court to the Grand Court, he is looking for relief, or the lessening of a sentence. If he were satisfied with the sentence, it is not likely that he would appeal. So, if the Grand Court is not so empowered, I support the view put forward by the Member for Bodden Town that it is safer and more desirable that an Appeal Court (which sits about three people on the panel of Judges), would have a wider range of opinions as to whether a sentence should be made more severe. That might be considered fairer by the person appealing. I think that it is right and proper to allow the Grand Court to lessen a sentence but not really to increase it at that particular level of appeal.

Other than those objections, I think it is good that the Government should make a move to amend the Criminal Procedure Code to bring it more in keeping with what is accepted and is happening in the world of today. Certainly, with the amount of work which our Courts now seem to find before them, the system of Court Reporters surely has, in my opinion, a very vital role to play. I look forward to hearing that there are more Reporters hired that can cover all of the Courts and all of the different types of trials, Civil, criminal and so on. I think it is important that Court Reporters be there. I am also glad to hear, as the Honourable gentleman has said, our Government is now taking the realistic position of not attempting to confine

salaries offered to such persons within what might be the salary scales to suit the Civil Service salary scales, but taking a more realistic view towards offering salaries which can attract these types of professional people. Thank you.

MADAM SPEAKER: We will suspend proceedings until 2:15 p.m.

AT 12:51 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:17 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Debate continues on the Second Reading of a Bill entitled the Criminal Procedure Code (Amendment) Bill, 1991.

If there is no further debate, I will invite the Honourable Second Official Member to conclude.

HON. RICHARD W. GROUND: Thank you, Madam Speaker.

I am grateful to those Members who have spoken in support of the Bill, or at least in support of parts of it. Those who did speak have raised some points that are of substance. I would like to take a moment or two of the House's time to deal with them, and I will deal with them in the order that they emerged from the Bill; first of all with court reporters.

When I spoke in opening, I mentioned that the present scale for the Court Reporter was higher than the clerical or secretarial scale, though I did not, at that stage, have the figure. The Second Elected Member for Cayman Brac and Little Cayman queried me about that. I am now in a position where I can give the House the figures that they are paid.

The court reporters are on the Administrative and Professional Scale - points 1 to 3. The present salary is CI$31,860 per annum. With the Clerk of the Courts, I conducted an exercise to ascertain whether that was comparable and competitive with the salary paid to Court Reporters in other jurisdictions and to see how viable it was as a means of attracting Court Reporters here. We looked at Canada, which is a jurisdiction from which we would look to recruit competent and professional Court Reporters. We found that the basic salary for Court Reporters is $33,000 Canadian dollars. The Canadian dollar is worth something less than the US dollar, let alone the CI dollar, so that the CI salary is very competitive for that. We do hope that when the time comes to recruit more Court Reporters, that it will be possible if no Caymanians are willing and able and present to take up the post, that we could look to Canada as a jurisdiction from which to attract competent, temporary appointees.

There are limits on the recruitment of court reporters at the moment. The one is simply that court reporters, as civil servants, if we are to staff every court with Court Reporters, we are going to need at least five. That means an increase in the establishment of three. In the present economic climate it may be unwise to burden Government with a recurrent expenditure of approximately CI$100,000 in salary alone.

It is not just a question of salary; it is a question of the accommodation of court reporters. They do not spend all their time in court, they have to transcribe the records that they take. That requires the provision of offices for them and the provision of computer facilities. Neither of those things comes cheaply. The question of offices and space at the court, generally, was raised in the Throne Speech. Plans have been afoot for creating more space for the Courts Office. A committee was convened of all those departments who use the courts, because it is not just a question of providing courtroom space - one has to consider the needs of the Prison Department for holding prisoners; for the Police Department; of the prosecutors, because with a lot of prosecutors in the Courts Office, the time will come when we need an office within the building; the Social Services and the Probation Officers have to be accommodated. So it is not just a question of adding another courtroom or two, but of adding the necessary ancillary office space to cope with all the other services that are necessary for the proper and efficient functioning of the courts.

So all the user departments met and sat on a committee with Public Works and drew up a list of their requirements from which Public Works was able to work out the space and structural necessities to meet these demands. That report is being made and is under consideration. It is going forward, the extension of the Courts Office, but it is not something which will happen overnight, nor is it simply a question of tacking an extra building on. There are philosophical questions also to be addressed as a preliminary to this. Not least among these is, do you simply expand the courts accommodation by tacking on something to the existing building, whether you go up or sideways? Or, do you build a separate structure somewhere else, to accommodate some of the court functions? For instance, the Magistrate's Court might be separated off and accommodated in its own building on the periphery of town where adequate parking could be provided, and where it did not attract into the rather cramped centre of George Town the large number of people who come to attend that court, both as defendants, witnesses and as members of the public coming to see that justice is done. So, those decisions have to be addressed and decided upon before the matter goes forward.

Staying with court reporters for a moment, but moving on to another question posed by the Second Elected Member for Cayman Brac and Little Cayman, he asked when a court reporter will be employed in a court. The amendment before the House is intended to address the question of what you do when there is a court reporter. It is not intended to address the question of when it is appropriate to employ a court reporter.

The amendment provides that when you have a court reporter,

then the court reporter's record is an independent record and it is verified and certified by the Reporter, independently of the court or the Presiding Judge. But the amendment does not address, and is not intended to address, the essentially administrative question of when there should be a court reporter, because that is partly a question of the availability of the necessary personnel. It is also partly a question for the presiding judge to decide, balancing all the factors and exercising his judicial discretion, whether it is appropriate for any particular proceedings to be reported by a court reporter or not. The amendment when taken with the Committee stage amendment, is intended to preserve the authority of the Presiding Judge in his own Court to decide the question, when.

The same Member also raised the question about Civil cases. It is a good question and one that is proper to ask. This amendment does not, nor can it, attempt to address Civil cases because we are amending the Criminal Procedure Code. The question of providing shorthand Reporters in the Civil Courts is something to be addressed in the Grand Court Rules. I can tell the House that a process of reviewing the Grand Court Rules with a view to modernising them and introducing a complete new and up-to-date Code is well advanced, Chaired by the Honourable Mr. Justice Harre. It is a committee on which I, and several private practitioners, sit.

One of the rules that we have been considering is a rule that will deal with court reporting in the Grand Court, in Civil proceedings. When that body of rules is completed and comes forward, the question will be dealt with there. It has no part in this present amendment. I would just like the Member who raised the question, and other Members, to know that it is something that is under consideration and, indeed, not forgotten, but being taken forward.

I am grateful that everyone has spoken in favour of clauses 3 and 4, and so I need not address them in reply. But comments were raised in respect of clause 5, which deals with the clarification of the Grand Court's power when reviewing a sentence imposed by a Magistrate's Court. The Second Elected Member for Bodden Town chiefly addressed this. He began to address it by saying that there must be some reason why the Grand Court never had the power in the past to increase sentences on appeal. That is not quite the point, because the way that this came about is that the Grand Court always thought that it had that power and always, in fact, proceeded on that basis. There were several cases when it purported to exercise that power - happily, now long in the past. But, there were several cases where it exercised that power and nobody complained. So the matter was never adjudicated upon by a higher Court. Eventually, the way that it came before the Court of Appeal was that somebody who had had their sentence increased in this way, thought to complain. When the matter did come before the Court of Appeal, the Court of Appeal addressed it simply on an interpretation of the strict wording of the section. I have the report of the proceedings in front of me. I will not read because it is very much lawyer's law, but what the Court of Appeal did not do was pass any comment or express any opinion on the underlying propriety of the principle of whether the Grand Court should or should not have the power to increase the sentence. It merely said that on a strict reading of the law we do not think that on a convicted person's appeal against his sentence the Grand Court has that power.

It is interesting, and worth noting, that they said on a prosecutor's appeal in the Cayman Islands, it is possible for a prosecutor to appeal a sentence from the Magistrate's Court to the Grand Court. That, on a prosecutor's appeal, they felt that the Court would have power to increase the sentence. They felt that was implied in the nature of such an appeal.

The Member for Bodden Town, who addresses this, said that for a prosecutor to appeal in those circumstances and seek a higher sentence would be persecution. That is not entirely right. There may be many cases where it is not appropriate for the prosecution to concern itself with sentences, in particular, not right for the prosecution to seek to increase a sentence.

But, there may be cases where the prosecution should properly concern itself in the level of sentence imposed by a Court at any level. Those cases would be where a sentence was manifestly low and upsets the standard pattern of sentencing and where the sentence did not meet the community's requirements of justice, in any given case. In such a case the prosecutor, under Cayman Law, does have an ability to appeal and, as the Court of Appeal recognised, implicit on such an appeal that there could be an increase.

This is not an anomaly in the Cayman Islands' Law. The United Kingdom Law and many other Commonwealth countries, but in particular the United Kingdom, enacted an Express Statute that conferred upon the United Kingdom's Attorney General, power of appeal against a sentence. That power is exercisable where the Attorney General feels that a sentence falls below the appropriate and proper level merited by the crime for which the accused was convicted. So, the point of that digression is simply to point out that it is not necessarily wrong for a prosecutor to seek to appeal a sentence, nor is it necessarily wrong for a Court to increase a sentence on appeal.

The issue that the amendment addresses is the limited one of the Court's power to increase a sentence on the convicted person's appeal. I can see how at first glance, it might seem that is not fair. But, the theoretical justification for it is this: the Appellate Court, whether it be the Grand Court or the Court of Appeal later on, is supposed to look at the facts alleged, look at the crime for which the accused was convicted and ascertain what it thinks was the appropriate level of sentence, then compare that with the sentence that was given - if there is a manifest discrepancy, to correct it.

If the Appellate Court is going to open the matter up in this way and look at it dispassionately and objectively, it is possible that its considered view will vary in either direction. It may be up or it may be down. It is only right that if an appellant invites the Court to open the matter up like this, that the Court should then have power to implement what it thinks is right. We entrust to our Appellate Courts a grave and heavy duty - we not only entrust to them, but we trust them to carry it out. There is no reason why, that in entrusting this whole package to them, we should keep back from them that one small element. The one element

that when they think a sentence is inadequate, that they should have the power to increase it.

The Courts, all the Courts but the Appeal Courts in this case, are there to do justice between the parties. The parties are the interests of the community on the one hand and the interests of the convicted person on the other. Justice is about fairness, but it is not only about fairness - it is about doing right and the right is not always a question of being in favour of the accused. Justice may well call for a conviction in any given case and it may well call for a severe sentence in the sort of case that merits it. We trust, under our Constitutional system, the Courts to administer justice and in doing so we should. And, the purpose of this amendment is to permit them to do it properly and evenhandedly to both sides.

So, despite the objections raised to clause 5, I have no qualms about urging this House to bring our Law, in this respect, into line with, (a) what we thought it was before and (b) into line with the situation in the United Kingdom, which is the jurisdiction from which we draw most of our penal and criminal law. Thank you.

MADAM SPEAKER: The question is that the Criminal Procedure Code (Amendment) Bill, 1991 be given a second reading. This in favour please say aye, those against no. The Ayes have it.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.

MADAM SPEAKER: The House will now go into Committee to consider a Bill entitled the Criminal Procedure Code (Amendment) Bill, 1991.

HOUSE IN COMMITTEE
2:26 P.M.

COMMITTEE THEREON

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991

MADAM CHAIRMAN: The House is now in Committee.

As is customary, it is assumed the House will agree that Honourable Second Official Member be authorised to make any necessary amendments as a result of printing errors etcetera.

CLERK: CLAUSE 1 - SHORT TITLE
CLAUSE 2 - AMENDMENT OF SECTION 50 OF THE CRIMINAL PROCEDURE CODE

HON. RICHARD W. GROUND: Madam Speaker, I had given notice of a Committee stage amendment to clause 2. I do not know if you want to deal with it now.

COMMITTEE STAGE AMENDMENT

MADAM CHAIRMAN: The House will note that a Committee stage amendment has been proposed and circulated within the prescribed time. This is an amendment to clause 2. The amendment is as follows:

Clause 2, paragraph (b), by deleting from the proposed new subsection (3):

(a) the letter "s" appearing at the end of the word "subsections" in the first line; and

(b) the brackets, figure and words "(1) and" appearing at the beginning of the second line.

MR. GILBERT A. McLEAN: Madam Chairman, is it the correct time that any comments on the particular sections be entertained, for Members to speak to them?

MADAM CHAIRMAN: Let me put the question first.

The question is that the proposed amendments stand part of the Bill. The motion is now open for debate.

MR. GILBERT A. McLEAN: I query the word "when" in section 2 (3) of the Bill. It is my understanding that there are Court Reporters already in place and I think that the word "when" should be struck and it should say: "a Court Reporter to report verbatim whatever the case may be." I do not see why that word should be there and also the striking of subsection (1) where:

"The Judge may, subject to any provisions of this Law, give directions as to the manner in which evidence is recorded in any proceedings before any criminal court.".

I think that should not be allowed to stand because, in my opinion, the Court Reporter represents a system. If a system is in place, then that system clearly dictates that if there is a trial going on, that the Court Reporter is there and the Court Reporter will record what is said precisely verbatim. I do not think that it is in the best interest of justice that the Judge in such cases should say that they do not wish a Court Reporter or be able to direct them in any way. That is a separate function - recording of what is said. So, as such, I disagree with and oppose that.

HON. RICHARD W. GROUND: Madam Chairman, if I might just speak to that. As I said in wrapping up the debate, the amendment is not intended to address the question of "when" a Court Reporter should report a Court, it is intended to address what happens when you do actually, in fact, have a Court Reporter there. We live in an imperfect world and there are going to be times when a court reporter cannot cover a Court because there is not one or because or because they are sick or because there are too many courts to cover or for a whole variety of reasons. So, the keeping of the word "when" in the section is vital because it makes it plain that this procedure only kicks into operation when in fact you have a Court Reporter there. When you do have a Court Reporter here, the intention is that the Court Reporter should be quite separate from the Judge and take and certify an independent record. That does not help you at all when there in not one there. When there is not a Court Reporter there, the existing procedure has to be preserved and that is, that the Judge or the Magistrate takes the notes.

The second point, which is the striking of the exclusion of clause 1, the amendment is made on the express request and recommendation of the Chief Justice. It reflects the view that the Judge or the Magistrate has to be master in his own Court. That does not mean that he has a right to interfere with the recording process once it is put in place. But, that he does get that first decision as to how the recording is done, whether it is appropriate for a Court Reporter to sit in or whatever. Again, you only have two Court Reporters trying to cover at least two Magistrates' Courts and maybe other Courts.

The Magistrate is going to have to be able to exercise his discretion to say that this case does not merit a Court Reporter, for example, when a Magistrate is sitting to hear a string of minor traffic offenses while another Court is sitting to hear a murder case, one of them has to decide on where the Court Reporter goes. The Magistrate should be able to say this is simply not worth it, that he will take a note of this, the reporter is excused to the other. So, that is why that is kept there. But, I would urge upon the Member, that the Judge or the Magistrate has to be master in his own Court and he does have to have the power to direct how the evidence may be recorded in any proceedings.

MR. GILBERT A. McLEAN: There is another angle to that particular submission I think. There could be a case where there are Court Reporters available for recording a certain case, but if the Judge has the last word, he might determine that he does not wish the Court Reporter to do so and, in my opinion, that would only serve in a situation where for some reason the Judge did not wish that everything that was said and all of the proceedings were recorded verbatim.

MR. G. HAIG BODDEN: Madam Speaker, I concur with the sentiments of the Second Elected Member for Cayman Brac. I would like to add, perhaps this should have come in the original debate, but there seems generally to be a resistance of the Courts to allowing Reporters. We know that, for example, the Legislative Assembly has had verbatim reports for many years and it has worked quite well. We believe that with the volume of work in the Courts, there is bound to be more efficiency if we adopt a new system. I would certainly like to see the Bill that we are dealing with amended in such a way that there would be no choice - there would be Reporters carrying out this important work.

Members will recall that many years ago, we did have Court Reporters, when we had the late Mrs. Marjorie Piercy and two other ladies, Mrs. DaCosta and Miss Janice Watler (who is now married), that are still around and maybe willing to work. So, it is not something that you cannot find the technical people for. The trained people are here right now. I believe that we should take the stand that the procedure in the Courts might be streamlined, as the procedure everywhere else, to give us the better efficiency which we seek in these matters. I support the suggestion by the Second Elected Member for Cayman Brac.

MADAM CHAIRMAN: May I have the formulated proposed amendment, Honourable Member?

MR. GILBERT A. McLEAN: Madam Chairman, the amendment which I would propose to the Government is to simply allow the original provision to stand, that is the letter "s" and the "(1) and" to remain as it was originally set out.

HON. D. EZZARD MILLER: Madam Chairman, do we not need to suspend Standing Orders or to have special leave of the Chair to move an amendment without notice - just to make sure that it is accurate when it is recorded?

MR. GILBERT A. McLEAN: I am simply putting the suggestion to the Government. I, as such, am not attempting to move an amendment myself because I know that a notice is necessary. I am just putting it forward as a suggestion, recommendation, whatever.

HON. RICHARD W. GROUND: I think the correct analysis of what the Member is saying is that he is going to vote against the Committee stage amendment that I have brought. It does not need any further amendment for him to resist it. I think it is simply a question of voting on the proposed amendment.

MADAM CHAIRMAN: Would any other Member wish to make a contribution to the debate on the proposed amendment which has been circulated? If not, I will put the question that the amendment do stand part of clause 2.

Those in favour please say Aye, those against No. The Ayes have it.

MR. G HAIG BODDEN: Madam Speaker, may we have a division please?

MADAM CHAIRMAN: Madam Clerk.

DIVISION NO. 6/91

AYES: 7	NOES: 5
Hon Thomas C Jefferson	Mr. W McKeeva Bush
Hon Richard Coles	Mr. Gilbert A McLean
Hon J Lemuel Hurlston	Mr. Roy Bodden
Hon W Norman Bodden	Mr. G Haig Bodden
Hon D Ezzard Miller	Mr. John B McLean
Hon Linford A Pierson	
Capt. Mabry S Kirkconnell	

MADAM CHAIRMAN: The result of the division is seven ayes and five noes. The amendment has been passed.

AMENDMENT PASSED.

MADAM CHAIRMAN: The question is that clause 1 and 2 as amended do stand part of the Bill. Those in favour please say aye, those against no. The ayes have it.

CLAUSES 1 AND 2, AS AMENDED, PASSED.

CLERK: CLAUSE 3 - AMENDMENT OF SECTION 78 OF THE CODE
CLAUSE 4 - INSERTION OF NEW SECTION AS SECTION 145A
CLAUSE 5 - AMENDMENT OF SECTION 172 OF THE CODE

MADAM CHAIRMAN: The question is that clauses 3, 4 and 5 do stand part of the Bill. The question is open for debate.

MR. G. HAIG BODDEN: Madam Speaker, I beg that you put the vote on clause 5 separately from clauses 3 and 4, as I intend, and I believe it is the intention of most of the Members on this side, to vote against clause 5 in the Bill. We already discussed this in the debate on the Second Reading.

MADAM CHAIRMAN: Is there any further debate?

MR. GILBERT A. McLEAN: I concur with what the Second Elected Member for Bodden Town has said, and if you would put them separately I would appreciate that.

MADAM CHAIRMAN: The question is that clauses 3 and 4 do stand part of the Bill. Those in favour please say aye, those against no. The Ayes have it.

CLAUSES 3 AND 4 PASSED.

MADAM CHAIRMAN: The question is that clauses 5 do stand part of the Bill. Those in favour please say aye, those against no. The Ayes have it.

MR. G. HAIG BODDEN: Madam Chairman, may we have a division please?

MADAM CHAIRMAN: Madam Clerk.

DIVISION NO. 7/91

AYES: 7	NOES: 5
Hon Thomas C Jefferson	Mr. W McKeeva Bush
Hon Richard Coles	Mr. Gilbert A McLean

Hon J Lemuel Hurlston
Hon W Norman Bodden
Hon D Ezzard Miller
Hon Linford A Pierson
Capt. Mabry S Kirkconnell

Mr. Roy Bodden
Mr. G Haig Bodden
Mr. John B McLean

MADAM CHAIRMAN: The result is seven ayes and 5 noes. Clause 5 has been passed.

CLAUSE 5 PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO AMEND THE CRIMINAL PROCEDURE CODE.

THE TITLE PASSED.

MADAM CHAIRMAN: That concludes proceedings in Committee on a Bill entitled the Criminal Procedure Code (Amendment) Bill, 1991. The House will resume.

HOUSE RESUMED
2:53 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Report.

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991.

REPORT THEREON

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991

HON. RICHARD W. GROUND: Madam Speaker I beg to report that the Criminal Procedure Code (Amendment) Bill, 1991, has been considered in a Committee of the Whole House and passed with one amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.
Other business, Private Members' Motions. Private Member's Motion No. 1/91 - Tourist Attractions, to be moved by the Elected Member for East End.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/91
TOURIST ATTRACTIONS

MR. JOHN B. McLEAN: Madam Speaker, I beg to move Private Member's Motion 1/91 - Tourist Attractions, which reads as follows:.

> "WHEREAS there are but a few attractions in the Cayman Islands for tourists;
>
> AND WHEREAS the economy depends strongly on the tourist dollar;
>
> AND WHEREAS very little has been done to create and develop new attractions;
>
> BE IT THEREFORE RESOLVED THAT Government consider taking steps to develop sites such as the Blow Holes in East End and a monument of the Wreck of the Ten Sails in an effort to encourage tourists to the Islands.".

MR. G. HAIG BODDEN: I second the motion.

MADAM SPEAKER: The motion has been moved and seconded. The question is Private member's Motion, No. 1/91, Tourist Attraction. The motion is open for debate.
The Elected Member for East End.

MR. JOHN B. McLEAN: Thank you, Madam Speaker.
I will be quite brief in my presentation on this motion. As you are aware, a few days ago much was said, especially on the Blow Holes, at question time. I would just like to point out that since 1984, I have tried to have the Blow Holes developed into an attraction that we could be proud of and that

would be safe for the tourists to visit. I would say that little or no identification is on the Blow Holes, or on the Wreck of the Ten Sails. As these are two of our oldest historic sites, I think that it warrants Government taking the action which has been asked for in this motion.

I have had an opportunity to visit the site with the Member for Communication and Works and the Director of Public Works and other personnel from his Portfolio. I have gone as far as to contact the property owner, and permission has been granted, from mid-1989 or mid-1990, so that this project could commence.

I would also state that the road in front of the Blow Holes is in a bad state of disrepair. I am not at this time looking at that from the point of view of having a tourist attraction, I am looking at it from the point of view of how dangerous it is to tourists, not only driving along there, but also trying to walk out to the site of the Blow Holes.

It was suggested when we visited the site, that a step could be made of the natural rock and from the foot of the step we would have a ramp made of wood which, in the event of bad weather, could be built in such a way that we could have it removed to safety. At the end of the ramp, it was discussed to have a little cabana, where the tourists could go and have a good view of the Blow Holes and perhaps take photographs, as they normally do. I would make a further suggestion that if it was done in this way, it would be a good place for a representative from the Tourist Department - I am not saying that this would be done everyday, but sometime through the month they could have someone out there - who would greet tourists who visit the site and perhaps hand out pamphlets on the Islands. I know for sure that on a daily basis there are many tourists who visit that site. There are many such attractions throughout the area. As a matter of fact, just down the road there are two other Blow Holes. Normally, when we speak of the Blow Holes, many people believe it is only one site, but actually it is in three areas and I would urge that we try to do whatever possible to develop the three sites.

We also have in that district caves and an historic lighthouse, which I believe Government should also take the necessary steps to try and develop for the tourists. I am asking all Members to support this short motion and to take it in the light in which I have presented it. Thank you.

MADAM SPEAKER: The Honourable Elected Member for Tourism, Aviation and Trade.

HON. W. NORMAN BODDEN: Madam Speaker, I rise to support Private Member's Motion No. 1/91 - Tourist Attractions. I, likewise, will be very brief, but I do have a few comments I would like to make in regard to the motion as presented to the House.

The Department of Tourism recognises and lists a total of approximately 49 tourist attractions in its literature and brochures. It is true that many of these attractions which have been pointed out from time-to-time, are in fact on private property. So, the claim made by the motion that there are few attractions, I contend that this is not necessarily the case, but that for a country of our small size, 49 tourist attractions recognised as such by the Department of Tourism, is certainly not an insignificant number by any means.

In dealing with tourist attractions, we also have to consider the quality of the attractions because, as I see it, the attractions must be interesting and worthwhile, they must be something that will, indeed, attract the attention of visitors, otherwise, if the Department were to list an attraction that did not produce those kinds of results, we could have visitors coming away disappointed. I am sure this would be counterproductive to the country and I am sure that none of us would want this to happen. I am not saying that the motion indicates this, I only mention this in passing.

That the economy depends on the tourist dollar, this is indisputable. During the debates and at question times in this House, this point has always been made. Regardless of any differences in opinion that we may hold, I am sure that is one area that we all readily recognise and agree on. I also do not intend to go into any great detail because much of this has been handled during question time, but I do not necessarily accept that very little has been done. I think that for a country that has probably some limitations in this area, that much has been done. I think that there are ongoing programmes and we certainly intend to do more. The National Trust has been very active and we, certainly, from the Department of Tourism and the Portfolio of Tourism, Aviation and Trade, will continue to help them with their programmes and their projects.

As the House knows, funds were provided for the purchase of St. James Castle and the negotiations, as pointed out during question time, are well in hand. Hopefully, that will be developed as one of our prime quality attractions. So, we are making some progress. The old schoolhouses in Savannah and West Bay, the old lighthouse in East End, are projects that the National Trust has and certainly will be supported by us as well.

Coming to the prime resolve section of the motion, Government has no problem with that. We will certainly actively pursue the developments and improvements in that area so that the area is more accessible to the visitors. It is unfortunate that the improvements did not take place before, but I attempted during question time to explain to the House the delay there. I am certainly not aware of any attempts made by the mover of the motion since 1984, to have something done, but I do know that it has been several years since we have been working with the Public Works Department for a plan to be developed. In fact, one was developed and the mover, in an informal discussion, did point out the plan has been around longer than I imagined or was even aware of.

There was an understanding that the owner of the property had intended to develop the property last year himself, therefore, the permission that was given to the Public Works Department was never communicated to the Portfolio and was a matter that I only discovered when we started doing research for the reply to the Parliamentary Question. So, that will be well in hand. I understood that the

shoulders of the road, which the mover has mentioned, had in fact been repaired by the Public Works Department. If this is not the case, and I take it that it is not, I certainly will get together with the Member responsible for that department and see that we can have the shoulders of the road in that area repaired as early as possible. If additional funds are needed for any of these projects, as I said to the mover, I will certainly ask the Honourable Financial Secretary to take the case to Finance Committee and hopefully we will have the support of all Members.

Signs have been put in place at all of those tourist attractions that are recognised by the Department of Tourism; the Blow Holes sign is one of those. There were signs placed there by the Public Works Department which were paid for by the Department of Tourism, and I do not know whether they have been taken down or not. In any case signs can be put in place there.

Regarding the Wreck of the Ten Sails, I agree with the mover that this is a significant part of our history and well worthy of some monument or marking to be put there onshore, where this is to have occurred. However, in looking at the resolved section of the motion dealing with the Wreck of the Ten Sails, it is my understanding that much of the information or the story that we as Caymanians know, quite a bit of that is folklore or myth. This is being researched and as soon as the facts have been clearly established, it would be the Portfolio's intention to put up a case and to have a monument placed there with a plaque setting out the factual data on it. That might take some time, but it is certainly something that we will not neglect and we will move forward with that as early as possible.

Basically, those are my comments and once again, Government accepts Private Member's Motion No. 1/91. Thank you.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: I am happy to see that Private Member's Motion No. 1/91 receives very good reception, and perhaps this is an omen for 1991. The opportunities are unlimited for developments of the nature sought by this motion. In fact, I would say the opportunities are limited only by the imagination of the Member or the Government. While this motion seeks specific action for two attractions, there are many more. I believe it is a good time for the Government to do an Island-wide survey and perhaps the 49 sites listed, may be increased many times.

Just to give one example, Bodden Town is the first capital of the Islands and, as such, opens itself up as an opportunity to Government to development a prime tourist attraction. There are several houses there that are over 100 years old. I believe one of these should be purchased, properly furnished with furniture of that period and used as a museum and shown to tourists perhaps for a fee. If we use our imagination in every district, we could find many items of interest which, if painted and cleaned, would provide not only attractions for tourists, but would help to beautify the Islands and would increase the interest of the local people in their country.

I know, as the Member has said, that some of the attractions which we have spoken of from time-to-time, are in the hands of private ownership. I believe that this is an area that Government needs to take action upon. I am very grateful for his efforts in securing Pedro Castle. I know that it is only a few years ago that Smith's Barcadere came into Government's ownership, although it had long been used by the public in George Town.

So, this motion today is a good one to start the year off with. And, as the year has started in a spirit of conciliation and is in a spirit of forward thinking, I congratulate the Government on its acceptance of this motion.

MADAM SPEAKER: Would the Honourable Member care to exercise his right of reply?

MR. JOHN B. McLEAN: Thank you, Madam Speaker.

I would just like to thank the Government for accepting my motion and the speaker who spoke from this side and, indeed, all other Members who, through their silence, have shown that their support is with the motion.

Just a few comments. I totally agree with most of what the Member of Government said. I will agree that 49 sites may be a fair number for the size of the Island, but taking into consideration the number of tourists that come to this Islands, we cannot stop at any point in trying to make ourselves better. I wholeheartedly support what the Second Member for Bodden Town has said concerning his district and indeed, all over the Island.

I am aware that there are many attractions but the fact remains, especially in the area which my motion is dealing with, that you will find that there are not too many. It is for this reason that, since 1984, I have been trying to have a sign and a step built there. I am sorry that he is not aware of it, but I can assure him that I have a copy of a letter that I wrote to Government at the time asking them to identify the area and to assist me trying to get a proper step so that the tourists could have better access to the Blow Holes.

He is correct about a sign being there. My argument is that the sign has never been erected in the right area and most times you will find that a tourist will drive past the area unless it is during the times when the sea is somewhat rough, that the Blow Holes blow high in the air. It is my belief that if we could place the sign somewhat on an angle, and have a double-faced sign where traffic coming from the west and the east, people would be able to see the sign much better. Also, I would suggest that the sign be much bigger than what was there because this, again, does pose a problem.

I am most happy to hear of the plans for the Wreck of the Ten Sails, and also for the old lighthouse. I look forward to working along with the Member and, indeed, his Portfolio, to

make both of these projects a success. As I stressed earlier, I think that we should make it an urgent priority seeing how dangerous it is for tourists trying to get down on the side of the road and out to the Blow Holes. So, with this, once again, I thank all Members for their support.

MADAM SPEAKER: The question is, "Be it resolved that Government consider taking steps to develop sites such as the Blow Holes in East End and a monument of the Wreck of the Ten Sails in an effort to encourage tourists to the Islands".

Those in favour please say aye, those against no. The Ayes have it.

MR. GILBERT A McLEAN: Madam Speaker, can we have a division please?

MADAM SPEAKER: Madam Clerk.

DIVISION NO. 8/91

AYES: 11

Hon Thomas C Jefferson
Hon Richard Coles
Hon J Lemuel Hurlston
Hon W Norman Bodden
Hon D Ezzard Miller
Hon Linford A Pierson
Mr. W McKeeva Bush
Capt. Mabry S Kirkconnell
Mr. Roy Bodden
Mr. G Haig Bodden
Mr. John B McLean

NOES: 0

ABSTENTION
Mr. Gilbert A McLean
Hon Benson O Ebanks

MADAM SPEAKER: The result of the division, eleven ayes and two abstentions. The motion therefore has been passed.

PRIVATE MEMBER'S MOTION NO. 1/91 PASSED.

MADAM SPEAKER: Proceedings will be suspended for 15 minutes.

AT 3:21 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 3:44 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Private Member's Motion No. 2/91, Road Improvement - Frank Sound to Queen's Highway, to be moved by the Elected Member for East End.

PRIVATE MEMBER'S MOTION NO. 2/91
ROAD IMPROVEMENT - FRANK SOUND TO QUEEN'S HIGHWAY

MR. JOHN B. McLEAN: Thank you, Madam Speaker.

"WHEREAS there is but one main road leading to the district of East End;

AND WHEREAS this district has one of the newest developing tourist related building such as Morritt's Tortuga Club;

AND WHEREAS there has been the need for road upgrading from the Frank Sound area onwards;

AND WHEREAS very little attention has been given by Government, although many requests have been made by district Representatives;

AND WHEREAS funds were voted and works were not carried out for which funds were approved by the Standing Finance Committee in the 1990 Budget;

BE IT THEREFORE RESOLVED THAT Government give consideration to having the road from Frank

Sound on to the Queen's Highway resurfaced and/or upgraded.".

MR. G. HAIG BODDEN: I second the motion.

MADAM SPEAKER: The question is Private Member's Motion No. 2/91, the motion is open for debate.

The Elected Member for East End.

MR. JOHN B. McLEAN: Thank you, Madam Speaker.

Madam Speaker, this motion is quite clear and deals with the road from Frank Sound onward to the Queen's Highway which is actually the full length of the district of East End. It is a fact that this road is in a state of disrepair. I have taken the Member responsible for Communication and Works and some of his staff out to my district. Also other Government Members have visited the area and are aware of the bad condition of this road.

It goes without saying, that road has stood up well with the high pressure that is applied to it on a daily basis. It is a known fact that we have some of the largest trucks on the Island constantly running from that district into other parts of the Island because it is a fact that the larger quarry is in that district. Also, there are water trucks that drive on that road each day and, as of now, I would say that it would do Government good to pay special attention to it, as in certain areas the base of the road is being destroyed and before long it will cost much more to have it resurfaced and upgraded unless an early start is made on it.

I have tried my best for many years now to have some work done in the Frank Sound area onward into the district. In the 1990 Budget we had voted some $400,000 and I am sad to say that nothing was done in that area. We had a small amount of roadwork in the immediate district which I am grateful for, but as was said in Finance Committee at the time, it was the intention of Government, if the work could not be completed by the Public Works Department, to have it contracted out.

I am of the firm opinion that if this had been done, we would have seen some roadwork, not only in my district, but in other areas of the Island. I am, therefore, asking the Honourable Member, and Government as a whole, to give this urgent attention. The time for waiting has passed and until now it is not clear to me why more was not done from the funds which were voted in 1990.

I will rest my case on this and wait to see the Government's attention on the matter.

MADAM SPEAKER: The Honourable Elected Member for Communication, Works and Agriculture.

HON. LINFORD A. PIERSON: Madam Speaker, Government is pleased to support this motion which calls for Government to give consideration to having the road from Frank Sound on the Queen's Highway resurfaced and/or upgraded. However, I would like to review some of the specific problem locations, and possible improvements, that exist on this stretch of road. I will also try to place these problems in perspective with similar problems on other roads within the Island. Finally, I will explain how the Government can support this motion.

The section of road from Frank Sound to the Tortuga Club can be divided into four sections. The first from the junction of Frank Sound to the entrance of East End; the second, through the community of East End to the eastern junction of John McLean's Drive; the third, from the eastern junction of John McLean's Drive to Sand Bluff; and, fourth, from Sand Bluff to Tortuga Club.

The first section of road, that is from Frank Sound to East End, has several sections with sharp curves, irregular cross-falls and inadequate shoulders. The speed limit is 50 mph. One area at Half Moon Bay has a series of curves that have been the scene of several accidents. Realignment of these curves requires careful design and the acquisition of land which is both very expensive and time consuming. The Government feels, however, that this section should be upgraded to the same standard and quality as the section from Breakers to Frank Sound which was done a few years ago.

The second section from East End to John McLean's Drive is through the residential area with slower speeds and a relatively good surface - having been paved or hot-mixed several years ago.

The third section from the east end of John McLean's Drive to Sand Bluff, the Gun Bay area, is another section where several sharp curves increase the risk to drivers, especially at the radio tower curve and at the Gun Bay Cemetery curve. This section is also a candidate for major realignment of the sharper curves.

The final section from Sand Bluff to the Tortuga Club is a relatively straight section and is also in need of resurfacing.

In total the length of road from the Frank Sound junction to the Tortuga Club is about nine miles. Of this, four miles should be considered for resurfacing, and four miles plus for realignment. The realignment includes three miles at Half Moon Bay and one mile in the Gun Bay area. A detailed cost estimate has not been made of the realignment sections but current cost for resurfacing with hot-mix is about $300,000 per mile.

Having reviewed this road, I would like to compare this road with other sections of roads on the Island. The busiest section of this road, just east of Frank Sound, carries about 1,200 to 1,300 vehicles per day. This compares to 4,000 vehicles per day at Bodden Town, and 8,400 at the Savannah Post Office. While the Government agrees that improvements are needed on this road, it does not agree that little attention has been paid to these sections of road. The first section from Frank Sound to East End has

been surveyed and new alignments have been designed for the Half Moon Bay curves. Valuations are currently being done to enable the Government to consider and approve the re-voting of funds and the gazetting of the new alignment.

Also in 1990, major work was done on the road at East End Town Hall and started at the radio tower curve. In 1990 a section of road near Tortuga Club was resurfaced and shoulder work was done in several locations. All work was done in consultation with the Elected Member for East End and after district visits in February 1990. Whilst not all work could be done in the 10 months of 1990, especially where land acquisition was involved, those deferred projects have been included in the 1991 Budget with token votes. When designs and cost estimates are available, supplemental funding will be sought for these projects.

It should be noted that other districts have roads with similar problems. We anticipate similar supplemental requests for these jobs. The road from Frank Sound to Old Man Bay, for example, carries about the same amount of traffic as the East End road, and requires three miles of hot-mix resurfacing and one mile of curve realignment. Other safety and traffic improvement projects have been identified and are shown in the 1991 Budget with token votes.

The demands for road improvements are increasing as traffic volume increases, as new areas of the Island develop, and the old roads age and deteriorate. Answering these demands will not be cheap or quick. The Government has appointed a study committee, known as the Grand Cayman Roads Improvement Plan Study, to review the need for new roads and road improvements. The long range plan from this study will prioritise and coordinate road improvement. It is within this framework of both long range road planning and already identified short range improvements, that Government supports this motion asking Government to consider improvements to the road from the Frank Sound junction to Queen's Highway.

As stated, Government is mindful of the need for new roads and for existing road improvements. However, it must be understood that the necessary work will have to be done within the framework of Government's available funds and in accordance with the priority allocated to these roads upon the recommendation of the Public Works Department. I support the motion.

Thank you, Madam Speaker.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I support the motion. The portion of road which is the subject of this debate is the main artery from East End to Bodden Town and George Town. It has not been repaired in many a year. I believe it was in 1985 or 1986 that a road resurfacing was done from Breakers to Frank Sound. This was a continuation of the hot-mix which had been applied to the main artery from George Town, a programme that had gone on for several years, but for some reason or other, the work seemed to have come to a dead halt and the road has been left to deteriorate. When one drives on it, one can actually feel the difference in the vehicle when one gets to Frank Sound, if one is coming from East End. One can appreciate the punishment that the vehicles take if they have to use that road every day.

So, the time for talking about this work and the time for finding excuses has passed. The time for token votes for this road has passed. One of the reasons that I told my constituents in April 1985 that I could not support the Master Ground Transportation Plan at that time was that there seemed to have been nothing at all in it for Bodden Town, nor the other eastern districts. So, this road has suffered for too long from neglect.

The Member gave the story of how $400,000 had been put in the Budget and how the Member failed to spend this money on this very important project. The Member has not been able to tell us why this road has not been improved.

As the opener of the motion pointed out, this road has to cope with some of the heaviest loads that are carried by the trucks, as one of the Island's largest quarry is situated there. The large water reserve at East End is there and, of course, the road is used constantly by the people of East End and Gun Bay and by the tourists who travel there.

This is not something like somebody's driveway, that we hear so much about. This is a vital main artery that should have priority and should really not be a subject of a Private Member's Motion, but should be a part of the road programme set out by the Member in his projections for the year. I hold the Government responsible for letting this road get into this condition. I trust that this motion will be instrumental in resulting in the proper repairs.

The Member told us that it now costs about $300,000 per mile to surface this type of road with hot-mix and I well believe him. It only shows how long since work has been done in this area. My recollection is that when the road was done from Bodden Town to the entrance of Breakers the cost was then $75,000 per mile, and now it has gone up four times. So, definitely, it is time for action and I commend the motion to the Members and I appreciate the promises made by the Member, and trust that the promises will show results.

MADAM SPEAKER: If no other Member wishes to debate the motion, would the mover like to exercise his right of reply?

MR. JOHN B. McLEAN: Thank you, Madam Speaker.

I am happy to know that the motion has been accepted by Government and, as the last speaker said, I hope that in accepting the motion we will see some action in the near future.

I would like to point out that I am aware of what the Member

said concerning the realignment of certain areas. But what I pointed out at the time when I discussed this with the Director of Public Works was, that from Frank Sound on to where the first curve is, is a long distance. I believe that from Frank Sound to Mangrove Bush Corner could well have been done last year while the survey was being carried out to straighten the curves that he mentioned. It would have meant that this year we would only have had to tie the corner into the portion which would have been completed.

I am also aware that there was work done by the radio tower and the portion that he mentioned by the Town Hall. But, he will agree with me that at that time these were all different projects, although it was in the same district that we were talking of works from Frank Sound into the district, along with these other ones. They were all identified separately by myself to Public Works and to the Member. I take note of what he pointed out as the cost per mile. If I am calculating correctly, we are probably looking at something like $2.7 million. I had pointed out earlier the importance of the road to my district of East End, the various things that the road, on a daily basis, is used for. I believe as we can find loans for other projects, that this project is important enough that we should seek to find the necessary funds to have this road upgraded, realigned, resurfaced, whatever.

I am looking from a point of view of safety also. I have received complaints from school bus drivers, regular bus drivers, heavy equipment drivers and other motorists of the dangers that they encounter with the deterioration of that road. All of these were in my mind when I decided to put forward this motion. Further, I would like to point out that my district deserves nothing less than any other part of the Island. The individuals there with automobiles are paying the same taxes, therefore we must recognise the need of upgrading that road.

Before closing, I did mention the area of Frank Sound on to the Queen's Highway, and it came to mind that there is a sign there that directs the tourists to the Queen's Highway. I would ask the Member to ask the Public Works Department to try and put the sign in such a way so that it is not as confusing to the tourists. I have seen tourists there many times trying to decide in what direction to turn to find the Queen's Highway.

My points on this are not meant in any way to try to embarrass the Member. I am sure he would agree with me that plenty of time has passed and if the problem is with the Public Works Department, or whatever area of his Portfolio, we need to deal with it. I, as the Member for that district, have tried repeatedly from 1984, to have that road from Frank Sound on to the district upgraded.

As the Second Elected Member for Bodden Town has pointed out, there was, prior to that time, an ongoing road works programme each year which took the road to the junction there at North Side. A certain amount of work was done in each district and as he rightfully pointed out, in the immediate district of East End there is hot-mix and the road is in fairly good shape. Going east the road needs some repair and I will agree that yes, some work was done in the Colliers area, but if he has visited that area recently, he would also agree with me that certain spots in that are also becoming rough, especially the shoulders which are beginning to deteriorate.

Once again, I ask that Government pay urgent attention to the road from Frank Sound on to the district and on to the Queen's Highway. Thank you.

MADAM SPEAKER: The question is that Private Member's Motion No. 2/91, Road Improvement - Frank Sound to Queen's Highway, be passed. Those in favour please say aye, those against no. The Ayes have it.

PRIVATE MEMBER'S MOTION NO. 2/91 PASSED UNANIMOUSLY.

PRIVATE MEMBER'S MOTION NO. 3/91

TABLING OF THE REPORT OF THE EDUCATION SYSTEM IN THE LEGISLATIVE ASSEMBLY

STANDING ORDER 24

MADAM SPEAKER: Private Member's Motion No. 3/91. I have had representations on this motion, which is to be moved by the Third Elected Member for George Town, who is absent. But, in accordance with Standing Order 24(11), he has given his written consent that the First Elected Member for Bodden Town would be asked to move the motion in his name.

Also the Honourable Member responsible for Education is absent as well. He has made representations that if at all possible, the motion might be carried forward to another day. If the House does not agree to that, he would ask the Member responsible for Tourism to reply. So, I am in the hands of Members on this motion No. 3/91. Would it be acceptable then if the motion is postponed until Monday 4 March 1991?

MR. G. HAIG BODDEN: I would suggest that we go on with the motion now. The Member for Tourism has been the spokesman for Government for so many things recently that I think he is quite capable of handling this.

MADAM CHAIRMAN: The question is that Private Member's Motion No. 3/91 be deferred. Those in favour please say aye, those against no. The Ayes have it.

MR. G HAIG BODDEN: Madam Speaker, can we have a division please?

MADAM SPEAKER: Madam Clerk.

DIVISION NO. 9/91

AYES: 7	NOES: 5
Hon Thomas C Jefferson	Mr. W McKeeva Bush
Hon Richard Coles	Mr. John D Jefferson, Jr
Hon J Lemuel Hurlston	Mr. Roy Bodden
Hon W Norman Bodden	Mr. G Haig Bodden
Hon D Ezzard Miller	Mr. John B McLean
Hon Linford A Pierson	
Capt. Mabry S Kirkconnell	

MADAM SPEAKER: The result of the division is seven ayes and five noes. Private Member's Motion No. 3/91 has been deferred until Monday 4 March 1991.

DEFERRAL OF PRIVATE MEMBER'S MOTION NO. 4/91
GOVERNMENT MONTHLY FINANCIAL STATEMENTS
AND
PRIVATE MEMBER'S MOTION NO. 5/91
MEDICAL PERSONNEL - OWEN ROBERTS INTERNATIONAL AIRPORT

MADAM SPEAKER: Private Member's Motion No. 4/91. I have also had representations from the First Elected Member for West Bay, who said that he was not ready for presentation, probably because he had been so involved in the debate on the Throne Speech. However, under Standing Order 24(11), if the Member does not move a motion standing in his name, it shall be removed from the Order Paper. As the Member is present, we have to deal with Standing Order 24(14), which also says that a motion may be withdrawn, with the leave of the House, and if so withdrawn it would be presented at the next meeting, given the usual five days' notice.

There is also a consideration which could be given for the suspension of Standing Orders, so that the motion could be carried on to Monday's Order Paper. I am in the hands of Members. The First Elected Member for West Bay.

MOTION TO DEFER MOTIONS

MR. W. McKEEVA BUSH: Madam Speaker, I move for the suspension of Standing Orders to enable me to take the motions on Monday 4 March 1991.

MADAM SPEAKER: May I have a seconder for that. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I second that.

MADAM SPEAKER: The question would have to apply to both Private Member's Motions Nos. 4/91 and 5/91. I shall put the question. Those in favour please say aye, those against no. the Ayes have it.

MR. W McKEEVA BUSH: Can we have a division please, Madam Speaker?

MADAM SPEAKER: Madam Clerk.

DIVISION NO.10/91

AYES: 6	NOES: 6
Mr. W McKeeva Bush	Hon Thomas C Jefferson
Mr. John D Jefferson, Jr	Hon Richard Coles
Capt. Mabry S Kirkconnell	Hon J Lemuel Hurlston
Mr. Roy Bodden	Hon W Norman Bodden
Mr. G Haig Bodden	Hon D Ezzard Miller
Mr. John B McLean	Hon Linford A Pierson

STANDING ORDER 42(2)

MADAM SPEAKER: The result of the division is six ayes and six noes. There is a tie. Accordingly, I have to decide and the Chair decides that the motion should be withdrawn and be presented at another meeting of the House within the five day prescribed time period.

PRIVATE MEMBERS' MOTIONS NOS. 4/91 AND 5/91 DEFERRED.

MADAM SPEAKER: That concludes proceedings for today. There is no other business, and I would now ask for a motion for the adjournment of the House.

Does the Honourable Member for Health wish to say something prior to that?

HON. D. EZZARD MILLER: Yes, Madam Speaker. I just want to clarify whether your decision was simply on Private Member's Motion No. 4/91 or on 5/91 as well?

MADAM SPEAKER: On both, Nos. 4/91 and 5/91. I did say that when I put the question.

The Honourable First Official Member.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, on Monday morning we have a Sub-Regional Workshop called Public Sector Investment Planning, Programming and Management of which the opening ceremony is due to begin at 9 o'clock and hopefully, if on schedule, would end at 10:30. Because all Honourable Members as well as Madam Speaker have been invited to the opening ceremony, I would move the adjournment of this Honourable House until 11 o'clock on Monday morning.

MADAM SPEAKER: The question is that the House do now adjourn until Monday morning at 11 o'clock. Those in favour please say aye, those against no. The ayes have it.

AYES.

MADAM SPEAKER: The Ayes have it. The House is accordingly adjourned until Monday morning at 11 o'clock.

AT 4:25 PM THE HOUSE STOOD ADJOURNED UNTIL 11:00 AM MONDAY, 4th MARCH 1991.

MONDAY
4TH MARCH 1991
11:00 A.M.

MADAM SPEAKER: I will ask the Honourable Elected Member for Education to say prayers.

PRAYERS

HON. BENSON O. EBANKS: Let us Pray.

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

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

Let us say the Lord's prayer together:

Our Father who art in Heaven, Hallowed be Thy Name, Thy Kingdom come, Thy will be done on 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.

MADAM SPEAKER: Please be seated. Proceedings are resumed.

ANNOUNCEMENT BY THE SPEAKER

MADAM SPEAKER: Before the House commences its business, I would like to make a statement. The statement concerns Private Members' Motions Nos. 4/91 and 5/91. I have reconsidered the previous decision made on Friday and, in view of the fact that the next sitting of the House is scheduled in three months' time, I have asked that the motions be put on the Order Paper. I would, however, like to state that in future the Chair will not entertain any requests for delay of these motions because the presenter is not ready or prepared for submission. If motions have been received in sufficient time, they will be placed on the Order Paper and unless in extreme circumstances of illness, etcetera, they will be dealt with on the day on which they are presented.

Presentation of Papers and Reports. National Trust for the Cayman Islands - Treasurer's Report and Financial Statements for the 13 month period, to be laid on the Table by the Honourable Elected Member responsible for Education, Environment, Recreation and Culture.

PRESENTATION OF PAPERS AND OF REPORTS

NATIONAL TRUST FOR THE CAYMAN ISLANDS - TREASURER'S REPORT AND FINANCIAL STATEMENTS - PERIOD ENDED 31 AUGUST, 1990

HON. BENSON O. EBANKS: Madam Speaker, in accordance with section 12(2) of the National Trust for the Cayman Islands Law, 1987, I beg to lay on the Table of this Honourable House the Accounts for the National Trust of the Cayman Islands for the 13 months ended 31 August 1990.

MADAM SPEAKER: So ordered.

Government Minute on the Public Accounts Committee's Report, to be laid on the Table by the Honourable First Official Member responsible for Finance and Development.

GOVERNMENT MINUTE ON THE PUBLIC ACCOUNTS COMMITTEE'S REPORT ON THE AUDITOR GENERAL'S REPORT ON THE ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31st DECEMBER 1989

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to lay on the Table of this Honourable

House the Government Minute on the Public Accounts Committee's Report on the Auditor General's Report on the Accounts of the Cayman Islands Government For The Year Ended 31st December 1989.

MADAM SPEAKER: So ordered.

HON. THOMAS C. JEFFERSON: Madam Speaker, in accordance with the requirements of Section 74(7) of The Legislative Assembly Standing Orders (Revised), the Government Minute is hereby presented. The Minute (as Honourable Members are aware), constitutes the Government's response to the Report of the Public Accounts Committee on the Report of the Auditor General on the Accounts of The Government of the Cayman Islands for The Year Ended 31st December, 1989.

As in previous minutes, the statements provided in response to the Public Accounts Committee's recommendations or comments should be regarded as expressing the views of the Government, formulated out of replies received from the various Controlling Officers/Heads of Departments. These officers were provided with a copy of the Public Accounts Committee Report, together with a copy of The Report of the Auditor General, with the paragraphs referring to their Departments highlighted in a covering memorandum from the Department of Finance and Development. All officers were asked to respond by a specified date to the recommendations or comments made by the Public Accounts Committee in their Report, by indicating in writing their proposed follow-up action. They were further advised that their replies would be used as the basis from which the Government would formulate its reply to The Government Minute.

For the sake of clarity, and to facilitate ease of reference, the format adopted in this minute follows that used in the Public Accounts Report as regards paragraph sequencing.

Item 12: CONCLUSIONS AND RECOMMENDATIONS

LAND EXCHANGES - FOLLOW-UP

PARAGRAPH 1-6: Government notes the finding of the Committee, and asserts that it is still its considered opinion that value for money was in fact obtained by the Government in both the Yacht Club and Safe Haven land exchanges.

Government wishes to advise that current laws and regulations relative to land use are in fact being reviewed. This review is to be expanded to include the revision of the Development Plan, 1977.

Government also wishes to assure the PAC that both land exchanges have, in fact, provided the use of extensive public facilities, as was outlined in the comprehensive document on land exchanges provided by the Government in its Minute which was tabled in this Honourable House on February 19th, 1990.

VALUE OF CAYMAN AIRWAYS LIMITED - FOLLOW-UP:

PARAGRAPH 7: Government wishes to remind the Committee that the Accounts Of The Government For The Year Ending December 31st 1989 (Note 8 - Investment In Undertakings) contain the following statement:- "Cayman Airways Ltd. is wholly owned by the Government. Cayman Airways Ltd. is dependent on the financial support of the Government. The most recently available audited financial statements (to June 30th 1989) show an accumulated deficit of US $19,706,553 and a shareholders' deficiency of US $3,704,449".

PARAGRAPH 8: The concept of "actual value" is a nebulous one. In the final analysis, the value of any asset, including shares in a company, is the amount which someone is willing to pay for that asset in an open market transaction. Furthermore, in the case of the shares in Cayman Airways Limited, the concept of value also includes social as well as purely economic considerations. That said, if "actual value" is assumed to mean the worth of the shares in an economic and accounting sense, then the following valuation methods could reasonably be used to place a value on the holding:-

a. Assume that the value of the shares is equivalent to the underlying net assets as stated in the Cayman Airways Ltd. accounting records. This is the valuation shown in the Government accounts as illustrated in paragraph 7 above.

b. Value the shares at the break-up value of the company. This would entail estimating the total proceeds of realising all of the company's assets and settling all of the company's liabilities at a given date, and would involve estimating a monetary value for non-monetary assets and liabilities such as the B737-400 leasing rights and obligations. This valuation method is not particularly meaningful for valuing going concerns.

c. Estimate the price which an unrelated buyer would pay for the shares. Such a buyer might be another company, or might be a group of individuals (as would be the case if the company were made public and its shares sold-off to private individuals). This is probably the best measure of "actual value", since it represents the market value of the shares in a free-market. Unfortunately, the valuation of a business as a going concern is not an exact science, and experts may differ widely in their appraisals of value even when considering the same relevant

facts. This is understandable, because of the many factors generally involved in reaching a decision on overall valuation. The weight given to these factors is a matter of judgement, and is influenced by the objectives of the buyer and the seller. Regardless of the purpose of a valuation, some general factors are relevant. Such factors include the nature of the business, the current state of business, the track record of the business, the future prospects of the business, the future prospects of that particular industry, the current and future trends of the economy, the existing and likely Government fiscal policies and the alternative opportunities available for investment.

When a business is sold as a going concern, it is common for the purchase price of the business taken as a whole to differ, sometimes significantly, from the value of its underlying net tangible assets. If the value of a business as a whole is greater than the value of the net assets, the difference in values is defined as "goodwill".

There are various internationally recognised methods for computing a monetary value for goodwill, and these include:-

i) **The Concept Of Return On Investment To The Buyer.**

Under this concept, the acceptability of an investment opportunity is determined by measuring the rate of return an investor might anticipate, based on an estimate of the likely future profit flows that the investment might generate. Thus a potential investor would evaluate whether the projected profits over a period of years give a reasonable annual rate of return on the amount invested. Such evaluation would also take into consideration the relative merits of paying a premium, i.e. goodwill, for investing in a business as a going concern as opposed to starting up a new business.

ii) **The Concept Of Loss Of Earnings To The Seller.**

Under this concept, the seller of a going concern determines the acceptable selling price which adequately compensates him for the loss of future projected earnings. Such a price is often determined by reference to the projected earnings for a set number of years as negotiated between buyer and seller. Normally such a period could be for anything up to 10 years.

iii) **The Concept Of Opportunity Cost.**

Under this concept, a potential investor assesses the acceptability of an investment by comparing the returns from that investment with the returns obtainable from alternative investments which are available to him within a defined market place. Hence, the opportunity cost is the return from an alternative investment which would be lost by not accepting such an investment. Such evaluating would also take into consideration the relative merits of paying a premium, i.e. goodwill, for investing in a business as a going concern, as opposed to starting up a new business or acquiring an alternative investment that may be available.

iv) **The Concept Of Internal Rate Of Return.**

Under this concept the discount rate is computed, which would produce a present value of projected future profit flows for a set number of years equal to the amount invested. A potential investor would then compare such discount rate with the discount rates computed on alternative investments, to determine which investment would produce the most acceptable return.

Thus, goodwill is intangible, intrinsic to the business and incapable of being realised separately from the business as a whole. The assessment of the value of goodwill is necessarily subjective, since not only its value, but also the assessment of its actual existence, varies according to circumstances. Accordingly, an amount attributed to goodwill is a question of agreement between a willing buyer and a willing seller at a specific point in time, and is normally only valid for that point in time, and in the circumstances then prevailing.

For an operating business whose worth is largely dependent upon its continuance as a going concern, potential earnings are generally the most important valuation factor.

PARAGRAPH 9: The Government informs the Committee that, in accordance with the directives of the Finance Committee, six firms were invited to submit bids for the Cayman Airways Study. Of these six, four submitted bids. The bids were, however, of such a complex and technical nature that an expert was retained to evaluate them and submit a report, together with recommendations to the Central Tenders Committee.

The expert has completed his evaluation and submitted his report to the Committee, which is currently considering the recommendations contained therein. Government is keen to see an early start to this review.

PARAGRAPH 10: Government accepts that CAL has to be more competitive and cost conscious, and informs the Committee that the management of CAL is very cognisant of this fact, and that these areas are under constant review by management. Government wishes to remind the Committee that part of the brief to CAL is to include service to Cayman Brac and Little Cayman, which of course is the main money loser. Government, therefore, sees no point in capitalizing the subsidy, when that subsidy does not even cover the losses of the inter-island service.

The PAC refers to the inter-island service as important and essential, a statement which the Government fully supports. It is, therefore, specifically for this service that the subsidy should be shown as income, as the ticket revenue does not warrant the excellent jet service provided to Cayman Brac and the charter service to Little Cayman.

The annual Government subsidy to Cayman Airways (CAL) is an operating subsidy which is paid to the company, without having any restrictions imposed as to its use. The subsidy has been used in the past, either to make up in the loss experienced on the Cayman Brac route or to discharge certain specific payments which the company was obligated to make. The Government is most interested in the continued performance of, and improvement in, the operations of CAL. It is the wish of Government, and the desire of CAL's management, that CAL will continue to improve to the point where the subsidy will no longer be necessary or, alternatively, maintained at the present level.

The Government is unsure as to what is meant by "more realistic accounting". In the opinion of CAL's auditors, the current method of accounting properly reflects the substance of the subsidy in its present form. In accounting terms, it makes no difference to the net asset value of the company whether the subsidy is treated as an income or capital item.

PARAGRAPHS 11-13: Since it is a matter of fact whether or not the company needs financial support to allow it to meet its ongoing obligations at its current level of operations, no real benefit arises from trying to link the financial support received from Government to specific areas of the company's operations. Government accepts that this essential service costs money, and it would be impossible to operate it with a foreign, or 100% private operation, because such an operation would have to substantially increase the fares between Grand Cayman and Cayman Brac and Little Cayman, drop the service completely, or else be subsidised by the Government.

There are, however, definite advantages to operating Cayman Airways in its entirety; for example:-

CAL spends in excess of 2.5 million US dollars in directly advertising the Cayman Islands, effectively increasing the Department of Tourism's budget by such an amount.

The indirect advertising benefits, such as our presence in various U.S. cities, is immeasurable.

CAL is a major employer in the Cayman Islands, with a large portion of its annual income of 40.0 million dollars remaining in the Cayman Islands.

Since the introduction of an annual subsidy in 1986, and a general improvement in management, the company's financial creditability in the marketplace has improved one hundredfold. This is borne out by the fact that, when the company leased aircraft in the past, such leases had to be 100% guaranteed by the Cayman Islands Government.

The present lease arrangements do not require any Government guarantee. Therefore, when the third aircraft comes on line, CAL will have sole use of equipment worth about $100 million with only a $2.7 million cash deposit, fully refundable at the end of the leases.

The Government accepts that CAL's financial position is precarious. However, with the help which CAL receives from the Government, it has been striving to keep the majority of its debt obligations on a current basis. The goal of management is to continue to improve the financial, as well as the operational, areas of CAL. It is the expectation of Government that the study of CAL, in accordance with the wish of the House, will greatly assist the airline in better dealing with the problems now facing it.

1989 FINANCIAL STATEMENTS

CARIBBEAN DEVELOPMENT BANK - LOANS

PARAGRAPHS 14-17: The Government notes the concern of the Committee with regard to foreign exchange risks involved in loans from The Caribbean Development Bank (CDB), which stem from the performance of the US dollar against other currencies. During 1989, the two principal foreign currencies involved, namely the Yen and Units of Accounts, moved favourably in contrast to the previous year. However, the Government will continue to use a prudent but flexible policy in arranging its external financing.

The Government wishes to inform the Committee that CDB has

not implemented any policy of its own involving the use of a basket of currencies such as the Unit of Account (UA). So far, they have only used the UA, by reason of the fact that they have borrowed hard funds from the Inter-American Development Bank (IDB) which has been using this method of denominating its loans since July 1, 1982. Because of this, and the fact that CDB does not accept the foreign exchange risk on loans to its borrowers, all loans financed from IDB funds are denominated in UAs. In addition, CDB does not have a Basket of Currencies policy of its own.

The IDB determines the currencies to be placed in the basket, and these currencies are derived from borrowings by IDB to finance its lending programme. At present, the currencies which make up the pool are as follows:-

* United States Dollar
* Pound Sterling
* Dutch Guilders
* Spanish Pesetas
* Japanese Yen
* German Marks
* Swiss Francs

The Inter-American Development Bank (IDB) has advised that changes in the composition of currencies comprising the basket are very rare, though there could be variations in the share of individual currencies within the basket at any given time, based on borrowing activity. Ideally, IDB attempts to have equal proportions of US dollars, Japanese Yen and European currencies in its basket, though this is not always possible. See Appendix "A" for additional information on the Unit of Account.

PUBLIC SECTOR DEBT

PARAGRAPH 18-19: The Government is concerned that the Committee has quoted a total debt for the country as $62.2 million. If this refers to the total debt of the Government, it is misleading, as the accounts show that Government's Public Debt was $19,387,316 at December 31, 1989. The accounts also show that self-financing loans incurred by the statutory undertakings were $10,403,470, which the Government can reasonably expect them to meet from future trading surpluses, and will not thus become a burden on government revenues.

The inclusion of contingent liabilities within the broad definition of public debt is wrong, as they are contingent by definition on the performance of the guaranteed body in repaying the guaranteed loans. The Government has no reason to believe that there will be default. In most instances, the original guarantees do not now represent the current contingent liability. Additionally, the pensions liability of $32,445,624 at January 1, 1989 is contingent upon retirements, and the Government, realising that this is a growing cost, is now setting aside amounts into a pension reserve to secure pension rights.

While the Government takes the view that the public debt issue is one which would best be considered by Finance Committee, it nevertheless shares the concern of the Committee that this matter remain under constant review, in order that future borrowings do not put the Government's debt to revenue ratio in an unhealthy position. Government would like to maintain a debt serving to revenue ratio of not more than 10%.

RECURRENT REVENUE

PARAGRAPH 20: The Government notes the recommendation of the Committee that there be regular and systematic reviews of all Government revenue sources, so as to ensure that, in certain areas, fees, charges and licences reflect substantially the true and full costs of providing the services involved, and informs the Committee that the Portfolio of Finance and Development is now developing a Register of Fees and Charges for all Government Departments. It is the intention to include this document with the Financial Secretary's Budget Call Circular, which is sent to departments, requesting contributions to the annual budget. Department Heads will be requested to use the information in the Register when estimating the Revenue section of their estimates, and also to use the information in the Register as the basis for recommending increases in the existing fees and charges, if it is thought necessary. The Fees and Charges Register will be updated on an annual basis, or as frequently as may be deemed necessary.

DEFERRED PAYMENTS

PARAGRAPHS 21-22: The Government notes the concern of the Committee over the use of Advance Accounts, and while in general Advance Accounts comprise loans to individuals such as students and Civil Servants, and overseas medical, official travel and hurricane relief assistance, it is the wish of the Government to continually move away from the use of Advance Accounts, reserving the use of such accounts for the charging of expenses in emergencies. Government is committed to reducing the balances shown in its Advance Accounts. In addition, Government will endeavour to ensure that, in the future, approved expenditures are charged to their respective Heads in the approved Estimates.

INVESTMENT PROCEDURES

PARAGRAPHS 26-27: The Government regrets that the Committee believes that surplus funds are invested in a nonchalant way, despite the improvement in interest earned, as shown in the

accounts and the detailed explanation on pages 19 and 20 of the Accountant General's Report of the improved cash flow procedures now in place, and which reads as follows:-

> "A major improvement was also made in the control and investment of Government Cash Balances, through the introduction of a systematic Cash Flow Control System. This involves regular forecasting of revenue prospects and expenditure patterns, based on an historical analysis, together with better negotiation of interest rates with Financial Institutions. It is estimated that one and a half million dollars was earned in additional interest during 1989 as a result".
>
> As investment of surplus funds has to take place on a very frequent basis, it would be impractical to obtain approval of Finance Committee as recommended by the Committee. Even though the Government is satisfied that the present delegations under the Finance and Audit Law are working satisfactorily, consideration will be given to developing detailed investment guidelines for the investment of Government's surplus funds by the Treasury.

RECURRENT EXPENDITURES

PARAGRAPHS 28-29: The Government must point out that the increase in expenditure of 11% between 1988 and 1989, which poses a major issue of concern to the Committee, arose from the approval by the Legislature of the annual estimates and of subsequent supplementary estimates. Officers should not now be expected to provide an explanation of the reasons for this increase. However, The Accountant General's Report does show a breakdown of expenditure under subheads between the two years. The Government shares the concern of the Committee over the monitoring of Government spending, and wishes to inform the Committee that, as a result of the creation of the Budget Review Committee (BRC) and the Public Sector Investment Committee (PSIC), it expects to see a dramatic improvement in this area.

PARAGRAPH 30: In replying to paragraph 30 of the Committee's Report, where it is stated "the PAC stops short of recommending a moratorium on increasing recurrent expenditure at this point, suffice it to say that any significant increases must be convincing beyond a doubt to future PAC Members". The Government wishes to inform the Committee that a Moratorium on increasing recurrent expenditure is a matter which would be best considered by Finance Committee when considering the Budget, and to remind the PAC that it has no claim to control over the financial policy of Government.

EXCESS EXPENDITURE

PARAGRAPH 31: The Government notes the pleasure of the Committee in reporting that it had to take evidence from only three Departments regarding over-expenditure during the past year.

PARAGRAPHS 32-34: The Government further notes the Committee's recording of its satisfaction that the excess expenditures of the Prison, Public Works Department (PWD) and Customs Departments were reasonable and justified, and that it was only necessary to take evidence from these three departments on over-expenditures.

PARAGRAPHS 35-36: The Government informs the Committee that the Accountant General and Auditor General visited Her Majesty's Prison Northward in the latter part of 1990, and discussed with management the appropriate arrangements to ensure that the PRISCRAFT account is incorporated into the Government Accounting System in 1991.

VOTE CONTROL - PARAGRAPHS 16 AND 17

PARAGRAPH 37: The Government is extremely concerned at the way the evidence of the Accountant General has been misstated by the Committee, where in paragraph 37 of its Report the Committee states that it shares the disappointment of the Accountant General that vote control procedures and accounting standards appear to have worsened in 1989. Madam Speaker, the Accountant General expressed no such disappointment or opinion. In the PAC Minutes of 15 October 1990, the Accountant General is recorded as noting disappointment that vote controls were not being kept up-to-date in only 10 Departments. Far from saying that the procedures had worsened, he expressly stated that they had improved. This is, in fact, substantiated by the Committee's Minutes of October 15th, 1990, page 1, which reads as follows:-

> "(4) Witness Response:
> Vote Control: Mr. Bicknell noted his disappointment that vote controls were not being kept up-to-date in 10 Departments. The vote control system, he noted, was revised last year and a seminar held for staff training on the new procedure. The response in maintaining vote controls in 1989 was better than the previous year. He noted that the deficiency tended to be in Departments where staff changes occurred, and sometimes where there was a lack of supervision.
>
> Mr. Bicknell noted that Government is at the stage of introducing an Internal Audit unit and that it was hopeful that Treasury would be better able to follow up. He also noted that training of cashiers and for general financial departmental matters was under consideration."

The Government can, therefore, find no evidence that the Accountant General believes that vote control procedures and accounting standards have worsened during 1989. On the contrary, his report in fact outlines a number of improvements to the financial control system. Government is, nevertheless, mindful of the need for vote control registers to be properly maintained, and undertakes to once again remind controlling officers of this requirement.

PARAGRAPH 38: Financial and Stores Regulations (FRS) 1986 clearly state the responsibilities of officers with regard to financial control. The Government is now satisfied that more and more officers are familiarizing themselves with FSR's and adhering to them. The Government will, however, once again remind all officers of their obligation to follow FSR's.

PARAGRAPH 39: A significant number of Government accounting staff are currently studying for examinations of The Association of Accounting Technicians, and a seminar was held for all relevant staff on payment control procedures during the year. In addition, a member of Treasury staff was available to visit departments for on-the-job training where this was requested by departments. This emphasis on training will no doubt satisfy the Committee's quest for "no less than the very highest standards of financial control and accounting practices". The Government assures the Committee that every effort will be made by the Treasury to continue to offer on-the-job training when requested by the various Departments.

PARAGRAPH 40: The Government notes the Committee's comments with regard to overseas medical fees, and assures the Committee that where any arrears of overseas medical fees do arise, every effort will be taken to collect these, including, as a last resort, Legal action.

PARAGRAPH 41: Government notes the comments of the Committee on the accounting system within the Immigration Department, and informs the Committee that the Immigration Department's financial procedures were reviewed during the year and the main problems resolved. The financial systems will be further reviewed in the light of changes brought about by the commissioning of the Immigration Department accommodation. As part of the reorganization of the Immigration Department, due account will be taken of the desirability of direct revenue collection by the Immigration Department. In the meantime, the revenue of the Immigration Department continues to be paid directly into the Treasury.

PARAGRAPH 42: The Government appreciates the pleasure expressed by the Committee in the proposed establishment of the post of Debt Collector, and wishes to inform the Committee that this post has now been filled. It is the strong view of the Government that the creation and filling of such a post will lead to the collection of some of the outstanding revenue which is now due to Government.

PARAGRAPH 43:

1. Government shares the concern of the Committee over the possibility of lost revenue, and informs the Committee that:-

   i. Licensing records always show far more vehicles than are taxed. This is because vehicles' owners fail to notify the Vehicle and Drivers Licensing Centre when vehicles are disposed of as scrap or otherwise.

   ii. Although some revenue remains outstanding, the Royal Cayman Islands Police pursues a vigorous policy of road checks at times and locations when the volume of traffic is high, which results in improved collections.

   iii. The only way of definitively assessing how many vehicles remain untaxed is to go through the computerised records every month, and then send police officers to trace the owners of those vehicles shown as unlicensed. Apart from the practical difficulties in tracing vehicle owners for whom only a Post Office box number is shown on the documentation, this process would involve many police officers and take them away from more important duties.

   iv. Vehicles are taxed quarterly, half yearly or annually during each of the 12 months of a year. The administration required to check the status of each vehicle's tax position would require looking individually at all vehicle records. This would inevitably require the employment of extra staff and would not be cost effective.

   v. This situation exists in all countries, and there are no police officers assigned to try and collect tax duties other than by the enforcement method already described.

   vi. The Royal Cayman Islands Police recommended to the Traffic Law Revision Committee a change in the Law, whereby Vehicle Tax was only payable when the vehicle was used on a public road. It was also recommended that vehicles be classified as scrapped if tax had not been paid for a continuous period of three years. Both these recommendations have been incorporated in the Committee's draft report. If the Law is changed as recommended, this will result in many of the 'dead' records of vehicles long since disposed of being weeded out, thus giving a much more realistic assessment of how many vehicles remain untaxed.

vii. The draft bill for a new Traffic Law is now being finalised by the Portfolio of Communications, Works and Agriculture. Once this has been finalised, input will be sought from the Public, with the intention of bringing the bill to this Honourable House in June for Members' consideration and subsequent approval. It is expected that the new traffic legislation will enhance the future collection of the Motor Vehicle Tax.

PARAGRAPH 44: Government informs the Committee that the Central Funding Scheme's accounting arrangements changed as from January 1, 1991. This department now has a separate budget and its own account centre.

PARAGRAPHS 45-50: Government considers the language of the Public Accounts Committee (PAC), in its report on the Central Funding Scheme (CFS), inappropriate. It is unfortunate that the Committee could arrive at the conclusion that the CFS is an example of extreme worthlessness, inasmuch as it applies to deriving good value for money, when in fact the operating account of the CFS moved from an accumulated deficit of CI $145,097 in 1985 to an accumulated surplus of $583,713 at the end of 1989. This was accomplished without increasing service charges or hire rates.

Government wishes to unequivocally state that at no time has the Manager of the CFS been left to fend for himself. The CFS was initially under another Portfolio before being transferred to the Portfolio of Communications, Works and Agriculture. Although the reorganisation process has taken longer than planned, the Portfolio has throughout maintained a close working relationship with the CFS, as is reflected in the improvements made within the Management System. Government accepts that, since its formation, the CFS did not prepare an annual budget for inclusion in the annual estimates, but rather operated through a Government Advance Account. However, this weakness has now been corrected, and the compilation of the unit's first budget now forms a part of the provisions allocated under the Portfolio's 1991 Estimates.

It should also be noted for the record, that a full stock-taking was carried out in 1990, contrary to what is recorded in the PAC Report, which states that no stock-taking was done since 1984.

It is also recognised that some recommendations and suggestions of consultants regarding the CFS have not been implemented, due in part to the magnitude of the recommendations: a case in point is an initial capital injection of $2 million and the provision of new accommodations. Other recommendations are contingent upon these key factors.

It should also be noted that a decision was taken in early 1990 to continue the reorganisation exercise in-house, instead of relying on further overseas consultants, as the CFS has experienced much difficulty in having the consultants remain on the Island long enough to ensure implementation of the critical aspects of their recommendations.

With the establishment of the Management Services Division in the Personnel Department, the reorganisation exercise is now underway, and a special action committee has been formed, comprising the following members: the Principal Secretary, CW & A - Chairman; the Auditor General - Observer; the Manager, Central Funding Scheme; the Director, Management Services; and the Assistant Director, Management Services.

It is anticipated that the reorganisation exercise will be completed during 1991, after which consideration will be given to the phasing in of Vehicle Licensing and Inspection.

TENDERING AND CONTRACTING

PARAGRAPH 51: The Government is pleased to know that the Committee considers Tendering and Contracting to be a very important topic, and welcomes the Committee's attempt to satisfy itself that the Government's procedures are satisfactory and ethically sound.

PARAGRAPH 52: Government wishes to reassure the Committee that the Public Works Department has generally followed the concept of selective tendering, as laid down in Financial and Stores Regulations 1986. The Government further informs the Committee that, in 1990, the Public Works Department received permission from the Financial Secretary to increase the value of tenders which its Departmental Tender Committee (DTC) may consider from CI $100,000 to CI $350,000.

PARAGRAPHS 53-54: Acknowledging that the Committee is entitled to its opinion, it appears as if some of the views of the Members of the Committee were based on their preoccupation with open tendering and their lack of understanding of selective tendering, as implied by Financial and Stores Regulations (FRS's), through the requirement of a Register of Contractors, and practised by the Public Works Department. With new emphasis having now been placed on tendering, Government assures the Committee that it has no reason to believe that any tenders which should be brought to the Central Tenders Committee (CTC) for consideration will, in fact, not be brought. This area of FSR's remains under the constant scrutiny of the Chairman of the CTC.

PARAGRAPH 55: Government's tendering procedures are detailed in Chapter 8 of FSR's, with the Deputy Financial Secretary as Chairman of the Central Tenders Committee (CTC). Government takes this opportunity to reassure the Committee that there is no evidence whatsoever of any collusion between tenderers, and to inform the Committee that a watchful eye is kept on any suspicious matter which would indicate that collusion might be taking place. On the contrary, bids received by the CTC have become more and more

competitive. To further strengthen the tendering process, the Portfolio of Finance and Development is now in the process of completing a guide to The Selection And Use Of Consultants, a copy of which will, in due course, be laid on the Table of this Honourable House.

PARAGRAPH 56: The Government informs the Committee that it is its existing policy to receive genuine competitive bids for its works, goods and service, and then to obtain the best value for money spent. This policy has been stressed again in the Public Sector Investment Seminar held in 1990, and more recently in the Budget Seminars held in January of this year.

PARAGRAPH 57: The Government does not at this time consider it appropriate to designate an individual officer as a Contracts Officer, and would inform the Committee that, under the terms of FSR's, an elaborate procedure is set out whereby the Head of Department, Controlling Officer or Principal Secretary can adequately deal with the bids which are received in response to the Department's invitation to tender. The PWD, which deals with a large number of Government's contracts, utilises its Executive Quantity Surveyor (EQS) to serve as Contracts Officer on major contracts handled by the DTC. The EQS evaluates the tenders received and makes his report thereon to the DTC. In giving its undertaking to keep this area of the tendering process under constant review, the Government would like to also inform the Committee that input on this area of the tendering process will be solicited from the members of the CTC.

INTERNATIONAL HEALTHCARE CONSULTANTS (IHC) CONTRACTS

PARAGRAPHS 58-59: The Government contends that, after exhaustive enquiry, the Public Accounts Committee has produced no evidence to show that any impropriety took place in Government's dealing with International Healthcare Corporation.

PARAGRAPHS 60-65: The Portfolio of Health and its controlling officer are on record as maintaining that, after proper consultation, the normal and accepted practice (in effect at the time) with regard to technical consultancies was followed.

PARAGRAPH 66: International Healthcare Corporation is a Cayman Registered Company, and Mr. James Conti is its President and sole shareholder. Its sister company is Ambulatory Healthcare Corporation (AHC) of Austintown, Ohio. Each contract entered into between IHC and Government states that IHC may subcontract any of its duties to AHC, an American registered management corporation under common ownership with IHC.

International Healthcare Corporation's basic services include:- Planning and feasibility studies; Organizational and capitalization structuring; Architectural design and equipment specification; Co-ordination of construction; Staffing determination, recruitment and training; Operating systems design and implementation; and Ongoing management services.

Government contends that no bond or retention money was necessary because of the nature of the service. Two interim reports and monthly reports were required by contract. The system of payments to IHC was on a monthly basis, and the contracts provided conditions under which the contracts could be terminated.

PARAGRAPHS 67-69:

(i) Mr. Conti is not a health care professional, and he does not function in this role. His role was that of project co-ordinator, and as such, he was concerned with seeing that the contract was completed in a timely and professional manner, and that all terms and conditions were met.

(ii) The IHC consultants stayed at the Grand Pavilion in 1989 and at the Radisson in 1990. Rates, which were very reasonable, were negotiated by the Portfolio at a special government rate.

(iii) It has been explained that Mr. Conti acted in a management capacity - a role in which he has a great deal of experience, as he is chief executive officer of two health management companies, Ambulatory Healthcare Corporation and International HealthCare Corporation.

Government contends that it is not unusual for the principal of a company to take an active day-to-day role as chief executive officer of that company.

Mr. Conti was reimbursed for his role as project co-ordinator, a position that was crucial to the successful completion of the contracts.

PARAGRAPHS 70-72: Correspondence from the Attorney General to the Member for Health, dated April 4, clearly shows that 12 of the 13 points which he raised on 7th March had been incorporated into the IHC contract. When he reviewed the contract for the second time, the Attorney General stated that the contract was "satisfactory from a legal point of view".

On the matter of the 13th point, the Attorney General stated that this was not a legal question, and if the Member for Health was satisfied that it should not be included, then he had "no objection to that point not being embedded in the contract".

The Government takes great exception to the charge that "imprudent and insensible behaviour was adopted by the Portfolio for Health and Social Services". Documentary evidence provided to the PAC showed irrefutably that proper legal vetting of the contract was carried out by the Attorney General, and that his advice was not ignored.

PARAGRAPHS 73-74: The comments attributed to the Executive Surveyor and Executive Architect of Public Works Department were in relation to the Dental Clinic contract, and do not relate to the main IHC contract. This was not made clear. It is, in fact, placed under the title IHC contract dated 6th April, 1989.

(i) Architectural fees for new construction are generally 8% of the project cost. Premium fees, negotiated between client and firm, are generally charged for hospitals, research centers and other complex institutional settings.

Additionally, post-construction supervision of complex projects can cost from 2% - 3%. The contract negotiated with IHC for 10% of the project cost, includes consultation, which is a study of the demographics of the dental service now being offered and the service Government plans to offer, architectural plans, equipment specifications, and post- construction supervision.

Government contends that 10% is not an unreasonable figure in the light of current practice.

(ii) The Letter of Agreement in the original clinic contract was agreed by the Chief Engineer. Public Works Department later decided that these duties were too onerous, and this aspect of the services was renegotiated under a post-construction supplementary agreement.

(iii) Areas of responsibility were set out under the original dental clinic contract agreed to by the Chief Engineer. Public Works Department later recommended that it wished to take a monitoring, rather than a participatory, role on the dental clinic. These roles were renegotiated under the supplementary post-construction agreement.

Public Works Department recommended that a supervising officer be hired to oversee the project on Government's behalf. This was done at an additional cost of $10,000.00. The original contract had assigned this duty to the Public Works Department. After the contract was signed, the Department intimated that their other commitments and monitoring role did not permit them to provide a supervising officer on a day-to-day basis.

PARAGRAPH 75: The PAC, despite the closest of scrutiny and many hours of testimony from those civil servants involved in dealing with the IHC contracts, has not been able to unearth one shred of evidence to show that partiality, or worse, occurred in this case.

PARAGRAPH 76: The Government maintains that there were no unusual arrangements surrounding the awarding of government work to IHC. The normal and usual arrangements, at the time, with regard to "soft" consultancies, were followed, i.e. Executive Council approved the granting of the contracts on the advice of the Member for Health.

For the PAC to raise the spectre of another independent commission to investigate corruption is unwarranted.

PARAGRAPH 77: The Portfolio for Health contends that the Health Facilities and Health Systems Plan is a schematic framework which is being used to shape the health policy of this country over the next fifteen years.

Having accepted the recommendations, Government will now break down the cost of the projects into manageable phases. Two of the recommendations, which relate to tertiary care referrals and specialists, have already been implemented with the assistance of the Cleveland Clinic Foundation.

The next phase will be to formulate the appropriate bid document, and to obtain schematic and construction drawings for the new hospital.

The Portfolio further contends that the projects are not a "least cost" solution: a "least cost" solution would be to retain the status quo. The Health Plan recommendations will provide cost effective solutions in keeping with the present and projected health needs of the country. To further satisfy the critics, the Portfolio would be prepared to submit its Health Plan to the PSIC for further evaluation, if the Committee is properly functioning at the time that the Portfolio is ready to proceed.

PARAGRAPH 78: The Chief Medical Officer has told the Portfolio that he was not impressed with the work of one individual involved in the ten interim projects. His concern is apparently not shared by the majority of the hospital management team, or the section head of the relevant department.

The Portfolio emphasizes that the work of IHC was of consistently high quality, and their recommendations on the interim projects will have a significant and positive impact on the quality of care offered at George Town Hospital.

PARAGRAPH 79: IHC had three contracts with Government: at any one time the staff could have been working on different projects charged to different subheads. The split billing system was awkward and difficult to reconcile, and it is to the Hospital Accountant's credit that all these difficulties were resolved and balanced at the end of the day.

The PAC was provided with correspondence which showed that the Portfolio held several meetings with, and answered every query put forward by, the Hospital Accountant.

The Portfolio refutes the comment that arrangements for payment of expenses were lax and not well controlled. Government notes that expenses were defined in the contract, visits were approved prior to the consultants' arrival, and their programme of work was outlined and discussed at a project meeting held on their arrival.

PARAGRAPH 80: The Portfolio refutes absolutely the assertion that the Chief Medical Officer and the Hospital Management were not allowed an opportunity to make critical representation on the Health Plan. In addition to regular meetings with IHC and the Portfolio, two interim reports on the Plan were made in July and October.

At no time did the Chief Medical Officer produce, in either written or verbal form, his objections to any of the directions/recommendations being formulated by IHC.

The solutions provided by IHC are based on the demographic information provided by Hospital staff and management. They are not U.S. solutions, although some of the concepts have been successfully developed in the U.S.A.

The Chief Medical Officer has, since the PAC report, announced his disquiet with the ambulatory surgery concept as being too sophisticated for these islands. This is a matter of personal opinion, and in the formulation of policy must be given consideration. However, the Portfolio is not obligated to take advice, professional or otherwise, that is not supported by well documented facts and figures.

PARAGRAPH 81: Funds to support the dental clinic consultancy were available under Medical Health Services 41-011 and 41-014 previously allocated to addition and repairs to the doctors' residence. Executive Council approved the variation of these available funds, as it was well within the figure that the Financial Secretary is authorised to vary. It was brought to Finance Committee for ratification, with the appropriate explanations. Notwithstanding this approval, the Government will once again remind all controlling officers of the requirements in FSR's, which is that, before committing the Government to any expenditure not approved in the Budget, they must ensure that the necessary approval from Finance Committee has first been obtained.

PARAGRAPHS 82-84: The payments and claims, made under the Member's signature, relate to official entertainment expenses incurred with respect to the Hazelden consultants involved with formulating the National Drug Strategy, and the International Directors of the Cleveland Clinic involved in negotiating the tertiary care referral agreement.

While it is conceivable that these expenses might have been incurred under a more appropriate subhead, this is a matter of internal accounting which has now been resolved to the satisfaction of Government.

PERFORMANCE EVALUATION - PARAS 57 THROUGH 63

The Principal Secretary, Personnel shares the concern of the Public Accounts Committee with regard to the weaknesses in the present system and its operation.

PARAGRAPH 87(1): The Principal Secretary (Personnel) does not have authority to obtain Performance Evaluation Reports from Department Heads. It is stated in General Orders and in the PSC Regulations that it is the responsibility of the HOD's to submit the reports to the Secretary of the Public Service Commission by the end of January. If the HOD fails in his duty then the responsibility rests with the Principal Secretary.

PARAGRAPH 87(2): The Administrative Secretary will be issuing a memorandum to all HOD's restating the importance of the reports, and reminding them that disciplinary action will be initiated against each HOD for failing to comply with General Orders.

PARAGRAPH 87(3): The Principal Secretary (Personnel) does not have the authority to institute sanctions against delinquent HOD's: this would be the proper management role of the Principal Secretaries.

The absence of reports did cause problems for the Public Service Commission, as only 60 to 70% were being received, which made the Commission's work more difficult.

An alternative approach is proposed, which would entail a review of the present scheme, examine its strengths and weaknesses and design a scheme which is more appropriate for a dynamic government service. The philosophy of a revised scheme would be to make it more task orientated, and this would assist operational managers to motivate their staff and achieve their departmental goals and objectives. The performance appraisal scheme should be part of the overall process of objective setting at portfolio, departmental and unit level, concentrating on achievements and improving dialogue between subordinate and supervisor.

Management Services are currently preparing a discussion paper on this subject.

GOVERNMENT FINANCIAL PLANNING PROCEDURES PARAGRAPHS 64 THROUGH 82

PARAGRAPHS 91-92: The Government appreciates the delight which the Committee expressed in recording its interest in and encouragement of Government's stated objective to embark on sophisticated financial planning, and wishes to advise that these plans are now well underway, with these efforts being coordinated through the Public Sector Investment and Budget Review Committees, which have recently held seminars in 1990 and January of this year for senior and middle management personnel in Government.

In general, the Auditor General and the Public Accounts Committee, in their examination of the Government's financial planning procedures, raised a number of the issues and questions that the Economic Development Unit (EDU) and the Public Sector Investment, National Planning and Budget Review Committees were established to deal with. It is, therefore, the view of the Government that a detailed reply is not now appropriate, as it would be merely reiterating what has already been established (e.g. Terms of Reference of the EDU and Committees, presentations and speeches by the Financial Secretary etc.), most of which were made available to the Committee by the Deputy Financial Secretary. The Government would, however, like to offer, for the sake of completeness, the additional information:-

(i) The Government accepts the fact that the Personal Emoluments portion of the annual budget is the largest single element of the recurrent budget, and while it was not critically reviewed to establish that staffing levels were adequate, but not excessive, to achieve Government objectives, and while this may be a matter for the Personnel and Management Division of Government, Finance and Development is prepared to make itself available to assist in any reviews which the Personnel and Management Division is now undertaking in this area. What is most important, though, is that these reviews are objective, regular, and that the recommendations are implemented and monitored.

(ii) While, in most cases, explanations were provided for the details of the budget submissions, it was the finding of the Auditor General that little effort had been made to link the budget to the objectives and goals of the departments, which may in part be due to the fact that goals and objectives established by some departments may not be sufficiently detailed to facilitate effective linkage. The impetus which is needed for this has recently been spearheaded by the Administrative Secretary's office, by the compilation of all of the Departments'/Portfolios' Mission Statements into one document which was laid on the table of this Honourable House in December 1990. It is expected that the remaining points in the programme will be ready for compilation during this year and, when completed, will be linked to the Financial Estimates each year.

(iii) The findings of the Auditor General, that his officers were not able to see, from the documentary evidence available, that the budgetary levels had been critically justified to ensure that only those funds that were necessary and needed had been approved, is not in dispute. This area is, however, one of the major concerns of the Budget Review Committee (BRC). In addition, the Financial Secretary has established an informal task force, comprising the Assistant Financial Secretary, the Accountant General and the Budget Officer, to focus on this area through departmental visits and discussions. These activities would provide some of the input required to facilitate the development of the BRC recommendations to correct deficiencies in this area.

(iv) The Government accepts that its Capital Expenditure budgets have been significantly underspent in recent years, mainly because the Capital Budget does not always reflect what can be completed in the period. It is the expectation of Government that, once fully functional, the Public Sector Investment Programming (PSIP) Committee, and the concepts developed by that committee, will deal with and fully analyse capital projects before they are entered into the budget. It is important to recognise that one of the major pitfalls in the past (continuing to some extent today) was the lack of trained and experienced staff to develop, implement, and monitor these tasks. To some extent, the Caribbean Development Bank has been performing some of these activities on our behalf in the past. However, the training programme of the Department of Finance and Development is focussed on building the technical cadre to carry out these activities in-house.

(v) Government informs the Committee that it is one of the established goals of the BRC and the Budget and Economic Development Units to link the Economic Development Plan to the Government's annual budget and estimates. In fact, the proposed changes to the format and method of presentation of the budget, currently under consideration by the BRC, attempt to provide the framework that would facilitate this linkage.

(vi) Government does not dispute the findings of the Auditor General that the Economic Development Plan does not seem to have served the good and important purposes for which the Plan was intended. However, one must consider the nature of the Economic Development Plan: unlike the budget, the Plan is not a legal document, and for it to be successful, there must be broad based public support for such a plan. Government, however, undertakes to keep this matter under consideration, with a view to linking the

Economic Development Plan to the annual budget and estimates.

(vii) Government accepts that deficiencies exist in its present annual budgeting procedures, hence the creation of the Budget Review Committee and the Public Sector Investment Programming Committee, coupled with the focus on the Medium Term Financial Plan. The Medium Term Financial Plan concept involves primarily the programming of public sector finances over a 2-3 year horizon with updates made on an annual basis. The concept is not new, and underlies such budgeting methodologies as the Planning, Programming, Budgeting Systems (PPBS), Zero Based Budgeting, and the Rationalization of Budgetary Choice System. The Medium Term Financial Plan encourages full budgetary coverage, since it includes all public sector revenues, expenditures, reserves, debt etc., including that of all state owned organizations. The medium term financial plan process involves a number of activities, ranging from macroeconomic and fiscal or financial forecasting and the determination of the public sector's resource losses over the next 2-3 years, to evaluation and feedback activities which produce information that feeds into the next year's budget preparation process. Ideally, the annual budget is a one-year slice of the Medium Term Financial Plan.

These requirements for the improvement of the budgetary process demand information that forces the weighing of priorities, forward thinking and public debt policy, and promotes linkage between planning and budgeting.

In general, there seems to be an uneven acceptance of the planning concept within the public service. Also, we must recognise that proper planning demands a highly trained staff component in both the core agencies and the executing agencies.

STATUTORY BODIES - PARAGRAPHS 83 THROUGH 86

PARAGRAPH 93: The Government acknowledges the commendation of the Committee in respect to the various Statutory Bodies and the fact that no Statutory Body is currently behind in the submission of their annual Financial Statements to the Legislative Assembly. The Government is not aware of any developments or changes which would alter this, as all of the Statutory Bodies are very well managed, with the Deputy Financial Secretary sitting on the Board of Directors of all but one of them.

PARAGRAPH 94: Government assures the Committee that if and when any new Statutory Bodies are created, one of the key requirements will be, as it now is for existing Statutory Bodies, that such new bodies appoint the Auditor General to be their external auditor. Such a requirement, needless to say, will be part of the Law covering that Body.

The Government assures the Committee that the Auditor General's office continues to have its full support.

OTHER MATTERS - PARAGRAPHS 87 THROUGH 100

INTERNAL AUDIT

PARAGRAPH 95: The Government shares the concern of the Committee that, owing to acute accommodation problems, the setting up of an Internal Audit Section was delayed. However, the Chief Internal Auditor has now taken up his post, and development of the section will continue. The Government is satisfied that the attachment of this unit to the Treasury for the initial setting-up period will enhance its effectiveness. This matter will then be reviewed.

PARAGRAPH 96: The Government informs the Committee that it supports the views of the Accountant General on the setting-up of a small Internal Audit Unit. The Government further informs the Committee that the view expressed by the Accountant General is merely a restatement of the policy of the Government which was expressed in its previous Minute. The Government appreciates the concern which the Committee has given to this matter.

PARAGRAPHS 97-98: The Government affirms that there was no need for the Committee to question the ethics of the Accountant General holding the responsibility for the Internal Audit Unit, and stands by its policy, as conveyed to the Committee in its previous Minute. This matter will remain under review.

PARAGRAPH 99: The Government regrets that, for the benefit of the Members of the Committee, it has to refer the PAC to its position, which was clearly detailed in its previous Minute regarding the Government's support for the Auditor General. The policy of Government as expressed in that Minute remains unchanged.

PARAGRAPH 100: Government has known all along that Internal Audit is a part of Government, and believes that approval would not have been given for such a Unit to be established if there was any doubt whatsoever that it would not assist the Government in achieving better financial performance and accountability.

PARAGRAPH 101: The Government wishes to assure the Committee that the

function and position of the Auditor General is well established in Financial And Stores Regulations 1986 and the Finance And Audit Law 1985, where sole responsibility for this office is vested in the Governor of these islands. The Committee, in its deliberations, has produced no evidence to show that the Government was doing anything but striving to ensure that the Auditor General's Department maintains its independence, and remains free of any attempted interference, intimidation or confrontation on the part of individual members of the political directorate in its totality.

The Government, therefore, wishes to restate emphatically that it views the independence of the Auditor General as of paramount importance. It believes that there is no confusion within the Government with regard to the relative roles of The Auditor General and the Chief Internal Auditor, and can find no evidence that the Auditor General has been subject to any attempted interference, intimidation or confrontation.

PARAGRAPH 102: The Government reassures the Committee that any fears which they may have with regard to continued functioning of an independent Auditor General should be laid to rest, as the function of an Independent Auditor General is crucial to the continued good Government and sound financial control which have become trademarks of these beautiful islands.

The Government, at this time, can do no more than acknowledge the recommendation of the Committee that the position of the Auditor General be entrenched in the Country's Constitution, as Honourable Members are well aware, from discussions with the two Constitutional Commissioners, what the procedures for changes to the constitution are. If such a recommendation is contained in the Report of the Constitutional Commissioners, then, in the final analysis, it is up to members of this Honourable House to either accept or reject this, or any other, proposal which may be contained in the Report.

CONFIDENTIALITY AND FUTURE PUBLIC ACCOUNTS COMMITTEE HEARINGS

PARAGRAPH 103: The Government notes that the Committee deliberated at length during its recent sittings to ascertain its future direction, and concluded that certain events have led the Committee to realise that the time has come to hold public hearings. The Government's view is that, if the Constitution and our present Laws vest the authority in the Committee to make such a decision, then such a decision is entirely for the consideration of the Committee.

PARAGRAPH 104: The Government notes that the Committee recognises that there are, however, certain clear exceptions as to when public hearings could be held, and that the Committee is prepared to follow practice common to all Select Committees and to the present Finance Committee. The Government further notes that the Committee would be prepared to admit strangers and the press to those sessions (or parts of sessions), where the evidence being taken and the subjects raised do not call into question matters of national security, commercial confidentiality, or matters which are under investigation by the Attorney General's Chambers, the Police or which are sub-judice.

PARAGRAPH 105: The Government supports any action which will serve to promote a more comprehensive understanding of the functions of the Committee.

PARAGRAPH 106: It is the view of the Government that it is most unfortunate that it is the decision of the Committee to open up its hearings to the public because, according to the Committee, it became obvious that certain witnesses had expressed unreasonable and distorted views of the recent hearings. It is the wish of the Government that the Committee bear in mind that, as all members who appear before it are either Civil Servants, or Public Servants, i.e. those persons employed in the Statutory Bodies or Government corporations, these persons have a right and an obligation, when requested, to relate to their respective Heads of Departments, Principal Secretaries and Member what occurred in any particular meeting of the Committee. The Government would welcome details of the Committee's allegations of breach of confidentiality.

PARAGRAPH 107: The Government notes that the Committee wishes to assure all who are concerned that their deliberations are always undertaken with the utmost respect, impartiality and professionalism. The Committee also states that its findings and recommendations are recorded dispassionately and accurately.

The Government is concerned that, despite those reassurances, the Committee has not adhered to its proper role, but has concerned itself with policy. It is the Government's view that the language and style in which the report is presented is aggressive and extravagant. Government believes that this type of language is inappropriate for the Report of a Parliamentary Committee. With regard to the accuracy of the Report, it appears that the evidence of some witnesses has been misstated or ignored.

It is the hope of the Government that the Committee will in the future limit itself to its proper role, which is to consider and comment upon matters raised in the Auditor General's Report, and to report these findings in a balanced, restrained and businesslike manner. Rhetoric is no substitute for content.

B. ACKNOWLEDGMENTS

The Government joins the Committee in offering its sincere gratitude and appreciation of the cooperative spirit exhibited by all officers appearing before the Committee. The Government wishes to inform the Committee that officers appearing before it are encouraged to be supportive by

giving assistance and constructive advice to the Committee during its deliberations. This has recently been reconfirmed by the Government through a directive entitled, "Public Officers As Witnesses Before Committees", which was signed by the Hon. Administrative Secretary and sent to all Principal Secretaries, Heads of Departments and Units within the Government, as well as to Directors of all of the Government's Statutory Bodies. The Directive appears as Appendix "B" to this Minute.

Madam Speaker, I thank you.

MOTION WITHOUT NOTICE

STANDING ORDER 24(9)(viii)

HON. THOMAS C. JEFFERSON: Madam Speaker, in accordance with Standing Order 24(9)(viii) I move that the Report be accepted by this House.

MADAM SPEAKER: The question is that this Report be accepted by the House.

MR. W. McKEEVA BUSH: Madam Speaker, before we get to that point we would like to either debate it or put a motion forward under certain Standing Orders.

MADAM SPEAKER: Honourable Member, under Standing Order 19(1) you could move a motion if the Government so wishes, that there could be a debate on the paper. Or are you prepared to do that Honourable Member, under Standing Order 19(1)?

HON. THOMAS C. JEFFERSON: I am prepared to move a motion that the paper be debated.

HON. RICHARD W. GROUND: Madam Speaker, may I just interpose here? The Standing Order 19(1) provides for a motion that the House resolve itself into a Committee of the whole House and that the debate on the motion be in the Committee. Then it is structured like a Committee debate with each paragraph coming up. My understanding of the motion that was moved by the First Official Member was that it was not that particular motion under Standing Order 19(1). It was intended to be a general motion which would then provide an opportunity for debate. In other words, there would be a general question. The problem with just resolving, or saying that the thing should be debated, is that there is no question to be proposed, no proposer and nothing structured for a debate. So, the question that is moved by the Financial Secretary would at least allow a debate in the House rather than in a Committee, along a lines that we are all familiar with; with a question, a proposer, that he is, and then it can be argued on either side.

MADAM SPEAKER: Honourable First Official Member, the question that you moved is that there should be a debate on the Paper. Are you resolving that we go into Committee, because that is what is set down under Standing Order 19(1)? But, you have moved under Standing Order 24(9).

HON. THOMAS C. JEFFERSON: Yes, Madam Speaker. I move under Standing Order 24(9)(viii), which says: "A motion arising out of any item of business made immediately after that item is disposed of and before the next item is entered upon;". The reason for moving the acceptance of the Report is that it is the wish that the Report be debated.

MADAM SPEAKER: The question is that under Standing Order 24(9)(viii) the Report be debated. Those in favour please say aye, those against no.

AYES.

MADAM SPEAKER: The Ayes have it. The Report may be debated. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

It is unquestionably my position as Chairman of the Public Account's Committee, to comment on some sections of the Government Minute in relation to the Public Account's Committee Report. Before doing so, I crave your indulgence to lay some background which will make what I have to say more clearly understood.

When this Public Account's Committee Report was finished and had been made available for tabling, there was an uncharacteristic delay. The excuse was given that the Government needed more time to study the Report. Admittedly, there were some areas of the Report that were contentious, but this was not new. Certainly from my limited experience the other report which was tabled also had areas of contention among them. But yet, the Government at that time saw no reason to delay its tabling. Then there was an uncharacteristic statement made by a Member of the Government who had not traditionally commented upon Public Account Reports. Out of that came the idea that there was some, how should I say this, not necessarily disappointment, but there was some bad blood existing between Members of the Government; specifically, the Elected Members of the Executive Council with regards to some things which were said in the Public Account Committee's Report.

I have to assume responsibility as Chairman of the Public Account's Committee because it was under my guidance that the Committee came to their conclusions. I would like to say that in spite of the position taken by the Government, the Public Account's Committee Report is fair and is reasonable. What has perhaps caused the Government to believe that they have a case is the fact that when we had finished our deliberations and were deciding exactly how to present the Report, because the evidence we reviewed was exhaustive, I, against the wishes and desires of the other Committee members, decided not to table all of the evidence.

I can assure you that I regret not having done so because had I taken my Committee members' advice and done that, what we would have had was an overwhelming case against the Government and particularly when it came to that section in the Public Accounts Committee recommendations about dealing with IHC.

I give one assurance, that will never happen again under my Chairmanship. I regret to this day, not heeding the advice of my Committee members.

But, the method in my madness was this. There were some sections there that were clearly embarrassing. We, the Committee members, and I, in my explanation of my reasons for not wishing to table all of this evidence, suggested to the Committee that some things could have easily been interpreted to the political detriment of some Members concerned. As a consequence of that, it was my discretion that certain matters not be tabled, for once it was tabled, it would then become a matter for the public to view or review. As a result of that, the Government has seen fit to say, "that after exhaustive enquiry the Public Accounts Committee has produced no evidence to show that any impropriety took place". It is not within the parameters of the Public Accounts Committee to chase improprieties. That is for other organisations. We were merely concerned with the matter of whether the Government received the best value for the money spent, whether procedures were followed and finally, to recommend where we thought the system could be improved.

We have done that and I am satisfied that the Committee did its best to record its findings in an objective and dispassionate way. I have to say that I lay the challenge to any Member of the Government to substantiate their claims of injustice.

Regarding the charge of aggressive language...

MADAM SPEAKER: Excuse me, Honourable Member, but the Motion that was put by the First Official Member was that the Report be accepted and we are discussing the Report as such. That the Report be accepted. You will have to confine yourself to the points of why the Report should not be accepted if you are against it.

MR. ROY BODDEN: Exactly, Madam Speaker, that is what I was leading to. I was laying the groundwork to say that I would have to reject, not all of the Report, but certain sections of the Report. I was laying the groundwork to show why I would have to reject those sections which I am moving to reject.

MADAM SPEAKER: Well, would you please get to the point then, Honourable Member?

MR. ROY BODDEN: The meat of the Government Minute, I would suggest, deals with the findings and the recommendations that the Pubic Accounts Committee made concerning IHC. I have to reject this because it is not in keeping with what the Public Accounts Committee recommended.

What is proposed in the Government Minute, does not satisfy this Member that the Government has interpreted carefully and accurately the recommendations of the Public Account's Committee; has not satisfied this Member that the Government has understood and is prepared to accept that the Public Accounts Committee's findings were carefully substantiated; has not satisfied this Member that the reasons given in the Public Account's Committee's Report based on the evidence taken were accurate, were reasonable and that they were fair. This section in particular I find repulsive and I am going to vote to reject that.

Thank you.

MADAM SPEAKER: I will suspend proceedings until 2:15 P.M.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MADAM SPEAKER: Please be seated.

Debate continues on the Motion that the Government Minute be accepted. Would any Member wish to continue the debate? The Honourable Member for Health.

HON. D. EZZARD MILLER: Madam Speaker, in making my contribution to this debate that the Government Minute be accepted, I will endeavour not to be acrimonious but my Portfolio and myself have waited for over one year for exactly such a debate. If I told you that I was not going to enjoy and relish this debate it would not entirely be truthful.

Having said that, in my view, Madame Speaker, this is an opportunity for restitution and a time for payback. Having had to refrain for such a long period of time so as not to be accused of a cover-up or putting any blocks in the way of any investigation. Now its 'Miller time' and we will let

the public be the judge as to which report should be accepted and which report should be accepted. Because in accepting the Government's Minute, which is required by Standing Orders in reply to the Public Accounts Committee, one is not necessarily entirely rejecting the Public Accounts Committee, because the Government Minute is a procedure which completes the process of the whole area of auditing both by the Auditor General and the Public Accounts Committee. The Government Minute is supposed to be Government's response to the Public Accounts Committee charges in correcting matters or areas of responsibility and accountability that might have been raised either in the Auditor General's Report or the Public Account's Report in their deliberations of the Auditor General's Report.

It is, I believe, regretful and unfortunate that both reports have had to be phrased in the adversarial position that they have been. But that is related entirely to the style and the phraseology used by the Public Accounts Committee. Now, for the public to understand why it is necessary to accept the Government's Minute, one has to look at the function of the Public Accounts Committee and this, the Public Accounts Committee's Report on the Audited Accounts, the Auditor General's Report or the Financial Statement of the Government of the Cayman Islands For The Year Ended The 31 December 1989. We have to accept the Government Minute because that report is a disgrace and an insult to all past and future Public Account Committee Reports. Therein lies the reason why the Government had to take the position it has, in the Government Minute. I would point out here that the Government Minute is not prepared by these four elected politicians over here. The Honourable Financial Secretary and leader of Government Business made it quite clear in reading the Government Minute, that it is the Departmental Heads and the civil servants response to the charges laid by the Public Accounts Committee. So let no Member try to suggest that that Government Minute, as has been suggested in the debate already, is a product of the imagination of the Elected Members of Government, because that is not so.

The reason why I maintain that the Public Accounts Committee's Report is in the category for which I have described it is because it involves some serious commissions within the Standing Orders under which it is supposed to operate. Such as, operating outside its areas of operation as prescribed and laid down in Standing Order 74. All Honourable Members are aware of what Standing Order 74 says. But many members of the public are not aware and I crave the indulgence of the Chair to read what Standing Order 74 says and I quote:

> 74 (1) There shall be a standing select committee, to be styled the Public Accounts Committee, to consider reports of the Auditor General-
>
> (a) on the accounts of the Government;
> (b) on such other accounts required to be laid before the House as the committee may think fit; and
> (c) on any matter incidental to the performance of his duties or the exercise of his powers as the Committee may think fit.
>
> (2) The Public Accounts Committee shall be nominated by the House at the beginning of a new session following a general election and shall consist of five elected Members. The quorum shall be three Members, including the Chairman.
>
> (3) Upon its receipt by the Presiding Officer, a report mentioned in paragraph (1) shall be deemed to have been referred by the House to the Public Accounts Committee for consideration and shall forthwith be distributed on a confidential basis to all Members.
>
> (4) In accordance with Standing Order 70, the Public Accounts Committee may call any public officer or, in the case of a report on the accounts of or relating to a non-Government body or organisation, any member or servant of that body or organisation, to give information or any explanation or to produce any records or documents which the Committee may require in the performance of their duties.
>
> (5) The Public Accounts Committee shall make their report upon the report of the Auditor General on the accounts of Government before the Auditor General's report is laid on the table of the House and both the Committee's report and the Auditor General's report shall be laid at the same time.
>
> (6) Subject to these Standing Orders, the practice and procedure of the Public Accounts Committee shall be determined by the Committee.
>
> (7) The Government Minute shall be laid on the Table of the House within three months of the laying of the report of the Committee and of the report of the Auditor General to which it relates.
>
> (8) The Auditor General, the Deputy Financial Secretary and the Chief Accountant shall be in attendance when Controlling Officers or other persons are providing information or explanations to the Committee.
>
> (9) Notwithstanding the provisions of Standing Order 72, the Report of the Public Accounts Committee shall be deemed to have been agreed to.".

That clearly lays down the terms of reference of the Public Accounts Committee. Secondly, it has made a deliberate and determined misrepresentation of evidence placed before it during its deliberations. Thirdly, it has made deliberate and incorrect deductions from the evidence before it. Fourthly, the Committee has deliberately ignored facts put before it which did not support its preconceived positions whether for political gain, which is the cheapest kind, or just plain personal hatred and malicious intent.

This despicable Report, I contend, destroys all of the goodwill and successful reports made under the able Chairmanship of my colleague, the Honourable Member responsible for Communications and Works, who is a professional accountant from 1984 to 1988, as compared to no report from 1980 to 1984. That is the situation he and the Members of that Committee inherited at that time, which never had a single meeting in four years who were, (and I am quoting from the records): "Honourable Truman Bodden; Mr. Craddock Ebanks; Mr. Garston Smith; Honourable John B. McLean; and Mr. Norman Bodden.".

The President, in his wisdom, indicated that he would not be nominating a chairman, but this should be left to the Committee. A chairman was never appointed, they never had a single meeting. It was rumored that the Third Elected Member for George Town was going to be the chairman, and looking at the make-up of the Committee which had two Members of Executive Council and two of their "yes men" Backbench supporters, that was entirely possible. That is the kind of situation that the Member inherited when he took over that Committee in 1984; and he tabled four valuable and constructive reports. This present committee inherited a good track record from the Public Accounts Committee.

You will see that this Government Minute is the longest one, and probably uses the strongest language of any Government Minute ever tabled in this House. This is directly related to the style and language used in the PAC Report. The statements made in the Government Minute can be substantiated. I will accept the challenge of the First Elected Member for Bodden Town and Chairman of the PAC's challenge that he issued before lunch and I am going to issue some to him. This PAC Report which is supposed to be based on the Auditor General's Report should not have been tabled in this Honourable House, particularly a dignified House such as this one. It is not based on the subject matter it is purporting to report on. This Report meanders like a tributary trying to find an ocean and often considers subjects not mentioned at all in the Auditor General's Report. The Committee has not remained, as I said, within its terms of reference. It ignored that important principle and reported on what it felt like reporting on for whatever reasons.

In any report, and in particular reports to Parliament, all conclusions and recommendations must be based on the facts before it and not on some member of the committee who wishes to ignore those facts. The Report has departed from that important principle. All information and facts on which recommendations or conclusions are based in any report to Parliament, must be reflected in the Minutes to identify the source and the information given. Again, the Report does not follow that important principle. It misrepresents some information, it completely ignores other information. I am going to deal in some detail with those areas of the Report which the Government Minute contradicts and which the Report and the Minutes attached to it, cannot substantiate.

As for the First Elected Member for Bodden Town's contention that there is bad blood between the Elected Members of Executive Council and the Public Accounts Committee, maybe there is. But they have always told me when they criticise what I am doing that it is nothing against me personally, it is politics. We are playing politics now, Madam Speaker. All I have to say here this afternoon is nothing personal, just politics. I intend to prove that his contention that the Report is fair and reasonable, is wrong; and that the Report is the complete opposite.

Let me quickly clear the air by saying that I do not know which politician was being protected by not tabling evidence. I can assure you, it was not this one. I believe that statement is worse than the Report. To suggest that they have withheld information from this Honourable House and the public to protect somebody; to protect them from what? Truly, they do not expect this Member and the public to believe that they would do anything to protect him or IHC because the public is fully aware of the various Private Members' Motions, the multitude of questions looking for information - and they could not find any. So the public, I am sure, will not believe that they are trying to hide anything about me and IHC, or my Portfolio and IHC, or me and my Portfolio.

I will refer to certain sections of the Government Minute and certain sections of the PAC Report and comment on them, and let Honourable Members and the public judge for themselves because my argument is that the Government Minute should be accepted. In the instances where it contradicts the PAC Report, it should be accepted above and beyond the PAC Report. There are some areas of commonality between the two.

I read Standing Order 74(5), I read the whole Standing Order. I did not do as some Members do and only read the sentences or the half sentences which support my argument; I read the whole thing. But specifically, 74(5) says:

> "The Public Accounts Committee shall make their report upon the report of the Auditor General on the accounts of Government before the Auditor General's report is laid on the table of the House and both the Committee's report and the Auditor General's report shall be laid at the same time.".

The operative part of what they are supposed to consider, is this: This is what they are supposed to consider, not items that they wish to put on the agenda. That is not the procedure to be followed and they have departed from that procedure.

The Government Minute, I think, puts to rest any charges that have been laid about the accounts of Cayman Airways and how Government should handle its investments,

etcetera. But, permit me to diverge just a minute because it will also be necessary for me to meander, in order to follow them.

Circulation of the Auditor's Report and Financial Statements:

> "5. In accordance with provisions section 42(1)(b) of the Public Finance and Audit Law, 1985 and of Standing Order 74(3), the Auditor General on the 19th July, 1990, duly forwarded to the Presiding Officer and Clerk of the Legislative Assembly his Report on Government's Accounts for 1989, together with the certified Financial Statements.
>
> The Clerk on 20th July, 1990, duly circulated to Members of the Legislature, under confidential cover, a copy of the Auditor General's Report together with the Report and Accounts of the Government.".

That is absolutely perfect. The only fly in the ointment there is the Auditor General himself. Because, on 22 June 1990, he circulated them to almost everybody, which contravenes the Law. I will deal with his other contraventions under the Law as we go along. He had an axe to grind, and I have a big one to sharpen this evening. Standing Orders also lists the people that are permitted to be present at the PAC's meetings when they are taking evidence; we read them out awhile ago. That does not refer to any junior officers within the Audit Department. Yet, we have two such officers attending the PAC's meetings. Again, a contravention of the Standing Order and the Law.

The Government Minute deals properly with paragraph 18 of the Report - the Public Debt and certainly the Accounts of Government, nor the Auditor General's Report does not place the public debt at $62.2 million.

You run into such things. Just to get the style of this report more specifically, paragraph 26 which deals with Government's Investment Procedures. I wonder how Government made the million plus it did on its investments, if their investment procedures can be described by the PAC as it is in paragraph 26:

> "26. Your Committee registers its dissatisfaction with the nonchalant way in which Government's surplus funds are invested at present.".

There is no basis on which to make that kind of a statement. This is the kind of thing that is through and through the report.

The Honourable Financial Secretary has read Government's response and I think it is adequate and certainly denies such a charge and removes any doubt in anybody's mind that such a charge could have been made in the first place.

Paragraph 30 of the PAC Report refers as follows and I quote:

> "30 Your Committee stops short of recommending a moratorium on increasing recurrent expenditure at this point. Suffice it to say however, that any significant increases must be convincing beyond a doubt to future PAC Members. This trend of heavy spending could well cause serious financial problems to Government in the near future.".

Government's response: PARAGRAPH 30: "The Government wishes to inform the Committee that a Moratorium on increasing recurrent expenditure is a matter which would be best considered by Finance Committee when considering the Budget, and to remind the PAC that it has no claim to control over the financial policy of Government.". Another blatant example of the Committee going outside of its terms of reference and meandering down the hillside. In the Government Minute, there would be no need to use that kind of language had the PAC chose not to report in the fashion that they did; this is why the Government Minute needs to be accepted.

Paragraph 44, and Madam Speaker, I am not dealing with every possible point on this because it would take us the rest of the year. Parliament would be in session for the whole year. There are so many instances where this kind of thing has happened. The public must understand that this is not a proper way to do a report to Parliament.

Again, we look at paragraph 48. They use words like "resounding objection" to a matter of policy being decided by Government and they have no prerogative and no authority to make such a charge. But you know, Madam Speaker, that is the biggest part of the problem. Because they have turned this PAC into some monster and they are being supported in it by the Auditor General.

I was at a meeting... and the way he went on you would have thought you were listening to the KGB, the way he had the poor civil servants intimidated. He is answerable to no one; he takes instructions from nobody. If he or the PAC asks a question, all you civil servants better give the answer. Unfortunate, Madam Speaker, because that is neither necessary nor required. All he has succeeded in doing is intimidating the poor civil servants to the point where they will not give any information.

Paragraph 49 is the sweetest language of all, Madam Speaker:

> "49 While the Committee sees some merit to the combination of these services at the CFS, we advocate that the CFS must be organised and brought into the mainstream of proper management and accountability before we can give our blessings to any such move.".

You would swear we were in church. Government does not need their blessings to put a policy in place. Their function is to evaluate the Auditor General's Report based on the implementation of Government's policy and to ensure we get value for money and that is it. But they have set themselves on high to be judge, jury and hangman, and dealt with policy, implementation, evaluation, accounts, everything!

Now, to get to the area of this report that deals with me and my Portfolio - because this report is based on another and separate travesty of justice by the Auditor General. On the 8th of February he went public and made certain statements against me and my Portfolio. We gave him free reign; he was up there for months, digging around in files and everything else. The best he can do - well he is another one that likes to ignore evidence before him, and is not man enough to say, "I said I am going to find this, but I could not find it" - because he has purported that the award of IHC contracts were incorrectly done. Yet, by his own report on page 13, he gives a list, not only for 1989 but he goes back to 1986. These are a list of contracts that were awarded without Public Tender. In 1986 we had five - $781,000; 1987 we had five - $750,000; 1988 there were five - $618,000; 1989 there were 18. The year that IHC's three were given. A total of $4.157 million. This is his evidence, not mine! Yet he dedicates the next several pages of his report to pure innuendo and undocumented stuff. In the end, he could not find anything because there was nothing to find!

Now we all know that IHC contracts were given early in the year, so the rest of these, the other 15, had to be given after that. Why did he select IHC? I do not know, all I can say is that if he was looking for impropriety, he obviously picked the wrong contracts because there is nothing in this that says he found any. After all of his searching, every dollar was accounted for; every item of the contracts was delivered on time within budget. Why could he not come public and say the HSS Portfolio followed established procedures. I have news for him, it is still the same procedure today!

He has come out in another forum and is saying that they are working on guidelines (which is true). But when a man of that exalted position refuses to accept his own evidence and draw the necessary conclusion, you have to wonder. You know he is not protecting this Member, because every time he sees my name in the press he writes a letter to the press commenting on it.

I am not yet prepared to do so, but I wonder if the Governor should not be asked to consider taking action under section 33(1) of the Public Audit Finance Law, as a result of contraventions of section 42 and act accordingly. With all of this verboseness he has in here... he investigated it for three months and my staff could not get one thing done for carrying files to him... he could not find anything. The PAC had three months at it and could not find anything. The Committee called for another independent investigation. We had two; but maybe they are right. Maybe we have not yet had an independent investigation and that is the crux of the matter. Anybody who has done an independent investigation could not conclude otherwise than to exonerate my Portfolio. That is what they could not be man enough to do.

I want to read one paragraph that deals with IHC. Paragraph 59 and the Government Minute responds to this and I quote:

> "59. Elected Officials as well as public servants must be more than legally innocent; they must be perceived as scrupulous, law-abiding and trustworthy.".

You have to be all of those before you can be legally innocent. "Men should not be judged solely by the arrogance of their dispositions, but anyone holding public office (be that office by election or appointment) bears a responsibility to be cautious, selective and sensible in his dealings.". You have to be all of that before you can be legally innocent. Now, how anybody can be more than legally innocent, I would like to know. That is what we have Courts of Law for.

Paragraph 60: "We expect that the Member for Health and Social Services will comment upon his conduct in these negotiations and dealings with International HealthCare Corporation Ltd. (IHC), especially in view of the fact that his Principal Secretary informed the Committee (section 5 of 8th October minutes refers) that she expressed her uneasiness and 'concern to the member because of her previous experience with contracts'.".

They are going to get my comments, Madam Speaker. They are getting them now. They are not going to like them, but they are going to get them.

> "62. Your Committee understands that the Principal Secretary's advice was ignored because the Member gave the assurance that 'soft contracts' did not go to tender.".

That is a fact, that is what I was told. And the Auditor General confirmed that when he found 18 in that one year, and that still bodes well.

> "65. Your Committee questions both the merits of the policy and Government's ability to derive the best value for money spent under these circumstances. We are concerned with what can be interpreted as a 'flaunting of procedures', and in this context we would welcome a statement from the Executive Council giving its rationale for such a practice as well as making a clear position statement on future dealings.".

That statement had been issued months before that. The Auditor General had a copy of the statement before he finalised his report. It was published in the press. The members of the PAC had the statement. They chose to ignore it and to call for a statement.

There has been no flaunting of procedures. If there had been any flaunting of procedures they should and would have documented them, but because they did not find any, they had to resort to this kind of verbiage.

Paragraph 70: "We were disturbed upon learning that the advice from the Attorney General was not fully accepted by IHC and that the Portfolio had not returned the draft contract to the Attorney General for advice before signing.".

An erroneous deduction! They had the evidence in writing to prove otherwise. They had verbal presentations by the Honourable Attorney General. They had presentations from my Principal Secretary to say otherwise and they still made this blatant statement.

> "71. Your committee takes the dimmest view of this action and does not find it pleasing that this imprudent and insensible behaviour was adopted by the Portfolio for HSS.".

Now, Madam Speaker, I ask the country to judge who was being insensible, who was being imprudent and who was ignoring the evidence before them. I charge that it was the PAC and not the Portfolio! The Minutes prove them wrong. As I said, any sensible and proper report, tabled to any Parliament anywhere in the world, all of the recommendations, all of the facts alluded to by the Report, are to be substantiated and should be found in the Minutes.

The Government Minute in response to this is necessary because the Public Accounts Committee refuses to accept the evidence placed before it and the Minutes reflect it.

Quoting from their Minutes, Madam Speaker, not my Minute, because the public can come to Parliament, get a copy of the Report and they can read exactly what I am reading out of this. Monday 22 October 1990 - Item 5 Notes and Discussions, paragraph 6 of that heading, page 2 of those Minutes:

> "Concerning this Agreement, he noted that he was supplied by the Portfolio, a copy of the first draft from IHC. His Notes on the draft agreement were submitted to the Portfolio, and a further revised contract was submitted to him by IHC through the Portfolio on 20th March 1990. This further draft he approved, subject to one amendment. He noted that he was unable to recollect whether this amendment was incorporated into the Contract as his records do not show that he received a final copy.".

This is the Attorney General here, Madam Speaker. I am going to go on and read it all:

> "Mrs. Basdeo was unable to recall whether the AG ever saw the final Contract. All comments put forward by the AG were forwarded to IHC's lawyers and she had every reason to believe that the final copy was in keeping with his recommendations.".

Now we have to understand that we are dealing here between American Law and English Law. Most of the comments made had to do exactly with that, the way we wanted it written so that it complied to Cayman Law, not U.S. Law.

> "Concerning the AG Notes to the draft Agreement, he noted that one consideration was not implemented; that being Note 10, which reads:
>
> "10. We are really buying the Reports. Therefore, it the agreement is not completed (and I am reading verbatim from here, whether it is correct or not, I am not responsible for that) due to any reason not attributable to the fault of Government all fees paid in advance should be repayable.".
>
> He noted (that being the AG) from a letter from IHC that they were in disagreement with the assertion that Government is only buying Reports. He noted that the final decision to incorporate or not to incorporate any provision is one subject to the Member's satisfaction; and the Member was satisfied that Government would be getting value as work was undertaken.
>
> The AG also noted that his Note 2(a) may have been excluded and the "amount of time" not picked up:".

Completely different from the position put forward in that paragraph. Yet, they in their arrogance, or whatever, chose to ignore and they did not have it just verbally, they were given written copies of this correspondence. They choose to claim (and it is totally unfounded) that it is not supported by the evidence that they record as having taken in their Minutes. It is not supported by the documentary evidence which was submitted to the Committee. It is not supported by the documentary evidence supported to the Auditor General, nor the PAC. Yet, they make these kinds of accusations and that is why the Government Minute had to be as voluminous and had to be as detailed and had to be written in the style in which it was written this morning. The public must know that this is not proper.

MADAM SPEAKER: Would this be an opportune time to take a break? The House is suspended for 15 minutes.

AT 3:11 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:34 P.M.

MADAM SPEAKER: Please be seated.
Proceedings are resumed, debate continues.

HON. D. EZZARD MILLER: Madam Speaker, continuing to refute this allegation made by the PAC to which the Government Minute has responded, that the Portfolio ignored and did not accept the Honourable Attorney General's comments. To quote what the PAC said:

> "That the advice from the Attorney General was not fully accepted by IHC and the Portfolio had not returned the draft contract to the Attorney General before signing.".

If you look at the PAC of 22 October 1990, page 2, it says the Attorney General made 13 comments on the contract. Note 10 was not implemented and I would just insert here that Note 10 was not a legal point. That was something that was left to the Portfolio's discretion.

The first contract was signed on April 6. On April 4, having perused the draft contract for the second time, the Attorney General wrote that the contract was satisfactory from a legal point of view. He acknowledged that he had no objection to point 10 of his original 13 points of March 7, not being embodied in the contract. Both of those memos were provided to the PAC. We are of the opinion at the Portfolio that the Attorney General provided final vetting and signed off on the contract in his memo of the 4 April, second review. I must object on behalf of the staff in my Portfolio who cannot come here to defend themselves, to the use of the words "imprudent and insensible". Because these charges are emphatically denied, they are disproven by the Minutes of the Committee and they are completely contrary to what the Minutes record as having been taken in evidence. Not only in verbal evidence, but in written evidence.

I think that the PAC should consider, and owes an apology to the members of staff of my Portfolio. Because there is no foundation for using that kind of language, that borders on unparliamentary language, particularly when it is contained in a report that is tabled and circulated.

They claim on page 13 that the IHC contract was handled with "cavalier disregard". They had in their possession, statements from Executive Council saying that the procedure as established at the time was followed. Yet, they chose to ignore that and to make these kinds of unfounded, unjustified and unsupported charges that their own Minutes cannot support. I dealt very mildly earlier on with their call that they have stopped short of calling for an independent commission to investigate whether any corruption was involved.

The Portfolio was investigated by what we assumed was an independent entity - the Auditor General and his staff. No charges were made and no improper dealings were found. How can the PAC, after (we assume again) making their independent assessment of the evidence and evaluation, now wave the spectre of an independent commission? Are they saying that neither the PAC nor the Auditor General and his staff were independent inquirers? Certainly, no one on my staff, nor myself, prevented anybody from having access to anything. We were, as I said, of the distinct opinion that both of those were independent inquirers.

They have no grounds for calling for this kind of thing. They have just been mischievous and not men enough to say we did not find anything, because they did not find anything! They are not going to find anything, and no PAC in the world will ever prove that Ezzard Miller is corrupt, because he is not! Nor are the members of my staff, contrary to what that kind of innuendo implies.

To say that the reports or the recommendations by IHC were not "a least cost" solution? I do not have any problem with that, nobody in my Portfolio has ever said they were. We have maintained that they are the most "cost effective". The "least cost" is to do nothing. And that is not an alternative when it comes to the prudent management that my Portfolio practises. That was not even considered.

To say that there were no financial evaluations and all of that, we do not deny that either. Nobody can do proper financial analysis on schematic recommendations and guidelines. Maybe they can. Maybe that is what they were hoping for.

Madam Speaker, I repeat, if they have evidence that supports impropriety, they have an obligation to this Parliament to table it, do not hold it back to protect somebody. The Second Elected Member for Bodden Town would describe that as a "dereliction of duty".

We have never said at the Portfolio level that everything was absolutely perfect; that there might not have been some mistakes. But, we have said, "there was no impropriety and there was nothing wrong with the way the contracts were handled". I will go further and say, that I do not believe any other contract ever signed by Government, received the amount of supervision that the contractor had to deliver the amount of reports on a timely basis, as had to be done under those three contracts. I challenge them to prove that otherwise, because I can bring the reports here and pile them up to hit the ceiling. They were broken down every time they came here; they had to break them down to a half day and it had to be approved by my Portfolio before they could come. And they had to make their reservations seven days in advance to get the best ticket prices.

Madam Speaker, if they can prove that Government paid for his (the contractor's) wife, put it on the table. They should take cognizance of the Standing Order that you so graciously reminded them of a few days ago, particularly, the first part which spoke about being quiet while other Members are speaking, and to stop using their guilty laugh to cover it up. They are not going to break my

concentration, they had this coming a long time.

"73. Mr. Peter Multon, Mr. Peter Riley and other staff (of the Public Works Department) are of the opinion that:

(i) 10 per cent of the cost of construction is too high;
(ii) too much of the work was assigned to PWD;
(iii) areas of responsibility are not clearly defined.".

The only contract this can be referring to is the design works and construction of the Dental Clinic. I have in my hand a typical contract used by a local consultant firm for these kinds of services. Maybe, the two people from PWD have never seen this contract. I have reason to believe that they quite recently approved a similar contract and they can continue to say that what they are paying eight per cent for, as opposed to what we paid 10 per cent for, the 10 per cent is too high, then that is their opinion. They are entitled to it, but I am also entitled to mine. My position is that the 10 per cent we paid, we got a lot of value for the money. Under this eight per cent, they have four items that they were going to do and similar things relating to design and construction management and 15 items that you have to pay extra for, after you have paid the eight per cent.

Now these PAC Members have done all of this investigation and they have concluded further, that too much work was assigned to PWD. Would you believe that PWD signed the contract accepting the work and agreed with everything within the contract? I have it in writing. Now, these two senior executives at the PWD, one of whom signed the contract and certainly was involved in all of the intimate negotiations with the contract, complained at this stage after they approved it - not my Portfolio - they were the ones that accepted what work they were supposed to do. Now they go to the PAC and tell them there is too much work for PWD and the areas of responsibility are not clearly defined. It went back and forth between them and IHC before they signed it off. To clearly identify, my Portfolio spent one whole day, trying to explain what the words "Architect of Record" meant and I have it on tape. I taped it, because I could not believe my ears and I had my PS and my Assistant Secretary taking notes. Now they are going to go to the PAC and say it was not clearly defined. They signed the contract, not me. The PAC now blames the Portfolio for that.

"75. The consultants engaged may expect to eventually earn several million dollars in associated fees. Your Committee is disappointed to realise that the awarding of such a large and important contract was handled with such a cavalier disregard. We have not been able to establish clearly that in the words of a previous Committee Report on the 1987 Accounts, "... partiality or worse..." has not occurred in this case.".

This is a creation of the figment of imagination of the Auditor General. He has assumed in his report that because IHC said that the implementation of all their recommendations might cost $20 million, he has concluded, while now telling me that it has to go the public tender, that because of that IHC stands to make $2 to $3 million.

There are no facts on which he can base that kind of deduction. He has no evidence to substantiate it. This was pointed out to him by the Portfolio. After he finished all of his investigations and he laid all of these unfounded charges, while admitting that he found 15 others done the same way, could not have the manhood to say that IHC was handled like all the rest. The established procedure at the time. He concocted all of that gibberish and my PS answered him in writing and supplied him with documentary evidence to substantiate every point that he raised and took issue with. He ignored it. Executive Council issued a statement in February saying what the procedure was which was followed, that it was the correct procedure and he paid that no mind. Nor has the PAC! They are still trying to infer that we did not follow proper procedures.

Out of the $4.1 million, IHC was less than $500,000. What happened to the other bigger contracts? But like I said, if he is looking for impropriety, he is barking up the wrong tree. But, I have my own opinions and I think it was politically motivated. I have good reason to believe that. But of course, he is Mr. Untouchable, he reports to no one. Accountable to no one. We shall see.

"77. We cannot appreciate the nonsense of continuing with the plans provided by IHC without first undertaking a thorough and competent economic and financial appraisal of such proposals. It is a sad indictment on those involved at the Governmental level that we cannot be assured that this project is in fact "a least cost" solution.".

I do not often tout my abilities but, which Member of the PAC is more capable on determining whether it is a good Healthcare Plan than I am? None of them!

The Government Minute in reply to paragraph 75 says: "The PAC, despite the closest of scrutiny and many hours of testimony from those civil servants involved in dealing with the IHC contracts, has not been able to unearth one shred of evidence to show that partiality, or worse, occurred in this case.". I will add on to that - or any impropriety. They might argue with the recommendations and they are entitled to have an opinion of the recommendations, but they cannot demonstrate that those contracts were not delivered on time and within budget and that they were properly supervised and properly accounted for.

"78. The Chief Medical Officer (CMO) informed the Committee that he was not impressed with the work of IHC on their second uncompetitively let contract with the Government. He noted that in his

opinion there was a significant deterioration in the quality of IHC staff assigned to work on the second contract. On this basis your Committee suggests that Government should be very reluctant to re-employ the firm of IHC again.".

That is interesting because he made no such representation to the Portfolio. When I asked him in the presence of the Management Committee about this, he had no answer for it and tried to say that he had not said it. I said, "I am sorry it is recorded in the PAC Minutes. You had to have said it".

If he is complaining that I would not accept a plan that he brought here from the Fauklands and that the roof had to be blue because then the pigeons would not mess on it, I make no apologies for refusing that. If he has proven such a theory, I suggest he inform the people down at Trafalgar Square because I know those statues there would appreciate that. All of the Departments involved were very much impressed and we have favourable comments on all of the Interim Reports on the plans. He and I differed in opinion on certain things; he is entitled to his opinion and I am entitled to mine.

"79. Your Committee records its support of the active and responsible way the Hospital Management took to verify the expense claims of IHC consultants. We view with grave concern the information provided by the Hospital Accountant concerning the extreme difficulty in agreeing with the expenses claimed by the IHC consultants. We note with some alarm that many of these expense claims were not complete or properly vouched for and that the Hospital Accountant had to contend with a significant lack of support and understanding from the Portfolio when carrying out his duty in verifying the accuracy of the IHC claims. Quite frankly, your Committee is surprised that Government authorised expense payments without full and original supporting documentation. The arrangements for expenses were, in your Committee's view, lax and not well controlled by the Portfolio.".

Gibberish! Nothing can be further from the truth. The Hospital Accountant got a lot of support from the Portfolio. Our biggest problem was getting him to sit down in his office and do the accounting. As far as agreeing to the bills, it was the Portfolio that pointed out to him that he was responsible for two items on the bill - the Government tax and accommodation, nothing else. He should have known that. As far as the accounting was concerned, when we finally got him to sit down with IHC, he owed IHC two cents. That is all documented evidence. I contend that the statements made in the Government Minute which should be accepted in relation to these are accurate and the PAC is inaccurate. If they are of the opinion that we did not control the expenses and it was not supervised, then lay it out. Do not make these kinds of wide ranging statements that they cannot document. They are looking for political mileage.

"80. On the question of expert representation, your Committee does not understand why the CMO or any other member of the Hospital Management was not allowed proper opportunity to make critical representation on the Health Care and Health Facilities Plan by IHC.

I can document, I can prove that the whole Management Committee was intimately involved, on a monthly basis, with the consultants and the Health Plan. What is the Portfolio supposed to do? Force them to contribute? All we can do is insist under the contract that the opportunity is there for them to contribute. Before we signed the contracts I personally met with the Management Committee and told them exactly how the contract was going to be handled. I met with the Management Committee, all of the supervisors and all of the doctors and begged them to take part in the consultative process. We met with them on every one of the Interim Reports. They had plenty of time and they contributed. The records of the interviews and other records will show that they were given ample opportunity to contribute. Continuing with 80:

"We were informed that the CMO never got the feeling that he was contributing to the Plans produced and eventually approved by Government.".

He certainly never informed the Portfolio of that. He was the chief spokesman in the presentation of all the Interim Reports and the plans to the supervisors and the staff. He was the Head of the Department.

"The CMO is of the opinion that while many of the plans produced by IHC are valid, some areas in the Plans were not capable of being put into practice. He noted that the solutions prepared by IHC were United States' solutions because IHC had no experience of working elsewhere.".

That was part of his job to make sure they did not give us United States' solutions and in fact they did not. Anybody that knows anything about the U.S. health care system knows they do not have a national health plan. So how was ours going to be a mirror image of theirs, when no such thing exists in the United States?

But you see, they will grasp at any straw in this report to try and embarrass the Portfolio. They went on to say:

"The view of the CMO seems sensible and your Committee is disturbed that the Government had

taken so little notice of the advice given by one of its professional officers.".

We took notice of all of his representation. Because we were not insisting that the hospital have a blue roof, I make no apologies for the decisions that I have made. I take full responsibility and accountability for them. I made those decisions after taking advice from everybody.

This is where they really grasped at a straw because you see they could not find anything wrong with the three contracts with IHC and they really could not come out and say, well you know the Portfolio of HSS did a good job. IHC delivered all of their contractual relationships on budget, on time, they met all of the stipulations in the contract and the Portfolio did a good job in managing it. So what did they do? The Accountant gives them one invoice that I signed at Grand Pavilion and they put that in the Report.

No, I do not drink Margaritas, so I do not know why you want to accuse me of that. I make no denial of what was on the invoice. They have the invoice... Keep quiet when other Members are speaking!

Under this section they refer to Unauthorised Payment of Expenses. That had nothing to do with IHC. Nothing to do with any item in this wonderful red document and I wonder why it is red this year? Other years it was black. I wonder if the color has any significance? They are supposed to be reporting on this wonderful document. I challenge them to show me any reference in this document to that invoice.

To their surprise neither of the two invoices were related to IHC. They were related to the Cleveland Clinic's people and to the Hazelden consultants. It is properly authorised, properly incurred. I agree I signed the bill, because my PS had to go to get some papers from the office and because we were going back to work at the Hospital on the Health Plan. We produced the whole National Drug Plan in three days. We worked until after 12 o'clock every night. They have not been able to find fault in it or we never got any elaborate debate when it was tabled because they could not find any fault with it and they were not concerned with the problem we are dealing with, so when we had the jetty in West Bay, that was more important. We had a motion to reject that or accept it. They go on to claim now that:

"83. "It appears to your Committee that these claims...

It appears to the Committee now, not that the Committee can prove:

> "83. It appears to your Committee that these claims and payments for expenses relating to the entertainment of various consultants (but not including IHC) may not be properly authorised and not accounted for correctly.".

They have no evidence to prove any of that. None whatsoever. Because if they have evidence and they write it up in this fashion, that is really the ultimate Peter Principle of incompetence. I will get, before I wind up my debate, to what I think they must do about this demonstration of incompetence.

Then they go on, they have no basis to say that the thing is unauthorised, that it is unaccounted for, but they go on in paragraph 84; "We recommend that a full investigation of these possibly irregular payments be made as soon as possible. It is your Committee's expectation that a full report of this investigation will be presented to us at our next Session in 1991.".

If they have evidence to draw any of these conclusions, why not conduct the investigation then on the IHC? The wonderful Auditor General in his brilliant performance of his duty did not wait for the report to be tabled. He called the Caymanian Compass on IHC. So, why are you going to wait a year now to investigate these things in which the expenses occurred way back in 1989? But that is like the rest of the report.

They are manufacturing these kinds of charges.

MR. W. McKEEVA BUSH: Madam Speaker, I rise under Standing Order 35(7) which says:

> "35(7) The conduct of Her Majesty, members of the Royal Family, the Governor, the Presiding Officer, Members, Judges and other persons engaged in the administration of justice or of Officers of the Crown may not be raised or impugned except upon a substantive motion;".

The Member has been carrying on for quite a long time about the Auditor General. There has been some very serious allegations made and I suggest that you make a ruling on this matter.

MADAM SPEAKER: I think that the Honourable Member has not been imputing anything improper except the fact that there may have been differences in the way that certain Officers have been carrying out their duties. So I think he can continue on that.

HON. D. EZZARD MILLER: Thank you, Madam Speaker.

In my mind, unlike the mind of certain Members of this Honourable House, brilliance does not imply an improper motive.

Madam Speaker, as I was saying before I was interrupted, all I am asking is that they stick to the facts. They must make recommendations and conclusions that are substantiated in the Minutes attached to the Report. That is the reason why, unfortunately, the Government Minute has had to be so long and so strong. That is why the Government had to take the unprecedented action of making an Interim Statement on the matter, because this kind of thing is too serious.

The PAC must understand that they are not the "all in all" that they have put themselves up to be and that they have to abide by the rules. They have to abide by their terms of references in Standing Orders and they must stick to items raised by the Auditor General in his Report. They are not allowed to wander all over the place and manufacture charges.

Now what is going to be fully investigated? This possible irregularity?

The comment made about Margaritas, this is certainly not the first time that Government has bought a drink for anybody nor, I am sure, will it be the last. Probably it will not be the last time that it will buy bottles of champagne to be drunk in here after the meetings.

Now, the facts are that the PAC have produced a report in which they have laid some very serious charges, they have implied... and you know it is amazing that a Member of that Committee, after signing this Report, can get up during my speech and draw attention to improper motives and innuendo. After signing this Report? Maybe he has not read it. You will never know. Maybe he was sleeping as usual in the Committee's meeting.

Let us get to the nitty gritty of this thing. I believe that it has successfully been demonstrated that they ignored all of those principles that we referred to earlier on. I am going to challenge them that unless they can come up with the evidence to prove those charges and if given approval, I will move a motion at the end of this Order of Business to do something about it. I will ask specifically, three Members to resign: The Chairman, the First Elected Member for West Bay and the Third Elected Member for George Town.

MR. W. McKEEVA BUSH: Why us?

HON. D. EZZARD MILLER: Because we know. Everybody in these Chambers were witness to the debate in September when they accused the First Elected Member for Cayman Brac of leaking information to the Member of Education, that I had given him. I had to get up and make a statement to take full responsibility for it. We all know that he is not necessarily a party to this Report because of the way they intimidated him during that sitting and accused him of all manner of evil.

MR. W. McKEEVA BUSH: Madam Speaker, if the Member...

MADAM SPEAKER: Is this a Point of Order?

MR. W. McKEEVA BUSH: Yes, Madam Speaker. The Member is misleading the House because the First Elected Member for Cayman Brac is a signatory to this Report. So we did not intimidate him in not signing any Report or being part of the Committee. He was part and parcel and did his job.

HON. D. EZZARD MILLER: Madam Speaker, that Member is confused again. I never said he had not signed the Report. I said that given the demonstrated event in this hallowed Chamber, when they falsely accused him of giving information to the Member of Education which I had given the Member for Education, that I can understand he probably had no choice. He could have probably resigned, but that is a decision he made.

MADAM SPEAKER: Well, let us pass over that. That is past history now, please, let us go on with the debate.

HON. D. EZZARD MILLER: Thank you, Madam Speaker.

Now, specifically the Chairman and the First Elected Member for Bodden Town, made a statement and I quote from the transcript:

> "When this Public Account's Committee Report was finished and had been made available for tabling, there was an uncharacteristic delay. The excuse was given that the Government needed more time to study the Report.".

Those are not the facts, Madam Speaker. That Report was not given to Members of the Government until after it was tabled. The President of the Assembly held up the Report and he had a right to do it if he so felt under Standing Orders. So do not come here and make believe that it was the Government doing it.

I do not know why he held it up, I would assume that it had to do with the unprecedented style, language and allegations in the Report. When he read it, he had to be shocked to read such a Report and having read the Minutes saw no foundation in there for their recommendations. But that was his decision; the Government, the Elected and Official Members had nothing to do with that.

I regard the statement he made this morning and the innuendo so implied, I am speaking here about the contribution from the Chairman who is the First Elected Member for Bodden Town. He says here:

"I have to assume responsibility as Chairman of the Public Account's Committee because it was under my guidance that the Committee came to their conclusions. I would like to say that in spite of the position taken by the Government, the Public Account's Committee Report is fair and is reasonable.

What has perhaps caused the Government to believe that they have a case is the fact that when we had finished our deliberations and were deciding exactly how to present the Report, because the evidence we reviewed was exhaustive, I, against the wishes and desires of the other Committee Members decided not to table all of the evidence.

I can assure you that I regret not having done so because had I taken my Committee Members' advice and done that, what we would have had was an overwhelming case against the Government and particularly when it came to that section in the Public Accounts Committee recommendations about dealing with IHC.

I give one assurance, that will never happen again under my chairmanship. I regret to this day, not heeding the advice of my Committee Members.

But, the method in my madness was this. There were some sections there that were clearly embarrassing. We, the Committee Members, and I, in my explanation of my reasons for not wishing to table all of this evidence, suggested to the Committee that somethings could have easily been interpreted to the political detriment of some Members concerned. As a consequence of that, it was my discretion that certain matters not be tabled, for once it was tabled, it would then become a matter for the public to view or review.

As a result of that, the Government has seen fit to say, that after exhaustive enquiry the Public Accounts Committee has produced no evidence to show that any impropriety took place.".

I contend that that short dissertation is worse than the whole Report and that implied innuendo of impropriety must be documented. If you have the evidence, put it on the table, irrespective of who it embarrasses. If you can prove impropriety, put it on the table. I regret that it was necessary to demonstrate such inaccuracies, such disregard for the rules of Parliamentary reporting, such disregard for the evidence before the Committee and in particular, the undeniable fact that they chose to ignore or transgress or forget about or pretend that they did not know those four items to which I referred earlier on: that the Report must be based on the subject matter it is reporting on; that it must remain within the terms of reference of the Committee as set down in Standing Orders and other relevant laws, like the Public Audit and Finance Law which is related to this Report; that all conclusions and recommendations made in any report must be substantiated in the evidence it collected and recorded in the Minutes of those meetings and the source and information identified specifically in the Minutes; and that all information and facts on which these recommendations have been based, must be recorded in the Minutes which record the deliberations of the Committee. Otherwise, there is absolutely no way of knowing what was said and what was not said or from hence they drew their conclusions.

The subject matter here is the Auditor Generals's Report and Madam Speaker, in my opinion, this PAC's Report transgresses all of those. The Government Minute has to be accepted because it is necessary -

(1) to complete the process laid down in Law;
(2) because of the style of the PAC Report, it must be recorded in its entirety in the Hansard of this House, to present the other side of the story; and
(3) that the Chairman, having tabled such a Report, should accept the challenge. I accepted the challenge he issued to me, now I think he should accept my challenge and resign as Chairman of the Committee because of that Report.

I think the Government Minute, unlike the PAC's Report, is fair and accurate, we gave them credit where credit was due. We answered them specifically with the facts where they had erred in their deductions and the Government Minute is a good document.

Madam Speaker, I support the acceptance of the Government Minute. Thank you.

MOMENT OF INTERRUPTION - 4:30 P.M.
STANDING ORDER 10(2)

MADAM SPEAKER: It is now the Moment of Interruption, 4:30. I will take a motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the adjournment of this Honourable House until 10:00 o'clock, Wednesday morning.

MADAM SPEAKER: The question is that the House do now adjourn until 10 o'clock on Wednesday morning. Those in favour please say aye, those against no.

AYES.

MADAM SPEAKER: The Ayes have it.

AT 4:30 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM WEDNESDAY, 6th MARCH 1991.

WEDNESDAY
6TH MARCH 1991
10:09 A.M.

MADAM SPEAKER: I will ask the First Elected Member for Cayman Brac and Little Cayman to say Prayers.

PRAYERS

CAPT. MABRY S KIRKCONNELL: Let us Pray.

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

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

Let us say the Lord's prayer together: 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.

MADAM SPEAKER: Please be seated.

Proceedings are resumed, debate continues on the Motion that the Government Minute be accepted. Third Elected Member for George Town.

PRESENTATION OF PAPERS AND OF REPORTS

GOVERNMENT MINUTE ON THE PUBLIC ACCOUNTS COMMITTEE'S REPORT ON THE AUDITOR GENERAL'S REPORT ON THE ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER,1989

(Continuation of debate thereon)

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

The Motion before the House today is one that covers a wide area of documents. It not only deals with the Government Minute on the Public Accounts Committee's (PAC) Report, it also deals with that Report. It deals with the Auditor General's Report, the Accounts of the Government and the Accountant General's comments, thereon, and it also deals with the statement by the Member of Government on the Report of the Public Accounts Committee which was read in the November session of 1990. I would, therefore, mention that I will have, from time to time, to refer to these six different documents and as a result there will be times when I would need a slight bit of time to reach the respective parts of them.

One of the first things that I wish to deal with is, what is the Government Minute on the PAC Report. As I understand this, this is exactly what it says. It is Government's Minute on the PAC Report, on the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31 December 1989.

The Report that was read yesterday is Government's Report and there is no need for the Member for Health and Social Services who spoke on this trying to say it is a Civil Service Report on the PAC Report. That is not the case. He went to extremes in the early part of his speech to try to point out that the four Elected Members of Executive Council had not prepared anything, presumedly bore no responsibility for this Report. They are an integral part of the Government and the Report deals considerably and at length with some of those Members, especially the Member for Health and Social Services. There is no need at this stage to give excuses and hide behind the Official Members and try to convince this House or the public that this Report is not the Government's Report. To further substantiate that, that Report was a follow up on a statement made by the Member for Tourism as the First Elected Member of Executive Council back in the November 1990 Session. He in that statement, and I remind the four Elected Members of the Government of this statement, said:

> "Mr. President, pursuant to Standing Order 30, I rise to make a statement on a public matter for which the Government as a whole is responsible... The Government as a whole is responsible,

> namely the Accounts of Government and the comments upon them contained in the Report of the Public Accounts Committee which was laid on the table of this Honourable House on Wednesday 28 November 1990.".

So it is, in my view, misleading to attempt to say that this Report is not Government's Report on the PAC Report.

To go even further, I will show that parts of Government's Report, and presumably this statement which I will deal with at some length because a lot of it is contained in this Report, just laid on the table is similar in varying substantial parts to the statements made by the Elected Members and I want to point this out. This statement was made by the First Elected Member of Executive Council, the Member for Tourism. This similarity, if we look at page 53 of the Report on the PAC, the Government Minute itself that was just laid, says:

> "The Government is concerned that, despite those reassurances, the Committee has not adhered to its proper role, but has concerned itself with policy. It is the Government's view that the language and style in which the Report is presented is aggressive and extravagant. Government believes that this type of language is inappropriate for the Report of a Parliamentary Committee.".

Now let us see what the Elected Members had to say about this and this is what they say:

> "Government believes that the PAC has not adhered to this, but has indeed concerned itself with policy and in an improper and sometimes hostile manner.".

I will deal with that in detail in a moment. Before doing so I must also comment on the language and style in which the Report is presented. It is thought to be aggressive and extravagant throughout. Look at it! Exactly the same words. Government believes firmly that this type of language is inappropriate for the Report of a Parliamentary Committee.

The point that I want to begin with is that this Government's Report is very squarely the responsibility of the four Elected Members of Government. They had to see it. It relates to Government as a whole and it follows the statement read by the Elected Member of Government - the Member for Tourism. Let us begin on the right note here. You cannot shift the responsibility for this. Regardless of who prepared it, the same as they are responsible for the policy that is in the Throne Speech or whatever is in the Budget Speech, they have responsibility also for this and they cannot shift it onto the Official Members' shoulders or the civil servants'. The reasoning there, I assume, was to try to give more credibility to the Report by saying that it was done by somebody else and, therefore, they have no responsibility for it.

In moving on from that, I would like to call attention to the Member for Health and Social Services who started out on the Throne Speech, by saying that he was not going to get into politics and that he was a statesman. Well that has rapidly changed because he has began this and he has stated in it that this is politics. Indeed, he has gone in his debate into some of the most extreme and aggressive attacks that I have ever heard on people in this House; but worse still (and I intend to spend time on this), on civil servants and the Auditor General. This concerns me greatly because, in my view, the aggressive approach that was taken here was one that was meant to set up a smoke screen to divert the attention of the public and of this Honourable House from the facts and the meat of the Report.

We know that it is good political strategy, in fact, it is a good strategy that is used by advocates. When you do not have a good defense or a good reply to certain things, you divert attention by dealing with irrelevancies or unimportant matters. That I will show is what has taken place so far in this debate by the Member for Health and Social Services.

The First Elected Member for Bodden Town who debated this, debated it like a statesman. He kept out of a lot of the politics and quite frankly this Report could have been laid just as it was and things put substantially to rest if his example in opening that debate had been followed. Instead, the Member for Health and Social Services got up and said he was going to enjoy this, and I thought at that stage, I can imagine what is coming. We have since seen attack upon attack upon everyone with no justification to any of the allegations that are made in the Report. In fact, the whole thrust of the Government's Minute and the statement by the Elected Members, which I regard in places substantially the same, have been to say that the PAC took its jurisdiction too wide. They have attempted to say we should not have looked at certain things and we should not have done this or that.

As I will show, there is no answer to certain wrongs that have been done and that the PAC and the Auditor General quite rightly went into. Quite frankly, it gets to be frightening when you have a Government attempting to silence and threaten, as was done in relation to the Auditor General, and people who stand in an independent position to hold the checks and balances to see that politicians, Members of this Honourable House, civil servants and anyone else who spends Government's money does it properly. That is a frightening thing.

We have had the total takeover of Finance Committee which authorises the expenditure of public funds. Now, we see the last checks and balances that remain for the public, namely the Auditor General and the PAC (who comment and deal with whether the money is properly spent), threatened by this attempt to destroy them publicly. That is where the frightening part of this comes in. If the Elected Member for Health and Social Services (and hopefully his three colleagues there will not follow similar principles he has set), succeeds in destroying or degrading the Auditor General, and he did, in fact, attack his own

staff and the PAC, then this country has lost all of its main checks and balances on the expenditure of Government money.

The Government would have the power to authorise the expenditure of money and there would be no one to even see that they spend it the way that it is authorised. In addition, the contracts that are given out the public would not receive the best value for the money that is being spent.

The thrust of the early part of my debate here is that if the last fundamentals of democracy, the checks and balances that exist in free enterprise countries are destroyed by this Elected Government then this country has a lot to worry about.

I am being careful in directing my arguments to the Elected Government because so far only one Member of the Government has spoken and I should say that I am directing my arguments to him. There has been a verbal attack on everyone who has gotten in the way by asking questions about certain areas of contracts. Let us face it, a smoke screen has been put up and what is really agitating the Member for Health and Social Services is because someone has questioned whether contracts given to Mr. Conti of International Healthcare Corporation (IHC), of which he is the president, have been given in accordance with authorised procedures.

Now why in the world, if the Member has done this properly, is it necessary to attack everyone who has gotten in his way? He has attacked the five members of the PAC because we did enquiries into it based on the Auditor Generals Report. The Auditor General did enquires and I will show the extremes to which that attack went. I hope that the Governor listens very carefully to what he has said because I will show that what he is requesting the exercise of, rests solely in the hands of His Excellency the Governor together with the Foreign and Commonwealth office.

How far are they attempting to go to put political influence and pressure on what are the bastions of democracy and the free enterprise system as we understand it in this country? I am sorry that this whole debate has taken the approach that it has, but now that it has been opened and raised in such a manner I believe that publicly and in the interests of democracy, it must now be dealt with and dealt with fully.

I will show that the areas in which we have had an attempt to restrict the PAC's right to investigate contracts given is in contravention of very clear rules - the Financial and Stores Regulations; the attack on the PAC and to a lessor extent the Auditor General by saying you have gone outside of your jurisdiction. I am going to show that our duty is clear. Any Government with nothing to hide would think a long time before making any attempt, and I am speaking generally now, to restrict the checks and balances of a PAC. If anything, the Government should widen it, because we are the watchdogs of the public's money. It is our duty to see that with money that is spent, that the best value is received and that it is spent in accordance with the proper authority.

The statement read by the First Elected Member of Executive Council began, as indeed, the statement by the Government yesterday, ended by saying that the PAC had gone too wide in its inquiries and its statements in certain areas. To substantiate that the statement in November read from Mays Parliamentary Practice, the 21st Edition at page 661 reads:

> "The committee does not seek to concern itself with policy; its interest is in whether policy is carried out efficiently, effectively and economically.".

That is exactly what Mays says. But Mays goes on to further state and this is in relation to the English Public Accounts Commission, which I submit, if we are going to use part of a statement we take the whole thing, 'it' meaning the Public Accounts Committee:

> "Its main functions are to see that public moneys are applied for the purposes prescribed by Parliament, that extravagance and waste are minimised and that sound financial practices are encouraged in estimating and contracting, and in administration generally.".

It is very significant, because when you read all of it you will find that our main functions are to deal with extravagance and waste and to ensure that sound financial practices are encouraged in estimating and contracting. We have dealt with IHC's contracts and administration generally.

We have a situation where Government, for whatever reason, and the statement by the Elected Members, which I will show was highly unusual, is trying to stop us looking at areas which are clearly stipulated we should look in the short that I have been able to do a bit of research on this, what I find is that those areas of policy that can be looked at are substantially wide. In fact, they are been widened considerably as time goes on. If policy has to do with anything such as extravagance or relates to unsound financial practices in relation to estimating or contracting, then that gives us a right to look at many areas.

I submit, that if we look at the details that we find coming from statements that are made abroad, in relation to the United Kingdom mainly, where there is a Controller and an Auditor General, (when I refer to NAO it is the National Audit Office), we find a considerable widening of these policies. Where it says that if Departments (words to this effect) advance policy, that suggests that the PAC are off limits. Then the onus of establishing that naturally rests on those alleging it.

> "The PAC will always reach an independent view of their rights to pursue their inquiries, taking account as necessary of departmental views.".

So we have an independent right to make a decision to pursue our enquiries. This has been considerably widened. Words to the effect of this have been put out and it says:

> "The restriction on questioning the merits of policy objectives does not therefore preclude to anyone (in this case the PAC) examinations from covering such matters as:
>
> - how and why a particular policy was determined and whether it was properly costed;
>
> - whether clear policy objectives have been identified.".

And this we will show with matters such as the Funding Scheme. There was chaos in certain areas and we were only trying to get clear policy lines established, including potential conflict between objectives and with what results. So if there are areas where the directives are conflicting with what the results were to be, we can look at it.

> "- how a policy is being pursued".
>
> - the overall outcome and impact of the policy and how this compares with what was expected or intended
>
> - whether there are unforeseen or unintended consequences of the policy, either within the policy area itself or more broadly on other policies (including those of other departments)".

So the whole overall matters which are incidental to it can be looked at. I submit, that if we had not found what we did and if the Auditor General, I should say, had not found what he did and we made our comments on it, this point would never have been taken. The whole idea has been to try to give reasons why we should not have enquired into certain areas and that I do not believe is justifiable.

The position as regard to the Standing Orders that were dealt with by the Member yesterday, I would like to go back and look at that and one or two comments that were made. 74(1) and I will not read this whole thing as he did, but 74(1) states:

> "74(1) There shall be a standing select committee, to be styled the Public Accounts committee, to consider reports (not just a report, but reports) of the Auditor General -
>
> (a) on the accounts of the Government
> (b) on such other accounts required to be laid before the House as the Committee may think fit; and (which once again is a wide power, we can request certain other accounts be laid if we wish)
> (c) on any matter incidental to the performance of his duties or the exercise of his powers as the Committee may think fit.".

I do not intend to try to deal with every little piece that has been raised in the 50 or 60 pages of the Government Minute yesterday, but that, when looked at with the statement in Mays is one which brings us clearly within in it. What is very significant is that in Standing Order 74(9) it says:

> "74(9) Notwithstanding the provisions of Standing Order 72, the Report of the Public Accounts Committee shall be deemed to have been agreed to.".

This is very important. When we put that PAC out, then under this Standing Order that Report is deemed to have been agreed to. But what we get now is very obviously, attempts through the Government Minute to disagree and to get Members in this House standing up and disagreeing with areas of it. I would be prepared to say that obviously I would not want to limit the amount of debate that the Government could do in relation to this but in due course perhaps that Standing Order should be carefully looked at. Therefore, I am quite happy that no attempts were made to restrict to show that this House is disagreeing with areas of the Report which it has agreed to. Because to do so, I think that at some stage something should have been done with this Standing Order. That is a technicality, similar to the technicality that Government has raised that our jurisdiction has been too wide. I have been referring to what they read on Monday, the last day of the Legislative Assembly.

The PAC comprises and here I use names because, as I understand it, Committees use names: Mr. Roy Bodden - Chairman; Mr. John Jefferson Jr.; Mr. McKeeva Bush; Capt. Mabry Kirkconnell; and Mr. Truman Bodden. Five out of 12 Elected Members. In the United Kingdom the equivalent of the PAC is limited to a maximum of 15 Members of the House and we know in the House there are 600 and odd people. Therefore, when there is such a sizeable PAC compared to the number of Members that we have, I think it goes to show the importance that has been placed on that Committee by the Elected Members of the House when the Standing Orders were done or when the Resolution was passed.

I would like at this stage to deal with some of the areas that have come under attack by the Government. The first one, and this is really the meat of what we are dealing with in this Report, the other little areas that refer here and there to minor things are really not why the Member for Health and Social Services is unhappy with the Report. I intend to go straight into that at this stage.

What has been said in relation to contracts that did not comply with the Financial and Stores Regulations is set out in paragraphs 36 through 46 under Tendering and Contracting. Indeed it is correct that there has been an increase in the number of contracts awarded for $100,000 or more that have not complied with the Financial and Stores Regulations. But, it is not an excuse to say that because everyone else is flouting, to use the Member for Bodden Town's words, flouting the Financial and Stores Regulations that it makes it right. Two wrongs cannot make one right.

I would like to here read a part of the report of the Auditor General on the 1989 Government Accounts. Paragraph 39 says:

> "39. The Financial and Stores Regulations require all contracts of $100,000 and over to be openly and competitively awarded through the Central Tenders Committee. Contracts for under $100,000 are awarded, after tender, by Departmental Tender Committees. Purchases of goods, works and services not exceeding $10,000 in value, are not required to formally go to tender. Nevertheless Controlling Officers must still exercise sufficient control to ensure that the rates at which they are obtained are competitive.".

I should add here that nobody nor the Government Minute is alleging that the PAC did not have a right to investigate and look at the comments of the Auditor General on these contracts. The main area that annoys the Member for Health and Social Services is properly within the ambit of the PAC and the Auditor General.

> "All contracts over $100,000 need to be referred to the Attorney General for clearance. Contracts are normally signed by the Controlling Officer concerned and all original copies of contracts are to be forwarded to the Accountant General for his safe custody. There are no explicit instructions in the Financial and Stores Regulations exempting the contracting for consultancy services from these requirements.".

That is a very important statement. I will show that he is correct.

> "There are no explicit instructions in the Financial and Stores Regulations exempting the contracting for consultancy services from these requirements.". He says in paragraph 41:

> 41. "The Central Tenders Committee plays an important and key role in the approval of government contracts. The FSRs require that all contracts over $100,000 be approved by this Committee. the Committee's scrutiny and appraisal of tenders establishes that large government contracts are let fairly and impartially after open and competitive bidding. It helps to ensure that goods, works and services obtained by the government departments represent good value for money. The Committee is impartial and non-political and comprises the Deputy Financial Secretary as Chairman, two other senior civil servants, and four representatives from the private sector.".

> 42. In 1989 the Central Tenders Committee met on 14 occasions and reviewed tenders for 5 contracts. One other contract for some $2.2 million (which I understand was the contract for the radios and the communications system) was considered by the Committee but it was let in 1990 by the department concerned before full approval was obtained from the Committee.".

The Motorola contract, I think it was. Now we come to the very important part of this.

> "**Findings**:

> 43. My officers carried out a review of the procedures Government uses to contract and tender for goods, works and services in order to establish that adequate controls were in operation and that the Financial and Stores Regulations are being followed. Their investigations revealed that:

> i) When they are used the work and evaluations of the Central tenders Committee are valuable and useful.".

This is the reasoning why Government made these rules.

> " ii) Significant numbers of contracts are not scrutinised or approved by the Central Tenders Committee. The Committee rely on Controlling Officers to inform them of any large contracts. They have no easy means to identify those Controlling Officers who avoid this scrutiny.

> iii) Contracts for consultancy services are not always subject to open competition and large consultancy contracts have not been reviewed by the Central Tenders Committee. It is contended that, as these types of services (this is what Government has put) are not explicitly referred to in the Financial and Stores Regulations, normal

contracting and tendering procedures do not apply to the contracting for this type of service.

iv) Not all original copies of government contracts are passed by Controlling Officers to the Accountant General for his safekeeping. (These are findings)

v) Public Works contracts are generally let on a selective tendering basis. Works contracts under $300,000 are scrutinised by the Public Works Department Tender Committee and approved by the Chief Engineer.

vi) The Public Works Department deal with the largest volume of contracts of any department. They do not have a separate Contracts Officer but all contracts require the approval of more than one officer.

Conclusion

44. The procedures for government contracting established in the Financial and Stores Regulations are intended to ensure that Government obtains maximum value from the public money spent on its contracts.".

That really is the crux of why one person should not hand out contracts to another person without going out for tender as required by the regulations.

"The FSRs also seek to ensure that Government contracting is open and competitive and may be seen by the public to be fair and equitable.".

45. I have observed that Controlling Officers are not following the required procedures set out in the Financial and Stores Regulations for the letting of contracts valued at $1000,000 and greater. In particular it is of great concern to me (Auditor General) that contracts for consultancy services are not always let competitively and that large consultancy contracts are not reviewed by the Central Tenders Committee. The Central Tenders Committee is not being fully used by Controlling Officers. Without the scrutiny of the Central Tenders Committee controlling officers may find it difficult to demonstrate that their contracts have been let fairly and impartially, and represent the best value for public money.".

That is another thing that the Member for Health and Social Services seems to have picked out when he targeted the Auditor General. I would like to repeat that.

"Without the scrutiny of the Central Tenders Committee controlling officers may find it difficult to demonstrate that their contracts have been let fairly and impartially, and represent the best value for public money.".

We will show that the controlling officer in the case of International Health Care (IHC) actually told the Member for Health and Social Services that she was uncomfortable (I will read the words there, they were not exactly her words) 'with this contract being given out without going out to Public Tender or to the Central Tenders Committee.'

Then he goes on to deal with IHC contracts.

"Background:

47. In 1989 the government entered into three contracts with the International Healthcare Corporation (IHC). These contracts were for various consultancy services connected with the general improvement of the Government's health facilities and systems including developing a health care delivery system plan and health care facilities plan. The healthcare delivery system plan would document the health status of the residents of the Cayman Islands, identify required health services, and specify the facilities, equipment and personnel necessary to provide these services. The health care facilities plan would document the site requirements for a new hospital, the criteria for evaluation of alternative sites, the evaluation of alternative sites using these criteria, and define the spatial and functional requirements of the new facility, providing an estimate of construction costs and a comprehensive timetable.

48. The details of the contracts currently arranged with IHC are as follows:".

All I can do is read out a bit of detail here. The amount was $120,000 for the Healthcare Delivery System Plan; $203,000 for the preparation of an Interim Action Plan to address 10 areas of concern at the George Town Hospital; $60,000 for the Dental Clinic Consultancy. Here is a little note -

"Plus expenses. Expenses paid by March 1990 were some $77,000 in total.".

This is mind boggling! Government enters into a contract, this size, they do not go through the Central Tenders Committee and they have somewhere tucked into it a little phrase that says 'Mr. Conti and IHC can have expenses'. When we look at what some of them are, the range of them is something that is hard to actually contemplate. The Auditor General goes on to say:

> "49. The approximate total value of the three contracts let to IHC at the time of this review is some CI$340,000 (plus expenses).".
>
> 50. In 1990 estimates provide a further $350,000 to be spent on consultancies involved in improving management systems at the George Town Hospital. If the proposals made in IHC's Healthcare Delivery Systems Plan and Healthcare Facilities Plan are carried to fruition then it appears that IHC, depending on the final cost of any construction work, could hypothetically earn from the Government some $2-3 million in further fee income. The extent and costs for the consultancy services of IHC are therefore considerable and of some importance.".

I will deal with where the Auditor General was criticised, but it was a known fact that statements had been regarding what the estimated cost of the Hospital and the two sites were going to be. He is quite correct in his estimates here because when we actually look at what was paid on the one we know about, then we are going to find that well in excess of 10 per cent of the total fee went to IHC and his expenses were two to three per cent beyond that.

Findings: These are the findings of the Auditor General and I am going to show at a later stage that he is a totally independent person despite the attempts made by the Member for Health and Social Services to threaten him with the sections of the Law that deal with his dismissal from Government. The findings of the Auditor General paragraph 51.

> "Findings:
>
> 51. My officers and I have undertaken an investigation of the procedures used by Government for awarding contracts to the IHC. The following findings have emerged:
>
> (i) None of the contracts let to the IHC have gone to a Tender Committee.".

Not just the Central Tenders Committee, they have not gone to any Tenders Committee. Alright? This is the way it begins -

> "(i) None of the contracts let to the IHC have gone to a Tender Committee. In my view this clearly contravenes the requirements of the Financial and Stores Regulations. the Portfolio are of the opinion that the Financial and Stores Regulations were never intended to cover technical consultancies. They told me that Executive Council routinely approves technical consultancy contracts, subject to funds being made available by the Finance Committee.".

I will go on to show that he is quite correct when he says that this clearly contravenes the Financial and Stores Regulations. Going on with what the Auditor General said.

> "(ii) No other consultants were asked to prepare proposals for the work let to IHC. The Portfolio told me that the Member for Health told them that no other proposals were necessary because he was satisfied that IHC was best suited to provide the services required.

Madam Speaker, this is something that is really beyond me. It is a very important section. No-one else made a proposal on it. We will show evidence, this has come out in the Report, so that part of the evidence I can deal with, that the Controlling Officer, the Principal Secretary, stated that she told the Member of what the Financial and Stores Regulations said. But here we have the Auditor General saying:

> "The Portfolio told me that the Member for Health told them that no other proposals were necessary because he was satisfied that IHC was best suited to provide the services required.".

I submit that that is why the excuse came up that the consultants contract should not go back to the Public Tenders Committee; should not go there at all, there should be no competitive bids because he (the Member) was satisfied that IHC was best suited. Why? I do not know.

Madam Speaker, you know there is a saying that when you have no excuse for anything, you either blame the past, which the Member is trying to do now, or you blame somebody else. He has tried to blame us, the Auditor General, his Head of Department, the Chief Medical Officer, some of his Department staff and he does not directly address the issue. This is what I am dealing with here - specifically the issue before this House. Whether somebody else had done something wrong, is beside the point. As I keep saying, two or twenty wrongs do not make one right.

> "iii) the Portfolio told me that IHC had been technically vetted by past and present Executive Members for Health who had visited completed IHC projects and facilities in the USA.".

That does not give a right to avoid going through what the regulations lay down.

> "(iv) In May 1989 the Accountant General reminded the Portfolio of the need to comply with the Financial and Stores Regulations and that contracts over $100,000 need to be reviewed by the Central Tenders Committee.".

So the Accountant General had reached the stage where he said, "Look, as an Accountant General I am reminding you that you must comply with the Financial and Stores Regulations.". What more could be done? The Member was advised by the Accountant General, he was advised by his Principal Secretary (PS), but he went ahead and awarded the contract to one person and one company. I am reading on in paragraph (vi):

> "(vi) The Financial and Stores Regulations stipulate that all original contracts are to be kept by the Accountant General. The original of contract (a) in paragraph 48 above is with the Accountant General; the original of contract (c) is with the PS (H&SS) as the contract is being amended; and my officers could not locate the whereabouts of contract (b).".

If you really want to see irregularities and let me just say this, the contract that could not be found was the one for $US 203,000. The biggest one!

Let us not stand up here and say that we are totally innocent and nothing wrong has been done. That is not in accordance with the findings of the Auditor General and the advice given to the Member for Health and Social Services. I am going to read on because I believe that it is important that we see what the Auditor General said. It is not extremely long, it is another page and a little bit.

> "52. I have also these other, more general, observations to make concerning the IHC and the work they have performed for Government:
>
> (i) IHC have been in contact with the Government since 1986. IHC had no agreement with the previous Government to provide the consultancy services they are currently awarded.".

It is important. The contract is with this Portfolio and this Member.

> (ii) Mr. Conti (sole owner of IHC and IHC's chief contact with the Government) is not a health care professional. However, the staff IHC assigned to the work for Government have been assessed as competent by the Chief Medical Officer.
>
> (iii) The IHC have not done work outside of the USA before. Whilst Mr. Conti's companies have experience of the development and design of medical office complexes; ambulatory healthcare centres and surgical centres; and have produced studies on health systems and hospital systems, the overall package of services they will be providing to the Government seems to be unique. In selecting the IHC the Member for Health and his technical advisors considered that the IHC were capable of providing the unique scope of services required.".

What is implied in that is that he really had no experience or specialists knowledge in some of the unique areas of what he was going to be tendering on. I read on:

> "(iv) There are no reasons why the contracts let to the IHC could not have been performed by other consultants.".

This is very important because if you want to get value for money, then you must put out big contracts to competitive tender. Otherwise, you basically take what one company gives to you.

> "(v) I have not been able to assure myself from the documents the Portfolio had submitted to the Executive Council that the Council were made aware that the expected competitive contracting and tendering procedures had not been fully followed in the award of contracts of IHC. However, the Portfolio has told me that the Executive Council was made fully aware that these contracts had not been subject to competition.".

Once again, an important finding where he feels, at least he could find no documents to support, is when he says that the Executive Council were made fully aware that some tendering procedures had not been gone through, but the Portfolio told them that Exco had been made fully aware. I am reading on:

> "(vi) A full and detailed financial and investment appraisal of the proposals in the Health Facilities Plan does not appear to have taken place. The Portfolio did tell me that the Government's

> Economic Development Unit was asked in February 1990 to prepare a financing plan for the development of the Health Services based on the IHC study. The Economic Development Unit have at present been unable to formulate a financing plan as the information required for such a plan is not readily available and IHC plans present only a very superficial treatment of the financial implications of the proposed projects. The Economic Development Unit had noted that no attempt was made in the IHC Report to examine whether the proposed project was financially viable and that IHC had undertaken no "least cost" analysis for their proposed health facilities solution. I am in agreement with the Economic Development Unit that little financial evaluation had been carried out and that the Healthcare Facilities Plan has not yet been demonstrated to be the least cost solution.".

So what was put up by IHC on its own, did not show that they had undertaken a no "least cost" analysis. In otherwords, that they had tried to produce the services needed at the least cost that they could be produced. Therefore, what happens is that the public's money could well be wasted. You have got to remember that IHC's fee was based on the cost of the project.

Looking at the way business operates, you never spend maximum time trying to reduce your own fee.

HON. D. EZZARD MILLER: Madam Speaker, on a Point of Order. The Member is misleading the House. The contract for IHC to deal with the Health Systems Services was a fixed fee contract. It had nothing to do with the cost of their recommendations.

MADAM SPEAKER: That is not a Point of Order, it is just an explanation. Please proceed Honourable Member. Would you like to take a suspension at this time?

MR. TRUMAN M. BODDEN: This would be good, if you wish.

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

AT 11:15 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:35 A.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. The Third Elected Member for George Town continuing.

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

When we took the break I had been questioned on the paragraph I was then reading and I would like to just read that over, so that there can be do doubt as to what it says. This is a report of the Auditor General. He says:

> "(vi) A full and detailed financial and investment appraisal of the proposals in the Health Facilities Plan does not appear to have taken place. The Portfolio did tell me that the Government's Economic Development Unit was asked in February 1990 to prepare a financing plan for the development of the Health Services based on the IHC study. The Economic Development Unit has at present been unable to formulate a financing plan as the information required for such a plan is not readily available and IHC plans present only a very superficial treatment of the financial implications of the proposed projects. The Economic Development Unit had noted that no attempt was made in the IHC Report to examine whether the proposed project was financially viable and that IHC had undertaken no "least cost" analysis for their proposed health facilities solution. I am in agreement with the Economic Development Unit that little financial evaluation had been carried out and that the Healthcare Facilities Plan has not yet been demonstrated to be the least cost solution.".

My comment is very simple. We have a plan coming up which is only being given superficial treatment. IHC has made no statement anywhere its report that they had undertaken a no "least cost" analysis. Nor is there anything to show that the project is financially viable. When you are dealing with the amount of money that we are dealing at here, which was estimated in the area of $20 million, something has to be done to show that what is being done is the least cost for services rendered or worse still, whether the project if financially viable.

Further commenting on this, we were in the meetings in which the Member for Health and Social Services invited us with his senior officers at the Hospital, so we know as a fact, that the majority of them stated very clearly that to put the Hospital on two sites was going to be the most expensive way to go because it duplicated services that duplicated equipment. Common sense would tell one that if you are going to duplicate things you are going to pay more. That is why it is so important that the Government's Economic Development Unit, if IHC can not do this because as we will find further down Mr. Conti of IHC has no specialists expertise in many of the areas that are needed for these contracts. We are not certain that out of this $20 million that perhaps the project could not be done on a "least cost" basis for considerably less saving the

Government millions of dollars. That is the public's money. This is where the crunch comes in. This is the public's money that could well be wasted and wasted in extremely large sums.

That is what concerned the Auditor General. It is what concerned the PAC and it is what concerned the senior officers and the advisors and, in fact, the public had made it clear to the Member that he should go back and try to come up with what is a reasonable cost in relation to the Hospital. Nobody is against giving the public the best medical care that they can get, but we have to be sensible and if you can get the same Hospital for $10 million, for example, what IHC and Mr. Conti would build for $12 million or $15 million, then obviously it is in the interest of the public and the duty of the Member for Health and Social Services that he builds that for the "least cost". The Auditor General goes on to say in paragraph (vii):

> "(vii) These consultancy contracts are not the only consultants contracts let by the Government without competitive bidding. The Financial Secretary has identified this as a gray area and is actively considering the issue of practical guidance to Controlling Officers on the engagement of consultants.".

I will show very clearly that despite what Government may have done in this area, it was obviously very clear or at least uppermost in the minds of the Accountant General when he advised the Portfolio, and of the PS when she advised the Member, that the proper procedure laid down in the Financial and Stores Regulations should have been carried out.

The Auditor General continues and he then puts up and in fairness I am reading all of this because parts are in the interest of the Portfolio and the Member. I think in fairness all of it should be read. He said:

> "53. The Portfolio is of the opinion that while the IHC contracts were not subject to public competitive tender, their services were obtained openly and the Government's dealing with the firm is a matter of public record. They told me that the cost of IHC's services were competitive based on their experience of similar contracts awarded by Government. The Portfolio consider that they have contravened none of the relevant Financial and Stores Regulations. They have followed the long established practice of the Executive Council deciding on the award of technical consultancies. They are convinced that the maximum value from public funds has been obtained from the IHC contracts.".

That is what Government limply puts forward in its Minute. The conclusion by the Auditor General, and let me say this, there is no way that you can say that you got the best price on a large contract unless you have had competitive bids and you have had the scrutiny of the six or eight members that sit on the Central Tenders Committee looking at it objectively, and without any knowledge or relationship with the company that it is going to. You cannot just take the one company and say this is the best and when we really analyze it, nothing had been done to show that either it was financially viable or that a "least cost" analysis had been carried out to show this. I do not know what they based it on other than perhaps the Member's view that Mr. Conti and IHC should get the contract.

The conclusion of the Auditor General paragraph 54;

> "Conclusion
>
> 54. It is my observation that the services provided by IHC have not been obtained openly or competitively.".

His opinion and that opinion is substantiated by the circumstantial and other evidence around it. The Auditor General goes on to say:

> "I have not been able to see and I am not assured that procedures have been followed to ensure that the award of contracts to IHC were fair and equitable. Without the evidence that would be provided by competition for the contracts in question I can not be assured that these contracts obtain the maximum value for public moneys.
>
> 55. It appears to me that significant parts of the Financial and Stores Regulations (Chapter 8) have not been followed in detail or spirit by the Portfolio. I am in agreement with the Portfolio that technical and management consultancies have by and large not been let openly or competitively in the past. I see no good reasons why the sound and fair principles of government contracting clearly set out in the Financial and Stores Regulations are not followed when engaging the services of consultants. There are no good reasons for these types of contracts not to be reviewed by the Central Tenders Committee. Scrutiny by the Central Tender Committee is a key control in the Government's procurement procedures which are intended to provide the public with assurance that all large government contracts are let fairly, openly and competitively without favoritism or partiality.".

A very important statement.

> "Scrutiny by the Central Tender Committee is a key control in the Government's procurement procedures

which are intended to provide the public with assurance that all large government contracts are let fairly, openly and competitively without favoritism or partiality.".

I submit that in this case all of the evidence around us shows to me that without carrying out that procedure in this case, these contracts could well have been in contravention of this statement. He goes on to day:

"56. It has been noted above that those who ignore Government's established procurement regulations when entering into contractual commitments on behalf of the Government may well find themselves exposed to charges of partiality or worse. This situation is avoided by following sound sensible procedures for contracting and tendering for all government's requirements for goods, works and services. I would urge the Government to follow their normal contracting procedures when entering into contracts for the services of consultants. In this respect I warmly welcome the Financial Secretary's commitment to provide sound practical advice to departments on the engagement of consultants.".

That first statement made, "that those who ignore Government's established procurement regulations when entering into contractual commitments on behalf of Government may well find themselves exposed to charges of partiality or worse", is not one that is new to this Report. Therefore, one of the reasons why the Auditor General came under perhaps the most targeted and bitter of the attacks by the Member is because of the conclusions that he reached which the PAC commented on and in most cases endorsed. That really is why a smoke screen has been put up to try to hide this, by saying it is outside PAC's authority to deal with. We have spent time that I think should not have been spent on a lot of technicalities. The main area of this Report and what the Auditor General said here is what bothers the Member for Health and Social Services.

I would like to briefly deal with the making of these Financial and Stores Regulations and they are made under the Public Finance and Audit Law section 11 and that gives the Financial Secretary the power to make regulations and give directions. It says:

"11.(1)Without prejudice to any other provision of this Law, the Financial Secretary may make such administrative regulations and give such administrative directions and instructions not inconsistent with this Law as may appear to him to be necessary or expedient for the better carrying out of the provisions and purposes of this Law and for the safety, economy and advantage of public moneys and public property.".

A further section says:

"(13) Every controlling officer shall obey all regulations made and directions or instructions given by the Financial Secretary under section 11 and shall, if so required, account to the Financial Secretary for the performance of his duties as controlling officer.".

So the regulations made here clearly have to be obeyed by the Controlling Officers.

Here we have a section in the Financial and Stores Regulations which is paragraph 8.4.1 and it specifically states:

"8.4.1. Tenders for Government supplies, works and services will be considered by the following Tender Boards:

(a) For contracts estimated to cost not more than $10,000 by Departmental Tender Board....

(b) For contracts estimated to cost more than $10,000, a Central Tender Board....".

That Regulations specifically refers to tenders for Government's supplies, works and services. I submit that the Auditor General was quite right when he drew the conclusion that this is a service and it should follow the Tenders that are set out in the Financial and Stores Regulations of 1986. These were passed in 1986 under the 1985 Law.

There is nothing in this at all which exempts or says that where you have consultancy services you do not need to go out to Public Tender. In fact it has been said by the Auditor General, time and time again, that there is no reason why you cannot tender consultancy services.

In fact, I will go on to show that if the expenses part of the contracts with IHC had been done locally, for example, it could have saved this Government a very large sum of money. It is nearly mind boggling when you see the extent to which those expenses are detailed and it is one of the two documents that were annexed to that Report unfortunately. I submit, the contracts were to a degree open ended, in that, there was no specific amount saying it shall not be more than $50,000 or $70,000, or whatever, in expenses. But what we have now by the Government is really an attempt to say, look this has been done in other instances, and therefore, in this instance the Member was entitled to do this. If everything else had been fully justified as being a contract that was granted as was stated, without favoritism or partiality, if that could have been shown beyond a doubt, the situation may have been different.

The surrounding circumstance (and I will go on to show that even the bills were not signed by the Accountant, they were taken away from the Hospital Department and they were being dealt with directly by the Portfolio). That is clearly set out in there) is a sad situation, but I am happy to

know (and it confirms the fact that what was done could not be in the public's interest) that the Government is now producing further Finance and Stores Regulations that are going to deal specifically with the services contracts or whatever else is in there.

My submission on this is that these regulations, are very clear and that following this, the contracts for IHC should have gone out for Public Tender in accordance with the regulations of the Government.

What more can really be said on this specific area when we look at all the circumstances surrounding it? I hope that with the assurances that have been given, this will not happen again and regulations be very clearly carried out. Even when all of this was going on (and this has now come out of the Finance Committee), we had money come up to be appropriated specifically stating that it would be paid to IHC. We voted against it on the grounds that regulations must be observed. Over this came what Members will remember was an even split vote, in relation to the amendment that was carried out to it. There is no doubt in my mind that the Member for Health and Social Services clearly was in contravention of these regulations and that clearly he did not follow the procedures which would have given the public the assurance that the best value for money was received by them with these large sums of money. We even have findings here that the largest contract could not be located, only one was in the proper custody at the time. The other was still with the Portfolio being amended, I think was what was referred to there.

The PAC dealt with its comments on the Auditor General's Report and I would like to read a few of these passages to show that criticism that has been levelled at us and trying to deal with other parts of the Report are not comments, in my view, in the best interests of the public when it comes to this issue.

We said in this that Elected Officials as well as Public Servants must be more than legally innocent. They must be perceived as scrupulous law-abiding and trustworthy. It is a statement. Nothing I see for anyone to worry about if they fall within it. Why worry about it?

We mentioned in paragraph 60 that we expected the Member for Health and Social Services will comment upon the negotiations. He commented on many, many things but the bulk of what he has dealt with was sprawled over a wide area and did not answer the comments and the criticisms levelled by us, nor by the Auditor General.

In paragraph 61 we said:

> "The Principal Secretary for Health and Social Services assured the committee 'that she gave the Member the best advice she could that the contracts should go to tender'. (That is what she said.) Further, the Principal Secretary expressed her concern in this regard to the Accountant General, who, your Committee also understands, advised that the contracts should have gone to tender.".

This comes to perhaps what has been one of the biggest problems of this Elected Government. You give them advice and most of the time they will not take it. That sometimes can provide its own punishment as we have seen in this instance.

There is nothing to worry about or no reason why it should not have gone out to Public Tender, then why did it not go? Answers to that I think are important to the public.

We said in another section and I do not want to read this all because the Member did read it, but:

> "65. Your Committee questions both the merits of the policy and Government's ability to derive the best value for money spent under these circumstances.".

You have to remember whenever policy touches what has been set out in Mays where we are dealing with estimating, contracting, sound financial practices, waste, extravagance, then we are entitled to comment on it.

> "We are concerned with what can be interpreted as a 'flaunting of procedures', and in this context we would welcome a statement from the Executive Council giving its rationale for such a practice as well as making a clear position statement on future dealings.".

Well, a position statement has now come out in the Government's Minute. As was found earlier the IHC was, in effect, a one man company and Mr. Conti was not endowed with the expertise necessary in many areas of these contracts that were granted to him. To show you things that I believe the Tenders Committee would have picked up, I would like to read a part of appendix 1 to the report of the Standing Public Accounts Committee.

This is it and I am reading:

> "TO: Government Cayman Islands
> FROM: International HealthCare Corporation
> SUBJECT: Georgetown Hospital Project Study Expense Breakdown
> DATE: 29 April 1989 through 10 May 1989 [a period of less than two weeks]
>
> ATTN: The Honourable Ezzard Miller
>
> EXPENSE BREAKDOWN

TELEPHONE EXPENSE: 30 March 1989 through 10 April 1989	$51.40 U.S.
TRANSPORTATION EXPENSE: Airfare for Mr J M Conti, Mr T J Keller, Ms Dawn Sellaro & Mr Dennis J Wildman; Pittsburgh, PA Airport to Grand Cayman Airport 3 at $446.00 US each; 1 at $569.18 (well that was subsequently corrected)	$1,907.18 U.S.
GROUND TRANSPORTATION: To and from Airport and Parking Fees (I assume this was the Pittsburgh Airport a $100 flat, what did they drive their own car, a taxi? Parking fees - I guess it must have been a private car)	$100.00 U.S.
PARKING: None (fees included above)	$ -0-
MEALS: Per Diem Allowance at $50 per person 8 days 20 April through 6 may 1989: Mr J M Conti and Mr T J Keller; Per Diem Allowance $50 per person 12 days 29 April through 10 May 1989: Ms D L Sellaro and Mr Dennis J Wildman	$2,000.00 U.S.
FAX AND COPY EXPENSE: Fax Expenses (7) $16.76; Copies (289) $57.80	$74.56 U.S.
POSTAGE: Postage (9) $4.41; Federal Express (1) $45.39	$49.80 U.S.
OTHER: Working Photographs Faith Hospital, Little Cayman and Satellite Clinics-Film & Processing Costs $121.34; Departure Taxes 30 March 1989 through 8 April 1989-3 at $7.50 each = $22.50 and Departure Taxes 29 April 1989 through 10 May 1989-4 at $7.50 each = $30.00 Inventory Control Labels (Kwik Kopy) $161.41	$335.25 U.S.
TOTAL AMOUNT DUE	$4,518.19 U.S.

When you look at the expense breakdown of this, you must ask yourself, was there anything else that they could really have added to this bill? The very labels that they put on the inventory, the departure tax, what I guess was an estimate of parking fees at Pittsburgh and travel expenses were all submitted. When you get round amounts for some of these things, it makes you wonder whether it is exact or an estimate. We know that in the evidence it was said that there were times when there were no supporting bills or there were photo-copies of bills to go with some of these things. That is the type of contract that was given out. In my view, it was open ended because there was no way to estimate what was going to be spent. We saw that when the Report was done, $77,000 had been spent at that time on expenses. No one from the public's point of view can say that that contract was the best contract that could have been gotten in the circumstances.

Before dealing with my other main area of thrust, the Auditor General and the attack on him, I would like to go through and in principle deal with a few of the other comments that were made in the Government's Minute on the PAC Report and on the Auditor General's Report. A lot of time was spent on the Report on Cayman Airways and a lot was set out showing what the accounting process for assessing the value of it was. Unfortunately in the end we never got any idea of its true value. Some of the comments in this, I think, need to be briefly dealt with.

At page 9, we once again get the inter-island service blamed for serious losses. I want to say something here and hopefully the two Members for Cayman Brac and Little Cayman will also say something on this. As I understand it, a passenger from the United States to Grand Cayman pays the regular fare and if that person goes on to Cayman Brac or Little Cayman or both, then he is not billed anything further. This is what I understand the billing process to be. If you are running an airline between here and Cayman Brac and Little Cayman and you are not charging anything for it, you are going to have to show a loss. What I would submit is, a fair and equitable point of view would be to take a portion of the cost of a ticket from Miami to Cayman to Cayman Brac or to Little Cayman, and charge a fair amount of revenue for that leg of the route. You do

not have to be a genius to know if you are going to run the airline and not over charge a considerable number of passengers, if they are local they are charged thus, but with the ticket from the States to the other Cayman Islands, then you must apportion that with a part of it to Cayman Brac and Little Cayman. I think if that is done we will see that, as was stated in this document, Cayman Brac and Little Cayman are not the main money losers. Because we are dealing with very substantial losses in this company. And not just now. Those losses were there during my time in Government. I am not saying that they have not existed. What I am saying is, that I do not think it is fair to target the service from here to Cayman Brac and Little Cayman to say that that is the main money loser in this. Another point made was that it makes no difference to the net asset value of the company whether the subsidy is treated as an income or capital item. That is correct, but there is a difference between treating something as income or capital because, if you treat the subsidy as income it reduces the loss. If you treat it as capital it shows the true loss of the operating of the airline which is the way it was treated in the past.

One other comment was made. Government says the PAC should not get into policy. Well this document that Government produced is riddled in areas of policy and I do not really mind it. It is good to see some policies getting out and I would not want to limit the extent of what Government could say within reason on this. They said:

> "The present lease arrangements do not require any Government guarantee. Therefore, when the third aircraft comes on line, CAL will have sole use of equipment worth about $100 million with only a $2.7 million cash deposit, fully refundable at the end of the lease.".

If you lease or rent an apartment or a house, you are not required to put up a guarantee for the whole value of it. On the other hand, if you buy it, then you sign a contract for sale and you are expected to pay the full amount of that house or to guarantee it. This was the case here. The 727s were under what in practice (despite what may be said about the technicalities), was a lease purchase. We know that that had value beyond the leasing rights because at the end of it, Cayman Airways would have gotten back substantially all of the value of the jets at that time. This is a purely leasing arrangement. If anything happens, they will just take the jets back. There is no severance, there is no right to sell the jets as Cayman Airways had done with the 727s. They had the sole and absolute right. They were the sole agent to sell it and to sell it at what they felt was the best value and to keep the difference between a small amount that went back at the end of the day to the owners, or one of the two parties that were involved and the other amount. This is quite understandable. We will never own anything in these leases. They are not capital leases or they are not what I say in practice was a lease purchase with the 727s. Therefore, they have nothing to guarantee. We are just leasing them; at the end of the day we will not have, as the Government used to tell me in my day, a seat belt of value in it but somewhere along the line they got $12.5 million for the seatbelts we did not own.

I only wanted to make one comment on the question of the currencies with the Caribbean Development Bank. A lot was said about a loan in Japanese yen, but I notice that with the basket of currencies now, the Government has finally found out what it is all about. It does not include just Japanese yen, but German Marks - Deutschemarks, Swiss Francs, Spanish Pesetas, Dutch Guilders. So the basket is holding currencies that are fluctuating against the Cayman Islands dollar on a daily basis, far beyond the Yen.

Comments were made in relation to the public debt where we had added approximately $30 million that the pensions liability of Government had reached. Approximately $32 million. And let me say this, if this had been written by a civil servant, I do not think we would have had any doubt that what pensions are owed to civil servants, they have a right to. No matter what we call it in this, whether we call it contingent liabilities or otherwise, in due course those civil servants are entitled to that $30 million. It will, in effect, be a debt on this country subject to those who leave before the rights come in or those that may die before they, well they could not die before they vested because these are rights that have accrued. But because of the way the law is drafted it is at the discretion of the Governor whether pensions are granted. By and large he always grants them, as I understand it. I do not think that we can blind ourselves to this then sweep it under the carpet and say, look that is something Government can forget about because there is no other fund out there that is going to provide this $30 million for the civil servants. To say that that should best be considered by Finance Committee, I do not think is properly fair. This comes well within what the PAC has a right to look at which is sound financial practices and estimating. It has got to be found to be sound financial practice to acknowledge that you owe your employees their pension.

I was very happy to see at page 14 that the Government made this statement, a nice policy statement:

> "While the Government takes the view that the public debt issue is one which would best be considered by Finance Committee, it nevertheless shares the concern of the Committee that this matter remain under constant review, in order that future borrowings do not put the Government's debt to revenue ratio in an unhealthy position. Government would like to maintain a debt serving to revenue ratio of not more than 10 per cent.".

Finally we are getting an acknowledgment of good financial principles. There are little areas of things that were mentioned and like I said, this is not the thrust of my argument, but, I think I need to touch on one or two of these things.

A lot was stated, not only in this, but also in the statement read by an Elected Member in relation to the vote control system. What seems to have happened there is that in the PAC, the Accountant General was used when in effect the sections referred to were of the Auditor General. This was stated in some depth that the Accountant General was recorded as saying that vote control had improved.

That is correct. I do not have any argument with that. But, if we had looked at paragraph 16 of the Auditor General's Report he had this to say about accounting control. Several pages were spent in the Government's Minute on this. At paragraph 16 he said:

> "16. Past Reports of the Auditor General have focused attention on the importance of achieving proper control and accounting for public expenditures and receipts through the regular reconciliation (Vote Control) of Controlling Officers financial records with those of the Treasury General Ledger. Last year I noted a distinct improvement in the maintenance of departmental Vote Control Registers and the reconciliation of these Registers. During my audit of this year's payments and receipts my officers were concerned to see that this position had deteriorated. It was identified that, for payments unacceptable weaknesses in the maintenance and reconciliation of the Vote Control Register existed in 10 departments: (and he named them beginning with Statistics and ending with the Governor's Office). For receipts, weaknesses were observed in the reconciliation procedures at the Personnel Department (housing receipts) and the Agriculture Department. In addition it was noted that few departments notify the Treasury, as they are requested to do, that they have agreed, on a monthly basis, their revenue records with those of the Treasury Ledgers.".

He went on in 17 to further deal with it and I think here it was merely where we had a reference to the Accountant General when the paragraph that was referred to, actually dealt with what the Auditor General had said. Once again that is something that I think when looked at we would see that there was no attempt there to do other than really repeat the concern of the Auditor General on Vote Control. This statement is really an indictment of Government in an area, it is paragraph 38 of the Government Minute on the PAC.

> "PARAGRAPH 38
>
> Financial and Stores Regulations (FSR) 1986 clearly state the responsibilities of officers with regard to financial control. The Government is now satisfied that more and more officers are familiarising themselves with FSR's and adhering to them. The Government will, however, once again remind all officers of their obligation to follow FSR's.".

But section 13 of the Public Audit and Accounts Law says that they shall follow them. At least one person could not say he did not know about them. That was the Member for Health and Social Services because he got considerable advice about them.

The other statement that Members of this Honourable House must have found interesting was at page 32 where the Government stated that:

> "(ii) The IHC consultants stayed at the Grand Pavilion in 1989 and at the Radisson in 1990. Rates, which were very reasonable, were negotiated by the Portfolio at a special government rate.".

We know that these are two of the top hotels and rates could have been a lot more reasonable if they were put at perhaps some of the other hotels.

Now we come to just one other area that I would like to remind the Government of and this is borne out by a question that was asked of the Member for Health and Social Services in which we found that not only was the 10 per cent in one of the contracts being paid to IHC but we found in it, and he said words to the effect, that there was another two to three per cent paid in expenses and we can well see this as to the extent of those expenses.

We then find out that Mr. Conti came down for monthly meetings, this was on the Dental Clinic, monthly meetings only and that another local firm was paid $10 or $11 thousand or thereabouts, I think, to deal with the inspection side of it and then on top of that there was a quantity surveyor again. If my memory serves me correct, in a Finance Committee meeting about the middle of last year, the Public Works Department (PWD) Officer dealing with this stated that all in all, I think he said 16 or 17 per cent of the contract went to consultants.

Quite frankly, this is why it is hard when the normal amount, as is stated in the Government's Minute and PWD has stated is eight per cent, to get that a bit over double the amount, based on the value of the contract.

In relation to the comments made on the Central Funding Scheme, we felt having looked at it, I think there was several years, for example, no physical inventory of stores had been taken and this we felt was not right. I am glad to see it has now happened. Our comments there, as in all of this, were genuine comments made on what we felt was in the interest of the public.

I do not want to go much further into the minor areas of these. But one area that I would like to just touch on are a few of the comments that the Member for Health and Social Services made. The language unfortunately was quite strong and at times obviously premeditated. This was set out in what I would say were a series of attacks on the Auditor General, amongst others as I mentioned earlier, and his staff.

One rule that one always knows one should be careful not to breach is when you take your Head of the Department and some of your senior staff to task for what, I submit, is doing their job. Through-out his arguments on this we see attacks being made, things being thrown out that are

quite worrying and frightening.

We have to remember that the independence of the Civil Service is another one of the basic principles of a democracy and of the good operating of our capitalist free enterprise system. The day that you can have political pressure put on key civil servants or have them threatened with being fired, which the politician has no legal power to do, much less a right to threaten it, then we are seeing attacks on the very bones of the society in the Cayman Islands. We found where Mr. Peter Multon... and this is a statement that was made in the PAC and was read:

> "73. Mr. Peter Multon, Mr. Peter Reiley and other staff (of the PWD) are of the opinion that:
>
> (1) 10 per cent of the cost of construction is too high;
> (11) too much of the work was assigned to PWD; (and this must have been on IHC contract);
> (111) areas of responsibility are not clearly defined.".

After these statements attempting were made to show that these officers were either incompetent in some areas or did certain things that he did not like and which he felt was not their job. What is even more frightening is that he is the person who has been mentioning a gentleman that I will go on to deal with as the KGB. He says, "To clearly identify, my Portfolio spent one whole day trying to explain what the words 'architect or records' mean and I have it on tape". I do not know what he means by it. I just read out what he says. "I taped it because I could not believe my ears and I had my PS and my Assistant Secretary take notes".

We had also the paragraphs relating to the Chief Medical Officer and we have to remember that this is his top civil servant in the Department for Health. The paragraph out of the PAC Report read this:

> "78. The Chief Medical Officer (CMO) informed the Committee that he was not impressed with the work of IHC on their second uncompetitively let contract with the Government. He noted that in his opinion there was a significant deterioration in the quality of IHC staff assigned to work on the second contract. On this basis your committee suggests that Government should be very reluctant to re-employ the firm of IHC again.".

After that we got an attack on him. These are words to the effect of what he said;

> "He is complaining that because I would not accept the plan that he brought here from the Falklands and that the roof had to be blue because then the pigeons would not mess on it. I make no apologies for refusing it.".

What I am really saying is, how can you run a Portfolio and a Department of Government when you are making these comments about your staff, about civil servants who cannot come in here and defend themselves? Common sense must tell you that this is going to provide its own punishment. That is perhaps why, at this stage that Chief Medical Officer has either left or terminated his position with the Government. All I can say is, that I hope that his successor, the new Chief Medical Officer has the backbone to stand up to his convictions and when he feels that the Member is wrong he has a right to say so. There are limits to saying it publicly, but he has every right to make his opinion clear and if he feels that something is wrong, he has a duty to advise the Member. He should not be taken to task publicly for that. This is where a breakdown comes when the politician tries to control the civil servant. If that continues to happen the independence of the Civil Service is going to crumble and the system of Government around us is going to crumble with it.

The Chief Medical Officer is an expert in his area. Quite frankly, the Member for Health has said a lot about his expertise. What I would suggest is, if he has the amount of expertise that he says he has, why employ a middle man - Mr. Conti - giving him 10 or 12 per cent of it to coordinate the projects? Is the CMO not capable of coordinating his own projects?

These are things that bother me and they bother me even more because it is an attack on the system. I see an organised and consistent attack in his speech directly on civil servants. The worrying thing is, if he is left to get away with these attacks and they become extended into other areas, we have a problem. A real serious problem, far beyond his contracts or whatever may have been spent, which could have been saved.

We have the example of the Hospital Accountant who also came under attack when he said:

> "79. Your Committee, (meaning the PAC), records its support of the act and responsible way the Hospital Management took to verify the expense claims of IHC's consultants. We view with grave concern the information provided by the Hospital Accountant concerning the extreme difficulty in agreeing with the expenses claimed by the IHC consultants. We note with some alarm that many of these expense claims were not complete or properly vouched for and that the Hospital Accountant had to contend with a significant lack of support and understanding from the Portfolio when carrying out his duty in verifying the accuracy of the IHC claims. Quite frankly, your

> Committee is surprised that Government authorised expense payments without full and original supporting documentation. The arrangements for expenses were, in your Committee's view, lax and not well controlled by the Portfolio.".

The reply of the Member to this was - "gibberish". Nothing can be further from the truth, the Hospital Accountant got a lot of support from the Portfolio. Yet, we know that the Portfolio itself, authorised and signed the expenses accounts and if anyone doubts me, read Appendix I, of the PAC's report from which I read all of the expenses...

HON. D. EZZARD MILLER: Madam Speaker, I wonder if the Member would give way for one minute?

MR. TRUMAN M. BODDEN: No, Madam Speaker, I was trying to get through, but what I am saying is a fact. I am holding it in my hand. It is here, it says: "Approved for payment, J. Basdeo, 31/5/89.".

HON. D. EZZARD MILLER: She was entitled to do that because she was the Controlling Officer in that specific contract. There were three contracts, two to CMO as the Controlling Officer, and in one she was the Controlling Officer, so she was entitled to do it.

MR. TRUMAN M. BODDEN: Madam Speaker, I obviously hit a sore point.

But, what do we get after that? He must know it is unusual, the Hospital Accountant and the Administrator, the people that deal with these little things. The Principal Secretary in the Portfolio must have better things to do than taking and authorising bills and that sort of thing.

We know they said that they got into a lot of difficulty trying to get bills and this sort of thing. We find that the Hospital Accountant, and it should be interesting to see, I guess, whether he survives this, was made fun of for saying all he found that was owing were two cents.

Again after that we have a further criticism of the Chief Medical Officer (CMO) and the management where they had stated that the Hospital Management Committee had not been fully apprised of and had not felt that they had taken part in all of this.

The CMO is of the opinion that while many of the plans produced by HC are valid, some areas in the plans were not capable of being put into practice. Once again, we have a lot being said in relation to the CMO.

I would like to go on to deal with the last main area.

MADAM SPEAKER: Honourable Member, would you like to take the break now and start a new item?

The House will be suspended until 2:15 P.M.

AT 12:45 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed, the Third Elected Member for George Town continuing.

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

Before going on to my final main Head, I would like to clear up one or two points. The Member for Health and Social Services earlier interrupted when I was dealing with the matter of the only exhibit that I see that is attached to the PAC and that was the authorisation for $4,518.19 which is Appendix I of the PAC Report.

I believe he said that his Principal Secretary was fully authorised and entitled to sign this. I notice he is not here, so I will just defer that to a bit further on because I want to be certain I understood exactly what he was saying. One other quick point. I was able to do a bit of further research and much has been said about the strong wording of the Report of the PAC. I would like to read a short passage from the Constitutional Law and Administrative Law book by D. Smith. At page 293 and it has this to say:

> "The Report of an inquest (and this would have been by the Auditor General's Department) may not be unproductive as a spurt or remedial action. For instance an adverse report of the Public Accounts Committee on excess profits made by an armaments firm under contract for the supply of a guided missile led to repayment by the firm and tighter contracting procedures.
>
> One of the Committee's 1979 to 1980 reports shows what an indispensable watchdog it is. It uncovered overpayments of off-shore suppliers interest relief grants of 16 million pounds and further contemplated over-payments of 44 million pounds in breach of Treasury guidelines and complained (and this is in quotes) "with great concern and amazement" that it was given "grossly inaccurate and misleading evidence by the Permanent Under-Secretary of the Department of Energy.".

It is not by any means unusual for the PAC to use strong words when it is dealing with its opinions and its comments in relation to matters such as this. Those words are about as strong as one could really get from one of the top persons there, when there was a breech of Treasury guidelines. This would be, I submit, the equivalent of Financial and Stores Regulations that we have.

I would like to mention that substantially all of what I have said obviously relates to the Member for Health and Social Services who has been the only Member to speak. The other three Elected Members of the Government may have to decide whether they are going to get up and support and thus take responsibility for the acts of that Member, or whether they will choose to let things lie. We will see that in due course.

I would like to finish what I had mentioned a bit earlier before going on to dealing with the last matter. The bill that I read from Appendix I that was approved by the Principal Secretary for Health and Social Services had to relate to the contract at page 15 of the Auditor General's Report which is listed there as Healthcare Delivery System Plan and Healthcare Facilities Plan. The amount is $120,000, the funding was the 13 March and the contract was signed the 6 April. For the next contract the Controlling Officer is the Chief Medical Officer, so that there was no way that the Principal Secretary could properly have signed a bill in May 1989 because the next two contracts were signed, one on the 7 August and the other one the 16 of October. I am, therefore, correct in saying that this bill of $4,518.19 that was signed by the Principal Secretary at the Portfolio, the Controlling Officer was the Chief Medical Officer and that is clearly borne out and documented at page 15.

As we know, and I will deal with this, the Auditor General's Report is accepted as being factually correct because as I understand it, the different sections as they relate to the different departments would have had at least that much circulated to them and if they do not agree on the facts, then they come back to him. So we are dealing with a report that is factually correct in that respect.

The other quick point that I had relates to where the Member for Health and Social Services stated that our reference to two bills for entertainment had been properly authorised and properly incurred. In relation to this, as I understand it, his explanation was that he had signed it because his PS had to go back to get some papers from the office. However, my question to him is this. As I understand it, bills such as this normally have to be approved through the Financial Secretary's Department first before they go on to being paid. My question is, is he saying that this bill and the other bill, were properly authorised in accordance with the Government's procedures or whether it was signed by him and later on he went and got the necessary ratification of the bill? There are two different things. One would be a clear breach of the rules for the entertainment and the other one would be a situation where he had subsequently gotten approval after he had breached the rules.

The Auditor General of this country, as in every other country, is one person who has to remain free from undue political and other pressures. He has to remain independent in this society. That is clearly borne out by the fact that his appointment and anything that relates to matters such as his dismissal are approved by the Governor in his personal capacity, that is, not upon the advice of Executive Council. Also, that it is only done upon the prior approval of the Secretary of State. It is indeed one of the few, if perhaps not the only, in which the post is so important as far as remaining independent that there is statutory provision for it in the law. Section 35 of the Public Finance and Audit Law, 1985 states:

> "35. Subject to section 33, the Auditor General shall be employed subject to such laws, Colonial Regulations, administrative rules and conditions of service as apply generally to public officers.
>
> 36. When a vacancy occurs in the Office of Auditor General for any reason the Governor, (here it means the Governor personally) with the prior approval of the Secretary of State, shall appoint another person under section 32 to hold that Office.".

Now the importance of that is that he is functioning in an independent position because as Auditor General he is very much in the position of any Auditor in which he must be left free to exercise his opinions, make his decisions, as he sees fit and as a watch dog of public funds.

That is further borne out in section 39 of the law in which it provides his powers and it states in the sub-section 3:

> "39(3) In the performance of his duties and the exercise of his powers under this Law the Auditor General shall not be subject to the direction or control of any other person or authority.".

A bit earlier on it refers to him being answerable only to the Governor or it could be the Legislature, I will find that section. But the important thing is, that his independence is provided in the law itself. When one thinks of it, if he were to otherwise, then the political government of any country could actually tell him or direct him or put pressure on him, which is probably the way it would come, to do or not to do matters which he felt were not correct. Then we would really lose the whole function of the Auditor General.

There has been, I submit, a premeditated and consistent attack by the Member for Health and Social Services on him. The reason is what I stated earlier, it all comes back to what he found out and the opinions he expressed on the contracts for IHC relating to what the Member did and failed to do in relation to them. The first place that this comes in was where the Member tried to infer that as he referred to it, the only fly in the ointment there is the Auditor General himself. Because on the 22 June 1990, he circulated

them, meaning the Auditor's Report to almost everybody, which contravenes the law. I am going to deal with his other contraventions under the law as we go along. This gets stronger as we move on.

We find that he further said, and this perhaps is one of the most serious statements he made, words to the effect:

> "I was at a meeting and the way he (meaning the Auditor General) went on, you would have thought you were listening to the KGB. The way he had the poor civil servants intimidated by him. he is answerable to no-one. He takes instructions from nobody and if he asks you a question or the PAC asks you a question, all you civil servants had better give him the answer.".

I believe that that attack in those strong words has got to be something that is totally out of order for a Member of Government to make in relation to the Auditor General. Throughout what he said, there were constant references to him. There were attempts to belittle the post, as it was, with the PAC, and as I stated earlier, the day that we lose the integrity or there is a destruction of the effectiveness of the Auditor General and the PAC then the very foundations of the type of Government that we know are going to begin to shake and crumble. That went on until the Member for Health and Social Services had this to say:

> "I am not quite yet prepared to do so, but I wonder if the Governor should not be asked to consider taking action under section 33(1) of the Public Accounts Finance Law, as the result of contraventions of 42 and act accordingly.".

Now, section 33 of the Public Finance and Audit Law states:

> "33.(1)Any person who is appointed under section 32 as the Auditor General -
>
> (a) shall hold that Office during good behavior; and
>
> (b) may -
>
> (i) be dismissed from that Officer; or
> (ii) if he is an officer on the pensionable establishment and has not attained the normal age of retirement public officers, be required to retire from that Office; or
> (iii) if he is an officer on agreement, have his agreement unilaterally terminated,
>
> only by order in writing by the Governor made with the prior approval of the Secretary of State.".

Section 42, and I think there was some attempt here that he hoped people would miss the threat that was veiled in it. Section 42 deals with the examination audit of the annual statements of the Auditor General and submission of the Report which is one of his main duties as Auditor General. What in effect the Member is saying here is, that he wonders whether the Governor should not be asked to exercise the powers under section 33 which include dismissal, retirement, which we know he is too young for that, or to unilaterally terminate his agreement with Auditor General. In otherwords, to get rid of the Auditor General.

This was put in such a way that if one did not look back at the sections, this is why I say these attacks were premeditated and well prepared, and see exactly what he is saying, one could well have just passed it over as being some other political rhetoric or whatever he keeps referring to. But there you have, in my view, a direct attack. An attempt to request or to urge, the Governor to get rid of the Auditor General. There is nothing else that I see that that could mean. That is so serious a matter that before the Governor exercises his discretion under this, he has to get prior approval of the Secretary of State. That is how entrenched it is in the law. Madam Speaker, why? Why? Because as an Executive Council Member has said in the past, Executive Council must have its way. Anybody who seems to get in its way, this time it is the Auditor General, Chief Medical Officer, PAC, Hospital Accountant, whoever gets in the way must be attacked verbally, and should be destroyed, so to speak, or removed from their post.

What really worries me is the day when he or anyone else succeeds in putting pressure on the Auditor General to cause him to do something which otherwise he would not do or he goes even further than that by trying to induce the Governor to get the prior approval of the Secretary of State to take action under this section. How far can you go to remove from your path people who have pointed a finger when you contravened what are clearly rules that are in the interest of the public. That attack, in my opinion, is most serious and it goes well beyond what we can now call the Margarita Bill. When we reach a stage where the checks and balances of this country no longer function properly then Government has a free rein to waste the public's money without having anyone looking over its shoulder.

I would like to wind up by mentioning in summary one or two of the matters I dealt with in detail.

There is no doubt in my mind nor in the minds of the Public Accounts Committee which comprises, as I mentioned earlier, Mr. Roy Bodden, Mr. John Jefferson Jr., Mr. McKeeva Bush, Capt. Mabry Kirkconnell and myself, that the meat of our Report, that is the part that deals mainly with IHC contracts and the Member for Health and Social Services, clearly contravened the Financial and Stores Regulations and clearly what was done was not in the public's interest.

It could not be shown that having not followed the proper procedure that Government and the people got the best value for its money.

It was borne out very clearly by the Auditor General that the Report was so skimpy that the Government's Economic Development Unit was not able to find in it any "least cost" basis or formula showing that the course taken was one that would cost the public the least it should for the same services.

It showed nothing relating to the economic viability of the project and it did everything to point suspicion toward the fact that the contract could have been put out to public tender and other persons given a right to bid and the public at that stage would have been more satisfied that it was getting its proper value for the money that was being paid.

The second area I have shown is that despite that some of the Report was in strong language, that is not unusual. The strong language was in relation to what we regarded as the serious breaches of the regulations by the Member for Health and Social Services. The point was borne out that the very bills which should have been signed by another Controlling Officer were being signed at Portfolio level.

I should point out as I did earlier, there are many areas of the Government Minute on the PAC Report which are good. I have no problem in accepting many areas of this. But, there are some areas of this that are clearly in conflict and have been used by the Government to attack the Report of the PAC. That I submit, no member of the PAC who signed it can sit by and vote for a Motion that is going to say approval of the Report. I have dealt with areas that I had no problem with, others that I had no problem with at all, I just skipped over it. It is unfortunate, as I said earlier, that the Member for Health and Social Services did not follow the good example set by the First Elected Member for Bodden Town and try to deal with this in a more calm and rational way and perhaps let the two Reports lie. Now he is forcing us to either accept the whole Report or reject it. Quite frankly, if I am put in that position, then I must vote against the acceptance of the Report which Government has just laid on the table.

The other final area that I dealt with was the fact that the Report puts up a smoke screen by drawing attention to a lot of minor and trivial matters; at least trivial in my view. When they know very clearly that the PAC and the Auditor General had very clear authority to deal with IHC contracts. It is not the other little areas in this that has annoyed the Member for Health and Social Services. It is IHC and his friend Mr. Conti. Therein, lies the rub in this whole thing! However, we have seen as a result of this, a premeditated and consistent attack on members of the PAC for what they said. We have seen that attack on the Auditor General, we have seen it on the Chief Medical Officer as Head of the Members Health Services Department and we have seen it on another two officers in that department and also two officers in Public Works Department. That I regard, because of the wideness and the pre-meditated aspect of it, as one which is intended to destroy the last checks and balances that the public have in ensuring that the publics money is properly spent and that proper value for money is given when contracts are issued. When we follow the chain of process that has taken place we first saw the neutralizing of the Finance Committee. Government got control of that despite the fact that seven of the 12 Elected Members make up a majority and always had made up a majority of it. So they have, therefore, taken over the power to authorise money.

Secondly, if they wished and I am speaking generally, after that authorisation the only thing standing in their way from giving out contracts to friends or not following the procedures that have been laid down in the Finance and Stores Regulations of 1986, is the Auditor General and the PAC. Now, the Member has taken a direct attack to destroy and to embarrass in many instances from what he is saying, embarrass people who have dared to question him. That has to be a very serious matter because if he succeeds in reducing or removing the last checks and balances that this country has in public spending, this country is going to fall and it is going to fall from within, as did Rome and many other countries over the years. This is why I believe that he must be stopped at this stage from this approach. I do not believe that the other three Elected Members of Government are prepared to go to the extreme that he did and if they are, then my worry really gets to a serious stage.

I would submit, that while there are good parts of the Government's Minute and I believe that in many areas Government is doing everything it can to deal with its problems, there are areas of it which must be rejected. Especially, I will fight to the bitter end to see that the checks and balances that have existed in the Cayman Islands remain and that the independence of the Auditor General and the PAC remain in place; and as watch dogs of the public's money, we can continue to function and to ensure the public that the best value that they can get is given for their money.

MADAM SPEAKER: Would any other Honourable Member wish to continue debate?
The Honourable Member for Education.

HON. BENSON O. EBANKS: Thank you, Madam Speaker.

I hope in my contribution to this debate to deal with the Motion before the House and in doing so to use as the basis the Minute tabled by Government, the PAC Report and the Auditor General's Report. I hope not to deal too much with the comments of Members who have gone before me on this issue. The last speaker sought to claim that the Member for Health had attempted to say that the Government Minute was not the Government Minute, as such, but was a product of the Official Members and the Civil Service. That is not really what the Member for Health said. The Member said that it was prepared by civil servants. Government, that is the four Elected Members and the Official Members who represent the Government certainly take responsibility for this Minute. The four Elected Members in particular want to make it very clear that there is nothing in this Minute that we renege.

It is interesting to hear the last speaker, the Third Elected Member for George Town, saying that had the Member for Health followed the good example of the First Elected Member for Bodden Town, that this Minute could have been laid and dispensed with, without any debate. I find that

difficult to believe when there is on the Order Paper Motions set down to even suspend Standing Orders to get to debate this Minute if the method that was chosen by the First Official Member had not been followed. That is, a Motion put to the House that this Minute be accepted.

I cannot accept that there was any good intention either by the First Elected Member for Bodden Town or the Third Elected Member for George Town to allow this Minute to go unchallenged. Basically, what the Government Minute has said is that the PAC has concerned itself with areas of Government policy with which it is not competent to deal. It went further to say that, in some instances the language used by the PAC was strong, rash and not language that would be expected to come from such a committee.

It also says, and it identifies the areas where these comments are appropriate, that there are instances where the Committee appears to have reached the wrong conclusion based on the evidence before it. To put it mildly, the PAC is written in a fashion that can only be described as mischievous in some instances. For example, the first area of substance or concern mentioned in the Government Minute is the Government accounts. That is, we have Cayman Airways going before that, but that is lengthy and incidental and based basically on a lot of things, like the value of good will and how do you value good will and so on? That is a lot of technical dialogue as far as I am concerned.

I like to start with the section that deals with the Public Sector Debt and in order to show what Government is talking about when it says that the language is extreme and extravagant and the Committee seems to arrive at conclusions that are not based on the facts, I crave the indulgence to read what the Auditor General had to say about Government's overall financial position. Before I do, I think it is appropriate that I mention again what our Standing Order has to say about the functions of the PAC. It says beyond reasonable doubt, especially Standing Order 74(5), that the Report is on the Auditor General's Report. And when I read now what the Auditor General had to say about Government's overall position and then compare it to what the PAC had to say, I think light will begin to dawn on what Government's contention is about the extravagant style of PAC Report. This is what the Auditor General had to say:

> "The overall financial performance of the Government in 1989 was good. Total spending was restricted to $96.4 million (88.1 per cent of the final Estimate), whilst total revenues increased to $100.5 million (104 per cent) of final Estimate).".

In otherwords, the final expenditure of Government was restricted, as reduced by 11.9 per cent of the final Estimate passed by the House while Revenue increased by 4 per cent. A very good outurn as the Auditor General says. He goes on:

> "Overall public sector indebtedness (Public Debt plus Self Financing Loans) increased slightly to $29.8 million (6 per cent more than last year). The General Reserve improved significantly to $18.2 million (a 63 per cent increase) and loans repayable to the Government rose to $29.2 million. The Government's liability for Civil Servants' pensions was actuarily assessed for the first time and was estimated at the 1 January 1989 to be some $32.4 million (see Note 10 of the Financial Statements).".

That is what the Auditor General had to say about Government's National Debt.

Let us hear what the PAC had to say, how they translated that beautiful language into such alarming language.

> "PUBLIC SECTOR DEBT
>
> 18. Your Committee is concerned that the use of a wide definition of public sector debt, including the recently assessed liability for Government pensions gives the country a debt figure of some CI$62.2 million - approximately 60 per cent of the Government's annual revenues.
>
> 19. We wish to report that we are alarmed at this situation and recommend that government exercise due caution and prudence in reducing this debt significantly so as to avoid the dramatic and catastrophic problems faced by other countries in paying off their debts.".

$29.8 million of public debt was automatically increased by the Public Accounts Committee to $62.2 million by including the $32.4 million liability which had been assessed only that year at Government's request on pensions. If it is a contingent liability, some of that will not be due for payment until the year 2020. It would not have been known if the Government had not taken steps, specifically, the Member for Health when he was doing his study for the pension plan to have that figure determined. So Government has no problem with the knowing what it is, but let us not couple it up and let people believe that the country is in a devastated situation with public debt. That is what Government meant and put its Report reply in very, very parliamentary and governmental language. We did not use any extremes, this is what the Minute says:

> "The Government is concerned that the Committee has quoted a total debt for the country as $62.2 million. If this refers to the total debt of the Government, it is misleading, as the accounts show that Government's Public Debt was $19,387,316 at December 31 1989. The accounts also show that self-financing loans incurred by the statutory undertakings were $10,403,470 which the Government can reasonably expect them to meet from future trading surpluses, and will not thus

become a burden on government revenues.

The inclusion of contingent liabilities within the broad definition of public debt is wrong, as they are contingent by definition on the performance of the guaranteed body in repaying the guaranteed loans. The Government has no reason to believe that there will be default. In most instances, the original guarantees do not now represent the current contingent liability. Additionally, the pensions liability of $32,445,624 at January 1 1989 is contingent upon retirements, and the Government, realising that this is a growing cost, is now setting aside amounts into a pension reserve to secure pension rights.".

Now, that last bit is very significant because even this morning when the Third Elected Member for George Town was making his contribution he read all of this save that section which said that:

"Government, realising that this is a growing cost, is now setting aside amounts into a pension reserve to secure pension rights.".

In other words, Government realising the contingent liability has started to fund it. Yet, not even that action could be grudgingly be brought out by the Third Elected Member for George Town. He went to read the paragraph and left it out. That is generally what we have had to say of our position on this Report. We, the Government, really have no quarrels with anything that the Auditor General has put in his account.

As I see the Auditor General's account and I am being general now, I might become more specific later, he said in dealing with contracts, for example, that it had come to his notice that Government was not observing the regulations for issuance of contracts when it came to consultancy contracts. He quoted where contracts had been issued in 1986, 1987, 1988 and again in 1989. I think there were a total of 33. He thought that this was not a good practice and that it should be corrected. He used one of those contracts, as I understand it, to prove his point. He listed various points to prove his position and he summarised by saying in his view a public officer who did not use that method would be hard pressed to prove that they had not acted impartially at best, I think was his language. I will get to the specific language later.

Let us see, I imagine I will have to read that directly because I want to show where this rub comes. I want to show the excessive language that that very reasonable language of the Auditor General got translated into.

I think this is important and I crave your indulgence to deal with this whole matter. Chapter 8 of the Financial and Stores Regulations (FSTs), provides a comprehensive set of procedures governing the award of contracts for the procurement of goods, works and services and the operation of Tender Committees. The Regulations are intended to foster fair and open competition among all potential suppliers of goods, works and services. They state specifically that goods, works and services must be obtained openly and competitively so that Government procurement is seen by the community at large to be fair and equitable. All goods, works and services exceeding $10,000 required locally by the Government need to be obtained by contract after public tender.

Then it goes on, Financial and Stores Regulations are established under the authority of the Finance and Audit Law, 1985, and I wish to pause here to underline the operative date or the operative Law. The Public Finance and Audit Law, 1985. Because that Law was brought to this House by the Government Bench as it exists now save for two Members.

This Government believes in proper procedures and accounting. Our PAC has been active from 1984 until now and we want them to continue to be active but we want them to do the job in a business like fashion as they are supposed to do. As the Minute says, 'rhetoric is no substitute for substance'.

MADAM SPEAKER: Would this be a convenient time for the break? The House is suspended for 15 minutes.

AT 3:19 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:17 P.M.

MADAM SPEAKER: Please be seated.
Proceedings are resumed the Honourable Elected Member for Education continuing.

HON. BENSON O. EBANKS: Thank you, Madam Speaker.
When we took the break I had started to read from the Auditor General's Report and had paused to indicate that the Financial and Stores Regulations are established under the Public Finance and Audit Law, 1985. A Law passed by virtually the same Government, at least the same Government Bench, two of the Members were on the other side at that time, otherwise it is the same Government Bench. I said that this Government believes in accountability for public finance and that our PACs had been working continuously from 1984 until the present, and that we wish that to continue. That is unlike the situation that existed from late 1976 to late 1984. Particularly from 1980 to 1984 when, to the best of my knowledge, the PAC

never met at all. So it is difficult to see how some of those people who are members of that Committee and did not see fit to pronounce on Government's activities, as revealed in the Auditor General Report of those days, can now find such great affection and love for a PAC. A system, I think they call it, of checks and balances but it did not seem as though we needed any checks or balances in those days.

I might as well say now that there was, in fact, a Public Tenders Committee or something of the sort in those days and it is my understanding that it was not unusual in that period for the then Executive Council to over-ride the advice of the Public Tenders Committee. If that information is incorrect, no doubt, I will be told. But that is my understanding and, in fact, I have that information documented.

I will continue to quote from the Auditor General's Report. He said:

> "37. The Financial and Stores Regulations are established under the authority of the Public Finance and Audit Law, 1985. The Public Finance and Audit Law refers to the power of the Financial Secretary to make administrative Regulations (Section 11(i)). These Regulations are given authority under the Public Finance and Audit Law Section 13, which states that "Every controlling officer shall obey all regulations made and directions or instructions given by the Financial Secretary under section 11 and shall, if so required, account to the Financial Secretary for the performance of his duties as controlling officer".".

I will go on a little further and read what he had to say:

> "Key Requirements of the FSRs
>
> 39. The Financial and Stores Regulations require all contracts of $100,000 and over to be openly and competitively awarded through the Central Tenders Committee. Contracts for under $100,000 are awarded, after tender, by Departmental Tenders Committees. Purchases of goods, works and services not exceeding $10,000 in value are not required to formally go to tender. Nevertheless, Controlling Officers must still exercise sufficient control to ensure that the rates at which they are obtained are competitive. The responsibility for issuing invitations to tender for the supply of goods, works and services rest with the Controlling Officer of the Vote from which the expenditure will be met. All invitations to tender must be published in the Government Gazette and in at least one local newspaper. All contracts over $100,000 need to be referred to the Attorney General for clearance. Contracts are normally signed by the Controlling Officer concerned and all original copies of contracts are to be forwarded to the Accountant General for his safe custody. There are no explicit instructions in the Financial and Stores Regulations exempting the contracting for consultancy services from these requirements.
>
> Large Government Contracts
>
> 40. During the period 1986 to 1989 thirty three (33) government contracts of $100,000 or more were let without receiving the required scrutiny or approval by the Central Tenders Committee. All these 33 contracts did, however, receive some form of review at Departmental level.".

We then go to paragraph 43 to his findings:

> "Findings:
>
> 43. My officers carried out a review of the procedures Government uses to contract and tender for goods, works and services in order to establish that adequate controls were in operation and that the Financial and Stores Regulations are being followed. Their investigations revealed that:
>
> i) When they are used the work and evaluations of the Central Tenders Committee are valuable and useful.
>
> ii) Significant numbers of contracts are not scrutinised or approved by the Central Tenders Committee. The Committee rely on Controlling Officers to inform them of any large contracts. They have no easy means to identify those Controlling Officers who avoid this scrutiny.
>
> iii) Contracts for consultancy services (and this is important in this particular case). Contracts for consultancy services are not always subject to open competition and large consultancy contracts have not been reviewed by the Central Tenders Committee. It is contended that, as these types of services are not explicitly referred to in the Financial and Stores Regulations, normal contracting and tendering procedures do not apply to the contracting for this type of service. (A specific instance where consultancy contracts for considerable sums by-passed the Committee's scrutiny and were let non-competitively is discussed more fully below at paragraphs 47 to 56).".

I said earlier that it was my view that the Auditor General used the IHC contracts to prove the point. That is, that contracts for consultancy were not reviewed up to that time by the Central Tenders Committee. This is basically exactly what he said:

> "A specific instance where consultancy contracts for considerable sums by-passed the Committee's scrutiny and were let non-competitively is discussed more fully below at paragraphs 47 to 56)"."

That is where he deals with the IHC contracts.

> "iv)Not all original copies of government contracts are passed by Controlling Officers to the Accountant General for his safekeeping.
> v) Public Works contracts are generally let on a selective tendering basis. Works contracts under $300,000 are scrutinised by the Public Works Department Tender Committee and approved by the Chief Engineer.
>
> vi) The Public Works Department deal with the largest volume of contracts of any department. They do not have a separate Contracts Officer but all contracts require the approval of more than one officer.".

The Auditor General's general conclusions.

> "Conclusion
>
> 44. The procedures for government contracting established in the Financial and Stores Regulations are intended to ensure that Government obtains maximum value from the public money spent on its contracts. The FSRs also seek to ensure that Government contracting is open and competitive and may be seen by the public to be fair and equitable.
>
> 45. I have observed that Controlling Officers are not following the required procedures set out in the Financial and Stores Regulations for the letting of contracts valued at $100,000 and greater. In particular it is of great concern to me that contracts for consultancy services are not always let competitively and that large consultancy contracts are not reviewed by the Central Tenders Committee. The Central Tenders Committee is not being fully used by Controlling Officers. (This is important) Without the scrutiny of the Central Tenders Committee controlling officers may find it difficult to demonstrate that their contracts have been let fairly and impartially, and represent the best value for public money.
>
> 46. The Department of Finance and Development told me that they share my concern regarding the arrangements for tendering and contracting. They are taking steps to strengthen the operation of the Central Tenders Committee and will soon be undertaking a review of all government procurement procedures.".

Then he goes on in 47, 48, 49, 50 to deal with the IHC contracts. And this in 51 is what they Auditor General had to say of his findings there.

> "Findings
>
> 51. (i) None of the contracts let to the IHC have gone to a Tender Committee. In my view this clearly contravenes the requirements of the Financial and Stores Regulations. The Portfolio are of the opinion that the Financial and Stores Regulations were never intended to cover technical consultancies. They told me (that is of course the Auditor General, I am reading his report) that Executive Council routinely approves technical consultancy contracts, subject to funds being made available by the Finance Committee.".

That is a fact, Madam Speaker. That was the procedure that existed and note that Executive Council approved it subject to funds being made available by the Finance Committee. Those projects were always brought to Finance Committee and approved there. So, Finance Committee was not operating in the dark as some Members would have us believe.

I believe the Third Member for George Town even said something to the effect that maybe the contracts could be let to friends or something of this sort. But the Finance Committee was aware of what went on and obviously both Finance Committee and Executive Council were operating in the dark on that issue. He goes on to finding number ii.

> "ii) No other consultants were asked to prepare proposals for the work let to IHC. The Portfolio told me (that is the Auditor General) that the Member for Health told them that no other proposals were necessary because he was satisfied that IHC was best suited to provide the services required.

iii) The Portfolio told me that IHC had been technically vetted by past and present Executive Members for health who had visited completed IHC projects and facilities in the USA.

iv) In May 1989 the Accountant General reminded the Portfolio of the need to comply with the Financial and Stores Regulations and that contracts over $100,000 need to be reviewed by the Central Tender Committee.

vi) The Financial and Stores Regulations stipulate that all original contracts are to be kept by the Accountant General. The original of contract (a) in paragraph 48 above is with the Accountant General; the original of contract (c) is with the PS (H&SS) as the contract is being amended; and my officers could not locate the whereabouts of contract (b).".

Now, Madam Speaker, that an attempt was made to say that the fact that the contract could not be located was a reflection on the Member for Health. But the Auditor General did not say that. He did not say whether somebody else had it and lost it or what happened. He just said it could not be located.

He goes on:

"53. I have also these other, more general, observations to make concerning the IHC and the work they have performed for Government:".

As we go down these observations, I submit that, we will find that what the Auditor General is doing here is applying the yard stick, which he enumerated earlier, that following the Finance and Stores Regulations would achieve. In the final analysis he did not find anything sinister with this more than perhaps he found with any of the other 30 or 32 contracts that were issued. As I said, it seems to me he was using these as examples. He goes on and says:

"(i)IHC have been in contact with the Government since 1986. IHC had no agreement with the previous Government to provide the consultancy services they are currently awarded.

(ii) Mr. Conti (sole owner of IHC and IHC's chief contact with the Government) is not a health care professional. However, the staff IHC assigned to the work for Government have been assessed as competent by the Chief Medical Officer.".

I think that is important. Because in one breath the Member is castigated for not following the advice of his technical staff and then in the next breath he is castigated if he does. But I think that is important that that is noted.

"(iii) The IHC have not done work outside of the USA before. Whilst Mr. Conti's companies have experience of the development and design of medical office complexes; ambulatory healthcare centres and surgical centres; and have produced studies on health systems and hospital systems, the overall package of services they will be providing to the Government seems to be unique. In selecting the IHC the member for Health and his technical advisors considered that the IHC were capable of providing the unique scope of services required.".

He makes the very obvious comment:

"(iv) There are no reasons why the contracts let to the IHC could not have been performed by other consultants.".

It was really not that great a specialised job that somebody else could not have done it. That was acknowledged from the beginning. He goes on and he talks about the financial appraisal and so on that the Member talked about earlier.

"(vii) These consultancy contracts are not the only consultants contracts let by the Government without competitive bidding. The Financial Secretary has identified this as a gray area and is actively considering the issue of practical guidance to Controlling Officers on the engagement of consultants.".

He record the Portfolios views.

"The Portfolio's Views

53. The Portfolio is of the opinion that while the IHC contracts were not subject to public competitive tender, their services were obtained openly and the Government's dealing with the firm is a matter of public record. They told me that the cost of IHC's services were competitive based on their experience of similar contracts awarded by Government. The Portfolio consider that they have contravened none of the relevant Financial and Stores Regulations. They have followed the long established practice of the Executive Council deciding on the award of technical consultancies. They are convinced that the maximum value from public funds has been obtained

from the IHC contracts.

Conclusion

54. It is my observation that the services provided by IHC have not been obtained openly or competitively. (that is the Auditor General) I have not been able to see and I am not assured that procedures have been followed to ensure that the award of contracts to IHC were fair and equitable. Without the evidence that would be provided by competition for the contracts in question I can not be assured that these contracts obtain the maximum value for public moneys.

55. It appears to me that significant parts of the Financial and Stores Regulations (chapter 8) have not been followed in detail or spirit by the Portfolio. I am in agreement with the Portfolio that technical and management consultancies have by and large not been let openly or competitively in the past.".

So what the Auditor General is saying is that this occurrence is par for the course, it was not different than others let in the past, but, that he wants to see it brought in conformity with the Regulations and we have no problem with that.

"I see no good reasons why the sound and fair principles of government contracting clearly set out in the Financial and Stores Regulations are not followed when engaging the services of consultants. There are no good reasons for these types of contracts not to be reviewed by the Central Tenders Committee. Scrutiny by the Central Tenders Committee is a key control in the Governments procurement procedures which are intended to provide the public with assurance that all large government contracts are let fairly, openly and competitively without favoritism or partiality.

56. It has been noted above that those who ignore government's established procurement regulations when entering into contractual commitments on behalf of the Government may well find themselves exposed to charges of partiality or worse. This situation is avoided by following sound sensible procedures for contracting and tendering for all government's requirements for good, works and services. I would urge the government (said the Auditor General) to follow their normal contracting procedures when entering into contracts for the services of consultants. In this respect I warmly welcome the Financial Secretary's commitment to provide sound practical advice to departments on the engagement of consultants.".

That is the end of the Auditor General's comments on IHC reports. But, as I said, unless I have missed something all that the Auditor General has been saying there is while custom has been carried out in that case, let us make sure that all contracts including consultancy contracts reflect the Regulations which are in place so that everything is without doubt.

Let us hear the language of the PAC in this regard. This is why I went to the extent that I did, because I wanted to make sure that I set the stage to truly understand what is being said by the PAC. I also wanted to point out that the Third Elected Member for George Town did touch on this paragraph today but he never read the real damning parts that Government object to and say that it is excessive and strong language uncalled for in the circumstances. They say:

"59. Elected Officials as well as public servants (this is the Public Accounts Committee) must be more than legally innocent; they must be perceived as scrupulous, law abiding and trustworthy. Men should not be judged solely by the arrogance of their dispositions, but anyone holding public office (be that office by election or appointment) bears a responsibility to be cautious, selective and sensible in their dealings.".

Madam Speaker, I suggest that the Auditor General did not introduce anything about arrogance in his comments or legal innocence. Government has no argument with the language used by the Auditor General there. But, it does feel that this language is excessive and over-strong. Yes, Madam Speaker, they said the consultants engaged may expect to eventually earn several million dollars in associated fees. The Auditor General also made that observation, but, in reality, they could only earn that money if they won succeeding contracts. There was nothing in existence or nothing binding Government to give them any future work. In fact, this was stipulated. So this has to be, shall I say, stretching things a bit to get this into what was said. They go on:

"75. Your Committee is disappointed to realise that the awarding of such a large and important contract was handled with such a cavalier disregard. We have not been able to establish clearly that in the words of a previous Committee Report on the 1987 Accounts, "...partiality or worse..." has not occurred in this case.

76. Your Committee has stopped short of calling for an independent commission to investigate whether any corruption was involved in the unusual arrangements surrounding the awarding of Government work to IHC because we believe that assurances providing for the sound, sensible

and fair principles surrounding Government contracting will be forthcoming from Government very shortly.".

How unlike the language in the Auditor General's Report! There is no indication in the Auditor General's Report that anything untoward took place other than "the customary". There was no unusual arrangements with this one that did not go on with the other 32 that the Auditor General pointed out. They admit that Government has taken steps to see that even the consultancy contracts come forth in the recognised and accepted fashion. This is strong language and we feel that it is a bit mischievous. That is the area that I say makes the report mischievous; the language there. We have to bear in mind that the Auditor General's Report and the PAC Report on these contracts are but a minuscule fraction of the beating that this particular issue has taken. There have been Private Member's Motions, there have been more questions and answers and the point that Government has made is that in spite of their language and in spite of all of this excessive scrutiny, nothing untoward has been turned up.

I might as well get to this issue at this point. That is why I feel that the statement made by the First Elected Member for Bodden Town, the Chairman of the PAC, on Monday is more damaging than anything written by the Auditor General or the PAC in their Reports. If I understood him correctly, he indicated that there might be evidence unearthed by the PAC that should be made public that has not been. That would be a clear dereliction of duty. We feel that that should have been put on the table and I hear comments that they are going to do it now. My contention is, that if they have such evidence, then they should put it forward in a special report to be dealt with in the usual fashion. Not bring it up under some debate where they cannot substantiate what they are doing and hope that it will fly off into the darkness. That would be irresponsibility! It must be put on the Table, the statement retracted, or else, as the Member for Health said, they would know what to do.

As I said, Government has no problem with the findings of the Auditor General. We want any weaknesses in Government's Financial Regulations or practices, to be strengthened. That is what we are spending a lot of money trying to do and we want it done. I certainly can understand why it was felt that consultancies are somewhat different from hard brick and mortar contracts because when one is dealing with a consultant, one needs to know that not only has the consultant the ability that one is seeking, but one has to be assured that the person also has the temperament that allows them to work well with the Officers in Government with whom they have to work. Otherwise, the money will be frittered away just the same. It is a very, very specialised area. Taken to its extreme this procedure would encompass even expensive legal advice. I do not believe that to publicly tender for legal advice is something that would be readily, I would not say understood or accepted, but it would be rather unusual and after all, there has to be some area of trust.

While I am dealing with the contracts of IHC, I believe the Third Elected Member for George Town this morning introduced one bill that he seemed to say indicated that the contract was open ended and that any and all expenses could be put in and that they were not quantified. I happen to be holding a copy, I understand, of the contract in question and it enumerates the expenses which would be allowed under the contract and the $100 transportation to the Pittsburgh Airport was to be fixed. So, that was not an open ended expense. That was to and back as I understand it from the Airport and four people were involved. It went on about the air transportation and other expenses. Much was made of that, but I have here what I understand is a bid by a local firm of architects for a local contract. Listed under article 5 is reimbursable expenses. And they list reimbursable expenses are in addition to the compensation for basic services and include actual expenditures made by the architect and the architect's employees and consultants in the interest of the project for the expenses listed in the following sub-paragraphs.

"1. Expense of transportation in connection with the project; living expenses in connection with out of town travel; long distance communications.

2. Expenses of reproductions; postage and handling of drawings; specifications and other documents; excluding reproductions for the office use of the architect and the architects consultants.

3. Expense of data processing and photographic production techniques.".

Which seem fairly consistent, Madam Speaker, with those items listed today. So it seems to me that the PAC has really not unearthed anything great when they found out that there had been some air mail, telephone and ground transportation charges paid under this contract. I would assume that that is why the Auditor General did not make any big scene over that area of the contract.

MR. W. McKEEVA BUSH: Madam Speaker, I wonder if the Member would let us have a copy of that contract that he has been reading from?

HON. BENSON O. EBANKS: Madam Speaker, the Member can, as far as I am concerned, do his own thing. I am doing mine. I read it, I did not manufacture it.

MR. W. McKEEVA BUSH: What is the date of the contract?

HON. BENSON O. EBANKS: The fax date on it is the 10 January 1991, 1440 P.M.. I am not going any further, otherwise, I will be giving you names.

MR. W. McKEEVA BUSH: Was it a Government contract?

HON. BENSON O. EBANKS: It was for Government work.

MR. W. McKEEVA BUSH: Sure, well after they found out what you were doing, they decided to do the same thing.

MADAM SPEAKER: There should be no discussion between Members. Would you address the Chair, please?

HON. BENSON O. EBANKS: Madam Speaker, that has been the problem with this whole issue. Personal opinions, not based on fact and scatterings of information, instead of getting all the truth, the whole truth and nothing but the truth. I am not dealing specifically and solely with those contracts. I am dealing with Government's response to the Report generally. As I have shown, Government is justified in saying that the language is strong, inappropriate and all the rest of it.

The Government has no problems with the independence and the independent functioning of the Auditor General. But, the Auditor General is a legal entity and there are rules and regulations and legal requirements for that office to follow. Members of the PAC know no-one else should give the impression that the Auditor General, while being independent, also has any authority to be lawless. I believe that this is what the Member for Health was trying to point out. That certainly is my position. I believe that, again getting back to the 1985 Law, which is the Law under which the Auditor General is appointed, certainly gives him the opportunity to be as independent as he need be. It should ensure that no amount of pressure can warp that independence or buckle that independence.

My understanding, also, is that persons in this position know very well their scope. As I said, this Government does not have to be lectured on the merits of an independent Auditor General. We passed the Law that guarantees that. We certainly have no intention of taking away any checks or balances that exist or that may have existed.

We might as well deal with this periphery of the Finance Committee now. I do not know how any Member of this House can justify a position which says that when Government moves, as is the case in other commonwealth countries, other dependent territories, to increase membership on the Finance Committee to include all Members of the House, that there is anything illegal or any thing extraordinary about that. Particularly when one compares it to what the alternative would be. That is, under our situation where a Government or a Backbench Member is unable to muster the votes required by the Constitution to recall or unseat Elected Members of Executive Council, but yet feel that they are justified in demanding that they operate the Finance Committee, to me it is untenable.

MOMENT OF INTERRUPTION - 4:30 P.M.
STANDING ORDER 10(2)

MADAM SPEAKER: Honourable Member, will you be finished shortly or should we take the suspension?

HON. BENSON O. EBANKS: No, Madam, I am catching second breath.

MADAM SPEAKER: Fine. It is now beyond 4:30, I will take a Motion for the adjournment.

ADJOURNMENT

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

MADAM SPEAKER: The question is that this honourable House do now adjourn until tomorrow morning at 10 o'clock. 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 O'CLOCK THURSDAY MORNING, 7 MARCH 1991.

THURSDAY
7TH MARCH 1991
10:00 A.M.

MADAM SPEAKER: I will ask the the Honourable Third Official Member to say Prayers.

PRAYERS

HON. J. LEMUEL HURLSTON: Let us Pray.

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

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

Let us say the Lord's prayer together: 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.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Presentation of Papers and Reports. Report of the Standing Business Committee by the Honourable First Official Member.

PRESENTATION OF PAPERS AND OF REPORTS

REPORT OF THE STANDING BUSINESS COMMITTEE

HON. THOMAS C. JEFFERSON: Madam Speaker, I beg to lay on the Table of this Honourable House the Report of the Standing Business Committee.

MADAM SPEAKER: So ordered.

HON. THOMAS C. JEFFERSON: Madam Speaker, the Business Committee met on four occasions. On 30 January, 15 February, 18 February and 21 February and the Report which you have just approved to be laid on the Table, is the Report that the Honourable Members of the Committee wish to make to this House.

MADAM SPEAKER: Thank you.

Continuation of debate on the Government Minute. The Honourable Elected Member for Education.

GOVERNMENT BUSINESS

GOVERNMENT MINUTE ON THE PUBLIC ACCOUNTS COMMITTEE'S REPORT ON THE AUDITOR GENERAL'S REPORT ON THE ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDED 31ST DECEMBER, 1989

(Continuation of debate thereon)

HON. BENSON O. EBANKS: Madam Speaker, I continue my support for the Motion that the Government Minute on the Public Accounts Committee's (PAC) Report on the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31 December 1989 be accepted. I believe that yesterday I demonstrated, beyond reasonable doubt, that the Government's Minute is factual and responsible and that in all respects, it is reasonable.

There is not, in my opinion, one shred of evidence to suggest that the Minute attempts to be self-serving in any way, to any Member of the Government. Had this been the case, no doubt there would have been objection that the Public Accounts Committee's Report had ignored paragraphs

91 and 92 of the Auditor General's Report. Here I would like to refer to those two paragraphs. Here the Auditor General's Report says:

> "91 Very significant developments in training occurred in the period. Following consultation, the Government's Director of Training concluded arrangements with the Community College for Government sponsored participants to attend the newly set up Association of Accounting Technicians (AAT) course at the College. The Director of Training approved that 5 of my officers attend this course, which is on a part-day release basis. I am very proud that all 5 officers attending this course passed the first stage examinations of this demanding qualification. In passing their exams, the 5 officers between them obtained a very creditable 4 distinctions and 9 credit passes.
>
> 92. The Director of Training also approved my proposal for Government to sponsor 4 graduate officers in the Audit Office to enroll as student members of the Institute of Certified Management Accountants (CMA) of the USA, and to train to become fully qualified professional accountants. This is a most significant and important step forward in the professionalisation of the Audit Office. It is my fondest hope that amongst these officers will one day emerge a future Caymanian Auditor General.".

Surely, Madam Speaker, those developments are very significant and tell much about Government's educational provisions, which have come in for so much stick lately by Members of the PAC, in their self-appointed roles as educationists. But the Government Minute has not mentioned those very significant omissions from the Public Accounts Committee's Report because Government is not, in my opinion, as self-serving as some of those Members.

Neither did Government think it necessary to point out in the Minute that inspite of all that has been said by the Public Accounts Committee and the Third Elected Member for George Town, the Auditor General himself, has exonerated Government from the charges of indifference to proper control and accounting for public monies. I refer to Clause 17 of his Report. This is what he had to say:

> "There are very few valid excuses for lack of accounting control and I know that the Government shares my view that the proper accounting and control of public monies is of the highest importance.".

Those are the words of the Auditor General. So, how can we have the Third Elected Member for George Town, coming and talking about Government seeking to dismantle the checks and balances that exist on Government expenditure? All a smoke screen, as he calls it.

The Government Minute, accepts suggestions for improvements and changes, where these are justified. I cannot find one area where it takes issue with the Auditor General's Report. It rejects those areas of the Public Accounts Committee's Report where rhetoric is substituted for substance and where wrong conclusions are obviously drawn from the evidence taken by it.

The rub in this Minute seems to be that Government has expressed its concern that the Public Accounts Committee did not stick to its assigned role. This is what Government's Minute has to say about that.

> "The Government is concerned that, despite those reassurances, the Committee has not adhered to its proper role, but has concerned itself with policy. It is the Government's view that the language and style in which the Report is presented is aggressive and extravagant. Government believes that this type of language is inappropriate for the Report of a Parliamentary Committee. With regard to the accuracy of the Report, it appears that the evidence of some witnesses has been misstated or ignored.
>
> It is the hope of the Government that the Committee will in the future limit itself to its proper role, which is to consider and comment upon matters raised in the Auditor General's Report, and to report these findings in a balanced, restrained and businesslike manner. Rhetoric is no substitute for content.".

I do not intend to carry on much further, but I submit, that in view of all that I have said and in view of the contents of this Minute, that this House has no alternative but to approve and accept the Minute. Forget the verbiage of the Third Elected Member for George Town. He has failed to substantiate his charges and cannot at this stage introduce new material to rebut Government's Minute.

It is my contention that if they have evidence, which has been repressed for whatever reason - and I know it is not out of love for me or any other Member on this side of the House - then they should make a special report to this Honourable House.

I support the Motion before the House to accept the Government Minute on the PAC, on the Auditor General's Report on the Accounts of the Government up until the 31 December 1989.

Thank you.

MADAM 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 motion on the floor of the House, calling for the acceptance of Government's Minute which is in response to the Public Accounts Committee's Report and which is also in connection with the Auditor General's Report for the period 1989.

I find it difficult to accept or approve Government's Minute in its present style because I feel that some of the wording in the Minute is also very harsh. They have accused the members of the Public Accounts Committee of being biased, arriving at wrong conclusions and misstating facts. I take exception to those charges. The members of the Public Accounts Committee are all honourable gentlemen and men of unquestionable integrity. We, as members of the PAC, have no axe to grind. I can assure you that the proceedings of the Public Accounts Committee were conducted in a businesslike and professional manner. The information provided by the witnesses was carefully considered, read and used as the basis for all statements and conclusions arrived at by the Public Accounts Committee in their Report.

I think the real reason Government has such a problem with the Public Accounts Committee's Report is because the Report does not contain what Government wanted to hear. It is not very complimentary. I do not think that is the role of the PAC. The Public Accounts Committee is required and obligated to examine the facts, listen to information and, based on the information and facts, to come up with their conclusion, be that for or against Government.

I feel that the Public Accounts Committee's Report was factual, fair and objective. Contrary to what the Member for Health and Social Services had to say, witnesses appearing before the Committee were all very cooperative, including members of his own Portfolio. In particular, his Principal Secretary (PS) who mentioned that she was very uneasy with the way the contracts for International Healthcare Corporation (IHC) were being handled. She also mentioned that she had advised the Member that in her opinion, the contracts had to be dealt with by the Central Tenders Committee. This is not a figment of my imagination and in order to confirm this, I read from page 12 of the Public Accounts Committee paragraph 61, 62 and 63.

> "61. The Principal Secretary assured the Committee 'that she gave the Member the best advice she could that the contracts should go to tender' (bid). Further, the Principal Secretary expressed her concern in this regard to the Accountant General, who, your Committee also understands, advised that the contracts should have gone to tender.
>
> 62. Your Committee understands that the Principal Secretary's advice was ignored because the Member gave the assurance that 'soft contracts' did not go to tender.
>
> 63. It is your Committee's understanding that the IHC contract went to the Executive Council without competitive bids and that Executive Council approved the contract.".

So, that does not appear to me to be a statement from someone who was intimidated and refused to talk. Those witnesses appearing before the Committee were very cooperative. They answered the questions that were posed to them, to the best of their ability. We, as the Public Accounts Committee members, created and ensured that the environment in which those witnesses provided information was very comfortable and businesslike.

I know we have heard a lot over the past two or three days about the role of the Central Tenders Committee and why large contracts have to be dealt with by the Central Tenders Committee. In order to reiterate what those requirements are, I would like to read from the Report of the Auditor General, page 12 starting at paragraph 39 and is headed:

> "Key Requirements of FSRs:
>
> 39. The Financial and Stores Regulations require all contracts of $100,000 and over to be openly and competitively awarded through the Central Tenders Committee. Contracts for under $100,000 are awarded, after tender, by Departmental Tender Committees.".

Those contracts which are in excess of $100,000 are required to be submitted to the Central Tenders Committee for a decision as far their award. Contracts under $100,000 can be dealt with at departmental level through the Departmental Tenders Committee. I read:

> "The responsibility for issuing invitations to tender for the supply of goods, works and services rest with the Controlling Officer of the Vote from which the expenditure will be met. All invitations to tender must be published in the Government Gazette and in at least one local newspaper. All contracts over $100,000 need to be referred to the Attorney General for clearance. Contracts are normally signed by the Controlling Officer concerned and all original copies of contracts are to be forwarded to the Accountant General for his safe custody. There are no explicit instructions in the Financial and Stores Regulations exempting the contracting for consultancy services from these requirements.".

So, for them and, in particular, the Member for Health and Social Services to use the excuse that he was only doing what was the common practice in the past, I think, personally, is no excuse at all. It was brought to his attention by his Principal Secretary that these contracts should have gone to the Central Tenders Committee and it was supported by the Accountant General who advised him of

the same.

My question is, I wonder why the Member chose to have the contracts approved by his three Elected colleagues in Executive Council, rather than have the contracts dealt with by the Central Tenders Committee? Is it because he knew that IHC could not pass scrutiny on its own and bid competitively and win the contracts if they went to the Central Tenders Committee? If they were the health care professionals I hear the Member touting them to be, then they should have been in the position where they, like everybody else who had an interest, bid competitively for those contracts. My opinion is that they knew that if those contracts had gone to the Central Tenders Committee and they were competing with some of the other firms like, Chalmers Gibbs and the others who are well known, there was no way that they could underbid and there was no way that the services that they were providing were going to be any better.

I have had occasion to deal with some of the local architectural firms and they are all very professional. If they do not have the expertise in-house, they will do exactly what IHC did, field the information out and gather information they need from professionals in the field - be it the United States, the United Kingdom or any other part of the world.

I do not think the Member's excuse that soft contracts do not go to Central Tenders Committee is good enough. In his Report, the Auditor General detailed contracts which had not gone through the Central Tenders Committee. In paragraph 42 of page 13 of his Report he says:

> "42. In 1989 the Central Tenders Committee met on 14 occasions and reviewed tenders for 5 contracts. One other contract for some $2.2 million was considered by the Committee but it was let in 1990 by the department concerned before full approval was obtained from the Committee.".

The contract that he referred to was the Motorola contract which was handled through the Portfolio of Communications and Works and in the sum of $2.2 million. So, IHC's contracts did not go at all, the Motorola contract at least did go, but apparently there was some confusion why it was signed by members of the Portfolio before it was finally completed by the Central Tenders Committee.

The Auditor General also mentioned that all Government contracts which qualify to go to the Central Tenders Committee, that is, those contracts for $100,000 and over, have to also be vetted by the Attorney General's office.

The Attorney General is Government's lawyer and, in my opinion, no large contracts should be signed by any Portfolio before they are vetted by the Attorney General's office and the Attorney General's office has a chance to sign off on those contracts.

What is going to happen, if it has not happened before, is that you will get into a large contract from the standpoint of the Portfolio and because they did not take the care in ensuring that the contract was channelled through the Attorney General's office, if anything ever goes wrong with that contract and there is a legal question involved, the Attorney General's office is going to be held responsible. We have been reminded, on more than one occasion, that the Attorney General's office is our Government's legal experts.

From the information provided at Committee level, on the IHC contracts, the Principal Secretary did mention that the contracts had been run by the Attorney General's office and the Department had raised some 13 questions. According to her, or according to the information, these questions were all resolved except one. There was some contention with regard to one. As far as I recall, the Attorney General who also appeared before the Committee, was not sure, or the impression I got was that he was not sure that his Department, once the points that he raised were resolved, saw the final contract before it was signed.

I think it is very important that a precedent be established and understood by all with regard to Government contracts. Large contracts have to be forwarded to the central Tenders Committee for consideration and for award. Once those bids have been approved, the contract which follows binding the two parties together, has to be routed through the Attorney General's office for his vetting, and in my opinion, no contract should be signed until the Attorney General's office is comfortable that Government's interest is fully protected.

With regard to the IHC contracts, the position is, even though they were in excess of the $100,000, they were not forwarded to the Central Tenders Committee for them to be considered. They were run by the Attorney General's office but there is no evidence to say that the Attorney General's office saw the final draft before it was signed. As far as I am concerned, all the rules were broken in dealing with these contracts. What concerns me at this stage is that there has been a direct attack on members of the PAC; there has been a direct attack on the Auditor General, who is a civil servant by the Elected Members of Government.

The Member for Health and Social Services went further than that, he suggested that maybe it is time for the Governor, under his prerogative, to exercise his authority to have the man dismissed. What I am concerned about is it remains to be seen whether or not that is going to be done. But Government's track record in the past has been very good in removing anyone or anybody who has the guts to question their actions, or to disagree with their position or policies. Very good!

I would like to remind this House of a few of those instances. Madam Speaker, before you were appointed to your position, and before the rules with regard to Finance Committee were changed, I recall in one of the Finance Committee meetings dealing with supplementary expenditure, there was a six/six tie; at that stage only the Elected Members of this House comprised the membership of Finance Committee. The Chairman, who at that time was the Financial Secretary, in keeping with precedent, voted that the status quo remained, which meant the request for expenditure by the Portfolio of Health and Social Services, I think at the time it was in dealing with funds going to IHC.

In 1989 when the 1990 Budget was being considered in Finance Committee, the Backbench, which consisted of eight Members, got together and decided that they did not support the Budget put forward by Government because it did not provide sufficient funds to take care of the needs of our districts. We took the Budget from them, reworked it in the way that we felt it should have been, and passed it. At that stage it was with their agreement, grudgingly.

What did Government proceed to do? In the June session of 1990, they brought a motion to change the composition of Finance Committee to add the three Official Members, as members of that committee, in order for them to have a majority. They carried through with their threat, they removed the Financial Secretary as Chairman of that committee. So Government's track record in removing any obstacles which stand in their way is very good.

At Departmental levels the same things have happened. The Chief Medical Officer who appeared before the Public Accounts Committee had the guts to say he did not agree with the proposed recommendations of IHC, and the Member, with regard to the new hospital and those things that they wanted to achieve. What has happened? He is history!

Another member of his Portfolio appeared before the Committee, that is, the Hospital Accountant. He expressed his concerns with regard to dealing with IHC and the billings and he insisted that they play by the rules, that is, he refused to approve any expenditure which was not supported by original invoices. He was told, "You get on with the job you have, you have no business questioning these things." According to my information, action has been taken and arrangements made to have him replaced as Accountant at the Hospital.

Those are the reasons why Government has chosen to attack the Auditor General and the members of the PAC. They dare question their actions. You know what is sad? The Public Accounts Committee and the Auditor General's office are the two last legal bodies which still exist, that are in a position to question Government.

What is going to happen if the recommendations of Executive Council are carried out with regard to replacing the Auditor General? What is going to happen if they have their way in seeing to it that the Public Accounts Committee is dismantled? They will run roughshod over everybody and anything, in order to have their way.

That is the reason, and I noted with interest, that there was a mention of it in the Government Minute about the Auditor General's position being imbedded into the Constitution. That was not their recommendation. It was ours! Because we saw what was happening! We saw what was happening. It is vital that the Auditor General's position remain independent from interference from politics and politicians.

I feel that the actions of the Member of Health and Social Services not only jeopardised his position, but the position of his Principal Secretary. On page 3, bottom of paragraph 8, I read:

> "A Controlling Officer is required to control expenditures in respect of any service provided in the Estimates for which he is responsible; and to ensure that the provision provided in the Appropriation Law for that service is not exceeded. He will be held personally responsible for any excess expenditure which is incurred without proper authority.".

Not only excess expenditure, but any unauthorised expenditure. At the end of the day, if anything goes wrong, it is the Principal Secretary for that Portfolio who can be held personally liable.

The Public Accounts Committee was accused of overstepping its boundary. Nothing could be further from the truth. That is a smokescreen raised by Government. The Auditor General's Report deals with examining the financial position of Government and other areas. So the PAC's responsibility and authority extends it very wide. I contend that the Public Accounts Committee's Report does not overstep any boundaries of the PAC.

I feel that the Public Accounts Committee is the watchdog of Government and they should have free leverage to examine not only the financial positions, but the financial position and its implications. That is what we did in our Report. You say we dealt with policy. I do not agree with that statement.

They accuse the Auditor General, that is the Elected Members of Executive Council, of violating the confidential laws by circulating copies of his Report to the Members here and Heads of Departments concerned. Those are not members of the public. Those are civil servants who are bound by that Law, so no violation was incurred.

What was amusing is Government's charge that they did not agree with the language used in the Public Accounts Committee's Report. I read from page 53 of the Government's Minute and it says:

> "Government is concerned that, despite those reassurances, the Committee has not adhered to its proper role, but has concerned itself with policy.".

There they are accusing us of overstepping our authority.

> "It is the Government's view that the language and style in which the Report is presented is aggressive and extravagant. Government believes that this type of language is inappropriate for the Report of a Parliamentary Committee. With regard to the accuracy of the Report, it appears

that the evidence of some witnesses has been misstated or ignored.".

Some witnesses, Madam Speaker? Why did they not have the nerve and the guts to say, all right, well, I think you have misstated the information provided for you by the Principal Secretary of Health and Social Services, or whoever else? It is a wide charge and it is an unfounded charge. About Government not agreeing with the language. This is not a nursery you know. As far as I am concerned, if the Public Accounts Committee finds that Government has been negligent in certain areas, they have the authority, and they should have the guts, to say to Government they did not do what they were supposed to do in this area. That is all we did.

They do not agree with the language. I mean, I have heard some language in here, even from the Members of Executive Council, that borders on the lines of unparliamentary and they are accusing us of the language and the style of this Report? The Report of the Public Accounts Committee is that it is a very professional report. With regard to Public Debt, page 14 of the Government's Minute says:

> "The Government is concerned that the Committee has quoted a total debt for the country as $62.2 million. If this refers to the total debt of the Government, it is misleading, as the accounts show that Government's Public Debt was $19,387,316 at 31 December 1989.".

You can do anything you want with statistics and you can use statistics to support any position that you take. But the fact remains, that every Government Authority and also Government's liability, with regard to the Civil Service pensions, which amounts to $32.2 million, are all obligations of Government and they have to be repaid. In fact, if at any stage the Authorities, be it the Port Authority or some of the other Authorities, get in financial problems where they cannot meet their obligations, then it becomes a direct obligation of Government. That is all the Public Accounts Committee has done here. They have listed the total obligations of Government. I do not see anything wrong with that.

What Government is worried about is that the Report is not very complimentary to them. I can tell the Government, and Government knows, that when they do something that is right, the Backbench here has the professional ability and manners to say yes, you did a good job. But when they do things which we feel are not right, we have the guts and the nerve to say, "No, you did wrong". That is what Government is hot about. You do not have any 'yes-men' now on the Backbench.

What is encouraging is that the Backbench is going to soon be Government's Bench and Government has already conceded that this is going to be a fact. I hear the Member for Health, we all know how he is looking forward to being re-elected and sitting on the Backbench here and throwing darts at the Government. The Backbench can be a very cold, dark, deserted place if you do not have any support over here.

On page 30 paragraph 58-59 of the Government's Minute reads, and it is in regard to the IHC contracts:

> "The Government contends that, after exhaustive enquiry, the Public Accounts Committee has produced no evidence to show that any impropriety took place in the Government's dealing with IHC.".

What a statement! The PS pointed out that the contracts were not dealt with properly. The Accountant General confirmed that they were not dealt with properly. The Attorney General's Office does not recall seeing a copy of the final contract. And they say there is no impropriety? All we did in our Public Accounts Committee's Report was state those things which were not done in dealing with those contracts. What is worrying, is that it has come to our attention that the other contracts which are being handled through the Departmental Tenders Committee now at the Hospital were awarded and the Portfolio has now taken the position of questioning, and I understand one of those contracts was even refused.

HON. D. EZZARD MILLER: Madam Speaker, on a Point of Order. I wonder if the Member can substantiate that statement?

MADAM SPEAKER: That is not a Point of Order Honourable Member. If you have information please state it.

MR. JOHN D. JEFFERSON, JR.: I do not have anything in writing, Madam Speaker.

MADAM SPEAKER: You cannot go by hearsay. If you have any information when you make a statement, you must say so.

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, according to the information I have.

MADAM SPEAKER: I have already advised that there should be no conversation across the floor. Please address the Chair.

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, I am going to leave that as it is. We will wait and see what happens to those contracts.

MADAM SPEAKER: I think it would be best if you did.

MR. JOHN D. JEFFERSON, JR.: Yes, we will wait.

For Government to contend that we have not raised, as a result of our deliberations, any questions, is unfounded. Still commenting on statements in the Government Minute, paragraph 75 and 76, still dealing with the contracts of IHC reads:

> "PARAGRAPH 76
>
> The Government maintains that there were no unusual arrangements surrounding the awarding of government work to IHC. The normal and usual arrangements, at the time, with regard to "soft" consultancies, were followed, i.e. Executive Council approved the granting of the contracts on the advice of the Member for Health.".

Government is still saying that they did not do anything wrong. I have always been taught that ignorance is not an excuse - ignorance of the law is no excuse. They cannot contend ignorance because they were advised as to what the proper procedure was. They did not follow it, but they are still acknowledging that they were wrong.

On page 36 of that same Report it reads:

> "The Health Plan recommendations [that is those health plan recommendations of IHC] will provide cost effective solutions in keeping with the present and projected health needs of the country.".

That statement is unfounded. How can they make that statement when they are not in the position to know what the alternatives were? It is unfounded. It is as if I came to you, Madam Speaker, and said, "I have something to sell and it cost $175". And you say, "All right, well, here is $175". Rather than you saying, "All right, well John, if that is the cost of this item that I am interested in buying, let me check to see who else has it and see if I can get it at a much more reasonable price."

The same principle applies. So it is unfounded.

Page 37 of the same Report I read:

> "The Portfolio emphasises that the work of IHC was of consistently high quality, and their recommendations on the interim projects will have a significant and positive impact on the quality of care offered at George Town Hospital.".

A very assertive statement. I have not seen any difference and, according to our information, a lot of these interim projects should have been completed by now.

In its Report, the Public Accounts Committee questioned whether or not authority was received for some expenditure incurred by the Member for Health. I recall, even though no names were specifically mentioned, that there was a Parliamentary question here on the same item and it was confirmed that certain invoices or expenditures did not receive prior approval or prior authority, before they were incurred.

In relation to that, page 39 paragraph 82 - 84 says:

> "PARAGRAPH 82-82
>
> The payments and claims, made under the Member's signature, [that is the Member for Health] relate to official entertainment expenses incurred with respect to the Hazelden consultants involved with formulating the National Drug Strategy, and the International Directors of the Cleveland Clinic involved in negotiating the tertiary care referral agreement.
>
> While it is conceivable that these expenses might have been incurred under a more appropriate subhead, this is a matter of internal accounting which has now been resolved to the satisfaction of Government.".

My question still remains. Were they previously authorised, before the expense was incurred?

It gets right back to the same thing, like my contention, that the reason why Government is so hot is because the Public Accounts Committee had the guts to call 'a spade a spade'. The Chairman, the First Elected Member for Bodden Town, told us that he told them when they were appointing him as Chairman, "Gentlemen do not appoint me as Chairman because you know I have a reputation for calling a spade a spade." No, that would be all right. They appointed him and now they want him removed as Chairman because he has the guts to question their actions and polices.

This is amusing, page 50 paragraph 102. This is dealing with the Auditor General's position. We recall on Monday that the only thing that gentleman was not called by the Member for Health was a saint. It says:

> "PARAGRAPH 102
>
> The Government reassures the Committee that any fears which they may have with regard to

continued functioning of an independent Auditor General should be laid to rest, as the function of an Independent Auditor General is crucial to the continued good Government and sound financial control which have become trademarks of these beautiful Islands.

The Government, at this time, can do no more than acknowledge the recommendation of the Committee that the position of the Auditor General be entrenched in the Country's Constitution,".

So they are taking claim for that too, that they recommended that it be put in the Constitution.

These gentlemen speak from both sides of their mouths. I can assure you, if they had their way, the present Auditor General would be history. The PAC (and it falls within their realm of responsibility) made certain statements and offered certain recommendations with regard to our national airline. Before I say anymore, I just want to assure members of the public, the staff of Cayman Airways and Members of this Honourable House, that the Backbench supports Cayman Airways fully. We are convinced of the essential role the airline plays and anything we have raised with regard to the airline is just out of interest and concern for its continued survival.

You have some people who you cannot say anything at all to. You have the experts and, unfortunately, you have an expert as Chairman of Cayman Airways. Members of his own staff have come to us and said, "Gentlemen, you cannot tell him anything. He runs it the way he wants."

All I have to say with regard to Cayman Airways is that I continue to support it. The concern which I have expressed only deals with its continued survival. What I am concerned about is that maybe our national airline has been put in the financial position where there may not be any chance to salvage it financially. That is my concern. And what happens to those faithful, dedicated employees, who work at Cayman Airways? I have worked there and I can assure you that Cayman Airways has some of the most dedicated and loyal employees, and they are Caymanians. What is going to happen to them if tomorrow Government finds itself in the position where they cannot continue to support the airlines financially, because of the exorbitant and...?

POINT OF ORDER

HON. W. NORMAN BODDEN: Madam Speaker, on a Point of Order, I would like to enquire the relevance to Cayman Airways that is being made by the Member speaking, and what is being debated regarding the Government Minute?

MADAM SPEAKER: Would you explain why you are bringing up Cayman Airways?

MR. JOHN D. JEFFERSON, JR.: Yes, Madam Speaker.

Cayman Airways, annually, has been an item in the Public Accounts Committee's Report and references have always been made in dealing with the financial position of the airline. That is my reference.

MADAM SPEAKER: Well, as long as you are not belaboring the point. Would you be prepared to take a suspension at this time? The House will be suspended for 15 minutes..

AT 11:14 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 11:35 A.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. Continuation of debate, the Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, when we took our coffee break I was dealing with Cayman Airways. The Member for Tourism questioned the relevance of what I had to say with regard to the airline.

Government's Minute devotes quite a bit of information, time and coverage of Cayman Airways. To confirm what I am saying, I would like to read certain excerpts from the Government Minute on Cayman Airways. Page 9, paragraph 10, I read:

"PARAGRAPH 10

Government accepts that CAL has to be more competitive and cost conscious, and informs the Committee that the management of CAL is very cognizant of this fact, and that these areas are under constant review by management. Government wishes to remind the Committee that part of the brief to CAL is to include service to Cayman Brac and Little Cayman, which of course is the main money loser.".

I, personally, take exception to the last statement with regard to the Sister Islands of Cayman Brac and Little Cayman. I think in his debate, the Third Elected Member for George

Town mentioned (and this is a fact), if the fare between Miami and Cayman Brac was pro-rated, that is, if someone was coming here and they knew exactly what it was going to cost if they go on to the Brac (there is an additional cost), the additional revenue cost should be assigned to that particular leg of the route. This is not done, but expenses on the other hand, incurred in providing that service, is highlighted by Government.

I mentioned the value of Cayman Airways and on page 11 of the Government Minute, it reads:

> "CAL is a major employer in the Cayman Islands, with a large portion of its annual income of $40.0 million remaining in the Cayman Islands.".

That is significant. The airline does make a very positive and valuable contribution to our economy. I read:

> "Since the introduction of an annual subsidy in 1986, and a general improvement in management, the company's financial creditability in the marketplace has improved one hundredfold. This is borne out by the fact that, when the company leased aircraft in the past, such leases had to be 100 per cent guaranteed by the Cayman Islands Government.
>
> The present lease arrangements do not require any Government guarantee. Therefore, when the third aircraft comes on line, CAL will have sole use of equipment worth about $100 million with only a $2.7 million cash deposit, fully refundable at the end of the leases.".

That is great, as far as the airline is concerned, going out and leasing equipment - $100 million worth and not having to put up a dime by way of Government guarantees. That is fine. I just hope that these decisions can be, especially lease arrangements, which I understand once the third aircraft comes on line, will amount to $1 million per month, that is a lot of money, I am hoping that the Board and Management are not wrong and that the annual revenues of the airline can take care of these expenses.

One thing that I would like to note with regard to Cayman Airways, is about a year or so ago a motion was passed calling for an independent review of all areas of operation of the airline. In answer to a Parliamentary question in this sitting, that review is hopefully going to be in place pretty soon. I think that is where it has to start, rather than the management of the airline, rather than the Board putting themselves up as experts in the airline business. Let us bring in an independent body to review the operation and be in a position where they can make recommendations to us for improvements as far as reducing our expenses and improving the efficiency of the service that we offer our people and visitors of this island. I want to assure the public, and the Member himself, that I totally support Cayman Airways.

I would now like to deal with some of the comments made by previous speakers from the Government Bench. The first comments I would like to address are those by the Member for Education. He was dealing with IHC and there was a statement in the Auditor General's Report that IHC stood to earn $2 to $3 million in additional revenues or fees, in connection with the Hospital and the Health Plan for the Cayman Islands, if they were awarded the contracts.

He said first of all that the contracts had to be earned by IHC, and that is true. That is true. But, the only reason IHC will be in a position where they have to earn the contract is if precedents in dealing with them do not continue. In the past they did not have to earn the contracts, they were awarded the contracts.

Personally, I feel that if the new contracts for the design of the new Hospital and the actual construction of the new Hospital go to Public Tender, then I feel that the chances of some other organisation getting that contract will be greatly improved. But, not if those contracts are awarded like the contracts in the past, that is, being approved by the Executive Council. He also mentioned that contracts for consultancy is a specialised thing, a very unique animal. I do not agree. My attitude is that there are still funds involved and, from what we have seen in the past, huge amounts of public funds are involved in these consultancy contracts. There is no excuse whatsoever, why these contracts should not be handled through the Central Tenders Committee process.

Based on the arguments from the Backbench, and I think we have successfully demonstrated that Government's claim with regard to the Public Accounts Committee's Report is biased; is misleading; is mischievous; is in extravagant style. I think we have demonstrated through our contributions that is not the crux of the matter. The crux or the real rub in this whole issue is that the Public Accounts Committee's Report was so critical of Government and its actions.

I think the charges which have been levelled by the Member for Health and Social Services on the members of the Public Accounts Committee are very unfair and unfortunate. He charged us with being dishonest and men of no integrity whatsoever. According to his statements, the Public Accounts Committee is just a bunch of rubbish. Why? Because the Report was so critical of him and his Portfolio.

I have always been the type of person that has never contended that I know everything. I have never put myself up as an expert, and what I have learned during my career is that someone else can always teach you something - if you have the wisdom to keep your mouth shut and listen. I have found myself in many situations where a member of staff would come to me and say, "Mr. Jefferson, here is a situation that we have." Rather than me getting up on my high horse as being in charge, and saying, "All right, well here is a solution." I have, on many occasions, because that particular person or member of staff who came to me in the first place is dealing with that issue on a day-to-day basis, I have said to them, "What is your solution, what is

your recommended solution to the problem?" Nine out of 10 times, the chances are their suggested solutions are the right ones. Even though the Member for Health and Social Services touts himself as a health professional, he still has a lot to learn. Someone can always teach him something, if he would give them a chance to do so.

I think what is important, rather than taking the position that Government has taken with regard to the Public Accounts Committee's Report, each member concerned should have looked at the information, recommendations and conclusions, arrived at by the Committee very objectively and then determine whether or not those recommendations or conclusions are workable. But do not just throw them out of the window because the Public Accounts Committee has the nerve to highlight certain weaknesses in your Portfolio or Department.

The whole objective, as far as I am concerned, of the PAC, the Auditor General and even Government's Minute is to see to it that we highlight those areas of weakness and see what we can do as far as eliminating them or strengthening them and hopefully in the end, achieve the objective of a much more efficient and professional government service. That is the whole objective.

We, as Public Accounts Committee Members, do not get paid for this in addition to what we make as a salary, and we have spent many hours in committee meetings and i can assure the Member for Health and Social Services that there were no political axes to grind, as far as I was concerned.

The Members of that Committee are all well established and supported politicians. Our chances of being re-elected are as good as his, so we do not have any reason to want to make him look bad. No reason at all. We dealt with the information that we gathered through talking to witnesses and through written documents and we arrived at certain conclusions in a very objective and professional manner.

I take exception, and the Members of the Committee take exception, to allegations lodged by the Member that we had ulterior motives in arriving at our conclusions. We did not.

I can assure the Member, he called for the Chairman to resign, the First Elected Member for Bodden Town, but I can assure you that this Member has no intentions of resigning as a Member of the PAC. Come this year, when the Auditor General again files his Report, if those things which we recommended in the 1989 Public Accounts Committee's Report are not corrected, we are men enough to mention them again. If government is not prepared to propose certain amendments to the motion on the floor calling for the acceptance of Government's Minute, then I am not in a position to support that motion.

Thank you.

MADAM SPEAKER: Would any other Member wish to continue the debate? If no other Member wishes to continue the debate I will ask the Honourable First Official Member to wind up.

MR. W. McKEEVA BUSH: Madam Speaker, I rise to catch your eye.

MADAM SPEAKER: But you were sitting all the time and not trying to catch my eye.

MR. W. McKEEVA BUSH: That is true, Madam Speaker.

MADAM SPEAKER: First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, I think it is very important that we have this debate so that people and this honourable House can be informed about this important aspect of its business - the scrutiny of pubic expenditure. While I did not rise immediately, I did what the other Members did and, that is, to try to wait out one another. I am sure that after I am finished you will realise, Madam Speaker, that I was not the only one waiting because they are going to rise after me. You can believe that.

This House does not only make bills and vote funds for a variety of purposes, but this House is also very much concerned to see that those purposes have been carried out as intended - the money is spent with efficiency and with integrity on the part of all Officials and Members of the Government involved in the Programmes of Expenditure. As I understand it that is the duty of the PAC. The whole philosophy underlining parliamentary scrutiny of public expenditure, is that the process should assure people of the financial integrity of the parliamentary process, as it relates to public spending.

This is not only so in Cayman, but also throughout the Commonwealth. It is not a matter merely of classroom philosophy, but it goes to the heart of parliamentary democracy.

We of the Public Accounts Committee feel very strongly that the Government's response and in particular, the debate of the Member for Health (and in areas, the Member for Education), has accused the Public Accounts Committee of dishonesty. When you look at all the words they use, that is what they are saying. My opinion of the Government's response in their Minute to the PAC is a very dim-witted attempt to contaminate the integrity of the parliamentary process, as it relates to public spending and their handiwork.

The Member for Health has said that the public must understand that the procedure of the PAC was not the proper way to present a report to Parliament. We have been criticised with the charge of wrongly making comment on policy. The Member for Health and the Member for Education went to great lengths to try to make a credible case that the PAC is not supposed to deal with policy of the

Government.

Well, the Report of the PAC comes from the report of the Auditor General. The Auditor General's Report is taken from the Report of the Accountant General. The Report of the Accountant General is on all the accounts of Government. The money spent and the money not spent, where it was spent, and it must take some kind of policy to spend or not to spend money. So what is all this hullabaloo about the PAC not dealing with policy? If there was no need and they did not relate, there would be no need because there must be some policy to spend or not to spend. Therefore, that is the charge of the PAC, to look at all of the areas of public spending or what was not spent and where it went.

So the Report of the Auditor General then, refers to the accounts of the Government and this is what the Audit Law says must happen. Putting all of this into the right perspective, it is very much right and proper that we, the PAC, deal with the effects of Government policy, as the Report of the Auditor General, as I said, refers to the Government's accounts. It is, therefore, legitimate for the PAC to take evidence on these accounts. That is what we are dealing with. The Auditor General would not need to make a report if there were no accounts. So do not tell me that we do not have to deal with the accounts.

Now, in addition to the many other wild and unfounded allegations, the Member for Health also made the charge that we manufactured certain information and misrepresented evidence taken from witnesses. He said we were looking for information and could not find it and ignored facts. These are very serious charges to make on the body of the PAC. These are very serious charges. But the Member's presentation did not, in my opinion, exonerate him the way he says he has been exonerated, because he did not go into the evidence except in particular areas. But the areas that we examined, he would not dare go into it, but I am going to go into it. And it is not our evidence; it is the evidence taken from his civil servants.

The public must understand, since he was talking about the public, and this house must understand, that the minutes are not the Minutes of the PAC. The Minutes are written by the good staff of this Legislature and when he criticised that, he was criticising the Clerk. These are the things that are detrimental to the system because he was questioning everybody's honesty. I am going to deal with that 'thing' of honesty though. You can believe that when I sit down, you are not going to have a chance to call on anybody because they are going to be on their feet immediately.

As far as I am concerned, they are judging our cloth by their own yardstick because if there is anyone in the House that is good at manufacturing situations to suit their purposes, it is the Member for Health. This is evidenced in his attitude on the hospital and his attitude to such people as the Chief Medical Officer, and now the Hospital Accountant, when he manufactured situations to get rid of them.

However, I would like to turn to the evidence taken by us, the PAC, from the various civil servants and, first of all, I want to deal with the evidence taken regarding IHC's contracts, because that is the crux of the matter. That is what has put them on their high horses, not what has been said about Cayman Airways or the other items in the reports, but what was said about IHC. There should not have been any connection between this Government and IHC. I am going to go on to show you why there should not have been any connection. I am going to read the Minutes of the meetings held by the Public Accounts Committee and then I am going to go through the papers in evidence, received by the PAC.

In my opinion, their debate on this motion has been uncalled for, has been very hard hitting, and the manner in which some of the Government responded in its Minutes, as far as I am concerned, cannot be accepted and I am going to vote accordingly. I cannot accept that, Madam Speaker.

I come into this House and I have been put on several Committees and I do my endeavoured best to do what is right by the people of this country because that is whom we serve.

When a Member of Executive Council gets up there and says we are dishonest, he must prove it. If there is anybody that should resign, it should be that Member. He should crawl out! If his colleagues were worth their salt, they would not stand by him in their feeble attempts to cover him. They know that as the Public Accounts Committee and as the Auditor General has found, all has not been above board with IHC contracts.

As I said, their debate was abusive and, in certain areas, false abuse at that. While he uses those very wounding words, he believes he is completely sheltered and protected. What did he call it? 'Miller Time' He called it. Well, there is a beer too, called Busch and this is 'Bush Time'. He must remember what President Bush did to those idiots up in the Far East.

First of all, I will read from the minutes of the first meeting on 1st October, and in dealing with IHC the PAC's meeting and our concerns:

"- that it appears that no other healthcare organisations were invited to submit proposals for the work let to IHC;

- that the FSR would appear to have been violated;

- that it appears to remain unclear how IHC was assessed as being competent to undertake the work.

- that it appears to remain unclear how financial procedures were vetted.".

These are our concerns and these are the questions put to witnesses of the Portfolio and the witness at that time

was the Principal Secretary for Health and Social Services.

Now he is saying that we are dishonest and that we concocted certain information to suit our purposes. These are our concerns - that no other healthcare organisation was invited; that the FSR, which the Government was supposed to follow, was violated; that it was not clear how the company was assessed as being competent to undertake the work, and that it appears to remain unclear how financial procedures were vetted.

These are all within our purview. This is Mrs. Basdeo's response to those questions from Public Accounts Committee Minutes of 1 October:

> "Mrs. Basdeo noted that after the first contract was given out she was uneasy about that and the prospect of further contracts.".

Not only about the present contract, but she was uneasy about other contracts. These are her words, this is not what we wrote down, this is the Clerk of the House writing this down.

> "She expressed her concern to the Member because of her previous experience with contracts, but was assured by the Member that soft contracts did not go to tender but were approved by Executive Council. She assured the Committee that she gave the Member the best advice she could that the contracts should go to tender.
>
> Mrs. Basdeo also expressed her concern in this regard to the Accountant General who advised that the contracts should go to tender.".

So the Principal Secretary was not only concerned to the extent that she went to the Member and explained to him her feelings that these people should not get these contracts in this manner, but she went to the Accountant General, who is the Government's Accountant, who also advised that the contracts should go to tender. I will further quote:

> "Asked why his advice was ignored, Mrs. Basdeo reiterated the Member's assurance that soft contracts did not go to tender, and that he gave her examples of such contracts.".

Now you hear them say that there were some 32 other contracts awarded. Well, what we said was in connection to that. Most of them were departmental contracts, the Department of Public Works and so on. So these were all departmental tender contracts. So they did go to some tendering procedure.

That takes care of the first question. The next question appears to remain unclear as to how IHC was assessed as being competent to undertake the work.

> "Concerning IHC's competence to service Government, Mrs. Basdeo referred to minutes of meetings (28 January 1988, and others) of the previous Member for Health. (That is now the Member for Education today) She was advised that he discussed research vetting and that he toured IHC facilities in Ohio and 5 other facilities of IHC in the U.S. She indicated, however, that in the absence of guidelines no financial vetting has taken place. She noted that the Portfolio was looking for brain-power input over financial input.".

Madam Speaker, I am going to get to that brain-power of Jim Conti's. So here she tells us that there was no financial vetting taking place on IHC. What were we to do? Look at her and grin, say, "Yes, that was a good thing". Or are we supposed to do our job and say, "It is not right", as we have said in the Report and, as of now, that Government has come back and criticised.

> "With regard to whether or not Government was in a sound position to advance monies and how was it protected, Mrs. Basdeo noted that before any agreements were signed they went to Legal. She noted that the Portfolio had 13 points of disagreement. Mrs. Basdeo agreed to provide those points to the Committee.
>
> In view of the fact that Mr. Conti had not undertaken any work outside of the USA, Mrs. Basdeo did not believe that affected the outcome of the Report. IHC, she noted received instructions from the beginning to involve local persons so decisions were never made in isolation. She also noted that an Interim Report was presented to the Chamber of Commerce and Executive Council, so that when the final plan was done there were no surprises.
>
> With regard to the Committee's concern as to how Government is able to determine whether or not it is getting value for money, Mrs. Basdeo noted that she has done everything in her power to see that the terms have been carried out properly, i.e. by seeing that the work carried out was in accordance with the stipulations of each contract. She noted that Directives on the use of Consultants have now been issued by the Financial Secretary, so that Heads are now aware of proper procedures for financial vetting.

With regard to the status of the implementation of services, for which $350,000 was voted in 1989, Mrs. Basdeo noted that they were not as advanced as she would like to see. She noted that involvement of the Organisation and Management Unit was sought to develop a schedule of projects. The Unit, however, could not give assistance until September when it would have its full complement of staff.

With regard to the negotiated contracts, Mrs. Basdeo was questioned as to how she was satisfied that the stipulations of the FSR's were followed. She noted that aside from the fact that the contract was not tendered, it has been vetted legally and monitored.

With regard to the Contract for the Dental Clinic Consultancy, Mrs. Basdeo acknowledged that it had been mislaid for several months as a result of erroneous filing.

With regard to the Plan for the new Hospital, Mrs. Basdeo intimated that she did not believe any doctor would encourage building on the present site. When the split-site Hospital was being considered, one concern was that of cost, she noted. The Portfolio, however, was of the opinion that the recommendations received by IHC were cost effective. It was pointed out, by a Member, that the technocrats were of a different opinion.".

We pointed out to her, when she talked about the split-site Hospital that we had met with doctors and they had said that was the wrong thing to do.

Next, we called three other witnesses and these were Doctor Peter Pain - the Chief Medical Officer, Mr. Mervyn Connolly - Hospital Administrator, Mr. Randy Dounce - Hospital Accountant.

"The Committee's Concerns:

- That it appears to remain unclear whether IHC'S health plan is, in general, feasible for these islands.".

"Witness's response:

Dr. Pain referred to the 1989 Report. The data contained therein, he noted, came from the Hospital Management (HM). The conclusions set forth, he added, could not therefore have been difficult to arrive at.

With regard to the proposals, Mr. Pain noted that he had reservations. When the IHC Report of November 1989 came out, HM was invited by the Committee to make comment, but, he added, HM never got an opportunity to make any critical representation.

Concerning the extent to which HM views were considered and reflected in the recommendations, Dr. Pain noted that they held many meetings - formal and informal. However, when it came to philosophical questions, he never got the feeling that they were contributing to the Plan.

With regard to steps being taken to implement the consultant's recommendations, Dr. Pain noted that there are 10 points in the Plan; some of which are incapable of being put into practice. Some are valid and have been adopted where possible.

HM were assured, he noted, that IHC had no preconceived ideas for the implementation of any plan for Cayman. Alternative plans, however, were not presented.".

So, if they did not come here prepared and already told that they had to build this new Hospital on two separate sites, why was there not an alternative plan being put forward?

"IHC claims to be the only people who do what they do. Dr. Pain noted several agencies which provide turn-key operations, i.e. Crown Agents; British Design Partnerships (which provided the whole healthcare system in the Falkland Islands in one year).".

That is the one that the Honourable Member for Health was talking about with the blue roof and some pigeons.

"The solution being proposed by IHC, he noted, is a US solution because the persons have had no experience elsewhere. He contended that what is right and workable for the US is not necessarily right or suitable for Cayman, and he felt that there are many reasons why the US healthcare system is not suitable for the Cayman Islands.".

Now, I would like to stop there a minute. What the CMO was saying is that the areas and certain recommendations from IHC were not suited for our situations here. The

Member made a big thing about the United States not having a national health plan. We were not talking about a national health plan. We were talking about particular areas being recommended for our particular use.

I further quote from the day's Minutes:

> "With regard to whether or not he is satisfied that Government has employed the most appropriate and knowledgeable consultants and are receiving the best value for cost, Dr. Pain noted that he had no experience on which to base views on consultancy costs. He noted, however, with regard to whether or not IHC was the most appropriate and knowledgeable consultants, that there are other agencies who provide turn-key operations. Up to the final 1989 Report, he noted, he was reasonably content, in view of the fact the input up to that point was HM's. It began to get difficult and faith was lost, he noted, when the interim projects started as it was seen that the calibre of persons who came down were less expert than HM.".

Now this is the Hospital, the Chief Medical Officer of this country, telling us about these consultants. He said, "Faith was lost", and I will go to show this House why these things were happening. Why faith was lost was because there were bills being presented which could not be substantiated and the poor old Hospital Accountant was being bamboozled. I am going to read those letters, the correspondence between the Principal Secretary and the Hospital Accountant, the Government's Accountant General and other Members of Government who were concerned that what was happening was not the correct procedure. I further quote from the day's Minutes.

> "With regard to the area of expense, he noted, it was unpleasant to say the least." [This is the expense we are talking about]. "HM were hit with bills for payment, he noted, and did not know on what basis they were coming in. Expenses were open-ended. A copy of the contract has never been seen by HM, however, a copy of a page of the contract on expenses was finally submitted. He noted that because HM were unhappy with the accounting procedure which was taking place, every bill was authorised by the PS-HSS for payment. It was also pointed out that original copies of bills were not being received; which is a standing Government requirement for authorisation of payment.".

What this told us was, that even though the Hospital has an Accountant and the Accountant was responsible to see that the was money paid or not paid on these contracts, they took it away from him and gave it to the PS, who was under direct control of the Member for Health.

I want to point out that we are not dealing with only foreigners in the Hospital Management team. We have a Caymanian in the person of Mr. Mervyn Connolly. Now Mr. Connolly noted, and I further quote:

> "Mr. Connolly noted that it was very frustrating. Demands were made upon HM and they did not have the information to know what to do. Mr. Dounce [that is the Hospital Accountant] noted that it got to the point where he had to audit every bill presented because none came to him with original receipts. It was noted that not all bills were in Cayman currency, i.e. airfares and taxis, for example, were in US currency. It was pointed out that on many an occasion, Mr. Dounce found it necessary to make trips to the hotel (where Mr. Conti was staying) to personally acquire receipts to substantiate payment.
>
> It was noted that there was correspondence between HM and the Portfolio regarding the method of IHC's invoicing and billings.
>
> Concerning the fact whether or not the contracts should have gone through the Departmental Tenders Committee, Dr. Pain noted that if the three factors are considered to be separate projects, each could have been under CI$100,000.00 He noted that he was assured that each area could be considered a separate project. No figures, however, were ever given to him. Dr. Pain noted that it is impossible to undertake one area without the other - the linkage is entirely one way.
>
> Four bids were received for each of the three areas: IHC, Chalmers Gibbs Martin Joseph, Rutowski Baxter Houghton and Onions Bouchard & McCulloch - three being speculative bids. He questioned how the three local architects could have bid in the absence of any bidding document. IHC, he pointed out, knew what they were bidding for.
>
> It was noted that IHC has one pending project but, it was pointed out, that there could well be more related projects.
>
> Dr. Pain noted that he made the suggestion that HM should meet with Members of the Legislature because he was of the belief that not all were in hand of the facts.".

That was the truth, that was the truth! He wanted to meet with us because they were not satisfied at what was going on up there at the Hospital. This is not the Public Accounts Committee saying this. This is the Hospital Management. And they have the nerve to talk about people being dishonest. They should crawl out of this Assembly because much is left to be desired of their management of this

aspect of the contracts. Let me read that again:

> "Dr. Pain noted that he made the suggestion that HM should meet with Members of the Legislature because he was of the belief that not all were in hand of the facts. At the briefing, he noted, all the information conveyed was that of HM, not IHC, and all went down the drain. He also made note that member of IHC vanished last year - she was the only member with any brains.".

This man is a man who stood up and, of course, for all that, they fired him. Poor fellow.

> "With regard to whether or not a new Hospital was needed, Dr. Pain pointed out that if one wants to address all the problems at a controlled level over 30 years then one would need to build a whole-purpose facility.
>
> With regard to how large or small IHC envisaged their scheme, Dr. Pain intimated that it would appear to be dependent upon an unconditional question and answer scheme - that being that the only way to find the answer is to pay for it.
>
> Dr. Pain noted that on page 15 of the Auditor General's Report he is reported to be the Controlling Officer for the Health Care Delivery System Plan and Health Care Facilities Plan; and for the record noted emphatically that he was not the Controlling Officer.
>
> Dr. Pain agreed to provide the Committee with information on the 10 points of the Plan which are incapable of being put into practice and those which are valid and which have been adopted.
>
> It was further agreed that the HM would provide the Committee with copies of memoranda between HM and the Portfolio and payment vouchers.".

Madam Speaker, that day's work and the particular witnesses tell us why we have had so much trouble with IHC. Because IHC felt that they were a Government unto themselves and they knew they had the backing of the Member for Health. You see! So they felt that they could do anything with disregard to the abilities and the responsibility of the HM team. And for that, they would not dare fire the Caymanian, but they are getting rid of the two foreigners who dared to stand up to them. These are the people who are telling you that they want full control of the Civil Service because they want a full Ministerial System. God help us! God help the poor civil servants if that kind of mentality gets hold of them. I am going to come to deal with that further.

I come to the next day's work and the witnesses were the same. The Principal Secretary; Dr. Peter Pain; Mr. Mervyn Connolly, Hospital Administrator; Mr. Randy Dounce, Hospital Accountant.

> "Committee's Concerns
>
> - That there appears to be much controversy concerning IHC's claims and payments.
> - That the depositions given by witnesses on 1st October 1990, were cause for re-examination.".
>
> Witness Response"
>
> In response to what the Hospital Management's (HM) concerns were with regard to IHC's expense claims, Mr. Dounce reiterated that HM initially had no supporting documentation for the basis of payment.".

You see, they were presenting bills and saying, 'see here, just pay me'. I further quote.

> "Concerning the reluctance to produce original invoice vouchers to support the claims, Mr. Dounce noted that possibly there was other use for them. He noted that he reported his concerns to the Portfolio, the Accountant General and the Auditor General. Mrs. Basdeo, on her views being sought regarding the absence of original invoices, noted that she would need to know to which original invoices the Hospital Accountant was referring. She noted that everything that Mr. Dounce questioned was clarified. Mr. Dounce noted that he received no original invoices for IHC claims, and reiterated that he acquired hotel bills himself. It was noted that original receipts were not received for airline, overseas hotels, car hire, taxis, telephone bills, parking fees, departure tax, facsimiles, federal express.".

All these things, were expenses outside the contract that they made to pay IHC. I want to say that I do not think that that is how Government money should be spent. A contract

is a contract. But they got the contract and then they got a plus, in that all of their expenses were taken care of by the Government from the very limousines to take them to the airport. But the Government has plenty of money - and they fell into a deficit of approximately $17 million - then they say that the Public Accounts Committee had no cause and that we were out of bounds. God help us.

I further quote:

> "At the Committee's meeting on 1 October 1990, the CMO tabled copies of memoranda between the Hospital Accountant and the PS-HSS (through the CMO and Hospital Administrator) regarding IHC's expenses. The Committee questioned what was meant in the PS-HSS's reply dated 10 November 1989, when she stated 'At this point in time I consider that intentionally or unintentionally your actions and comments are likely to bring disrepute to this Portfolio, and to the Honourable Member for Health.' Mrs. Basdeo noted that everyone was aware that there were problems between Mr. Dounce and IHC. There was more to this than just the letters, she noted.".

Madam Speaker, I am going to get to those letters shortly.

> "Mr. Connolly noted that it was difficult to get a handle on the situation, and this often aroused much shouting in the accountant's office; [the accountant being Mr. Dounce, the Hospital Accountant] at one stage Mr. Connolly found it necessary to take Mr. Conti into his office. [A fight was going to break out, you see] Mr. Connolly noted that Mr. Dounce had to go through hotel bills to take off alcoholic beverages. It became quite a task to deal with.".

That is the good management, and they are saying that we are dishonest. The dishonesty is with Jim Conti and the Government I would say took a dim-witted approach to dealing with him. He "Samfied them and mamagised them" and made them get away with giving him a lot of money that he should not have received.

MADAM SPEAKER: Would you be prepared to have a suspension at this time?

MR. W. McKEEVA BUSH: If you wish, I could go on, Madam Speaker.

SUSPENSION OF STANDING ORDER 10(2)

MADAM SPEAKER: Before we suspend, I would like to remind the House that yesterday the majority of Members agreed that in order to finish the business, the sitting would go on until 6 o'clock this evening. So would you please bear that in mind? The House will be suspended until 2:15 and I am asking all Honourable Members to be on time.

AT 12:44 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. The First Elected Member for West Bay continuing.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.

When we took the lunch break, I was reading from the Minutes of the Public Accounts Committee for 8 October 1990. I was just about finished, but I want to continue reading from those Minutes and I quote:

> "At the Committee's meeting on 1 October 1990, the CMO tabled copies of memoranda between the Hospital Accountant and the PS-HSS (through the CMO and Hospital Administrator) regarding IHC's expenses. The Committee questioned what was meant in the PS-HSS's reply dated 10 November 1989, when she stated 'At this point in time I consider that intentionally or unintentionally your actions and comments are likely to bring disrepute to this Portfolio, and to the Honourable Member for Health.' Mrs. Basdeo noted that everyone was aware that there were problems between Mr. Dounce and IHC. There was more to this than just the letters, she noted.
>
> Mr. Connolly noted that it was difficult to get a handle on the situation, and this often aroused much shouting in the accountant's office; at one stage Mr. Connolly found it necessary to take Mr. Conti into his office. Mr. Connolly noted that Mr. Dounce had to go through hotel bills to take off alcoholic beverages. It became quite a task to deal with, he noted.
>
> Mr. Bicknell [the Government Accountant General] noted that Mr. Dounce expressed concern to him. Recognising that the procedure was not good enough, Mr. Bicknell spoke with the Portfolio and set up a meeting which Mr. Dounce was unable to attend. The meeting, however, continued and he went through the concerns with the Portfolio. He advised the Portfolio to ensure that visits were properly authorised [that is the visits of IHC]. He noted that the only question was the per diem claim and that was set out in the contract.

With regard to the contracts, Mrs. Basdeo noted that each contract took many months to go through. Meetings were held and every item was emphasised. Before IHC came down, the Portfolio had a long activity list.

Pursuant to the HM providing the Committee with a note on IHC trips since April 1989 (determined to be 15 trips, totalling a number of 129 days), Mrs. Basdeo noted that she was satisfied that the 15 trips (for the 3 contracts) are valid and that Government got the best value for money. She confirmed that Mr. Conti came on every trip. Mrs. Basdeo did not have at hand Mr. Conti's duty list, and was unable to state what he did on every trip.".

These are some of the things that the Public Accounts Committee contended were not good money for value. For instance, the 129 days that Mr. Conti came to this Island, for food alone, was $6,450 for that trip. That is a lot of food and that $6,450, is a lot of money. These were our concerns because how could they say that the Government got value for money when Government was paying Jim Conti $50 per diem. Now this is the amount that Government pays to the Financial Secretary and the Members of Executive Council when they go off on trips and this is what they were paying to Jim Conti, who in the first instance had the contracts with Government. How can these Members say that we were out of bounds by being concerned about this kind of expenditure - $6,450 for food, 15 trips for plane tickets? Probably in first class, knowing that gentleman or observing that gentleman. Fifteen trips for taxis from his home to Pittsburgh Airport at $100 a trip. Which taxi was he using?

We contend in the PAC, that this kind of expenditure and this kind of wanton disregard for the people's money is something that we must be concerned about. We are not making this up, I am reading from the Minutes which were given to us by the Member for Health's Principal Secretary, and it was taken down and written by the Clerk of the House. How can he call us dishonest in this? The evidence is here. It is no wonder that they have a deficit of $17 to $20 million. And if they fool with Jim Conti, it is going to be much more than that.

I continue with the day's Minutes:

"The Committee questioned 2 entertainment claims made by the Honourable Member, accounted for under Head 07-014 Fees and Consultancies, suggesting that it could constitute fraud. Mrs. Basdeo was provided with a copy of the claim and agreed to provide information on the matter.".

This is the one where the Member said that he did not drink Margaritas. He did not drink Margaritas! I do not know whether he does or not - I heard him talking about 'Miller time' - that is pretty cheap, But the Margaritas are expensive and it is Government's money! It is Government's money! The other day in the House, the Member raised a Motion of Privilege. He always raises them on me, but they never go anywhere!

The other day the Member told the House that this was authorised. Authorised by whom? I am here to tell him that they were not authorised. I want to ask him to tell us who authorised that expenditure at that time? Yes, tell me!

HON. D. EZZARD MILLER: The Financial Secretary and Executive Council.

MR. W. McKEEVA BUSH: Madam Speaker, the Member is saying that the Financial Secretary authorised that expenditure at that time. That is not true because in a question here to the Financial Secretary, the Financial Secretary said that it was not authorised until later. When I further tried to press to find out who it was that was making this expenditure, the Presiding Officer stopped me and said that was no concern of ours. But they were not authorised at that time and he is not telling the truth to this House.

The Financial Secretary did not give the proper prior approval of those expenditures at that time. When the money was spent and the Public Accounts Committee was digging around, I understand that is when the approval was given. If I were like that Member, I would bring the Motion of Privilege because that was an untruth told to Parliament, but I am not that type. I take my licks and I go along. The first time you ask him about himself, that is the first thing he jumps up and talks about, the Motions of Privilege.

We were accused of being dishonest, there was much chest-thumping and making a big racket about their honesty while they were calling me, in particular, the Third Member for George Town, and the Chairman of the Committee, the First Elected Member for Bodden Town, dishonest, and that we should resign. I challenge him to show any dishonesty in any one of us. The dishonesty lies in that statement because it was not approved. But he went out and drank up Government's money by buying Margaritas...

MADAM SPEAKER: Perhaps Honourable Member we might now leave the Margaritas to rest and go on to something else.

MR. W. McKEEVA BUSH: Yes, Madam Speaker, I will bow to your ruling, graciously.
I continue to read from the day's Minutes:

"Regarding IHC's future work, Mrs. Basdeo confirmed that that entailed the completion of the Dental Clinic. IHC, she noted, made several proposals to Government, which are to be decided by the Departmental Tender Committee.

Mr. Jefferson noted that it would appear that everything was being done at the Principal Secretary level and that the Hospital Management input would appear to be invalid. Mrs. Basdeo noted for the record that she took exception to the remark, in that the Member spoke as though he had information on the matter to which she would need clarification to defend the comment.

Mrs. Basdeo noted that she had been very careful in dealing with IHC bills, so much so that when the first or second bill was submitted she wrote to Mr. Connolly requesting that all bills from IHC should go through her. She noted that she was not, in any way, preventing Mr. Dounce from doing his job to the best of his ability.

The Committee questioned why, in her letter of 10 November 1989, she stated, '...your actions and comments are likely to bring disrepute to this Portfolio, and to the Honourable Member for Health.' Mrs. Basdeo noted that that was an internal matter which the Hospital and others were aware of, i.e. that Mr. Dounce and Mr. Conti had a problem.".

They had a problem, yes, because Mr. Dounce was pushing him for these right bills.

"She also noted that she took Mr. Dounce to task on various things that came to her attention concerning the Portfolio's supervision of IHC. the Committee asked Mrs. Basdeo to recall what those matters were. Mrs. Basdeo noted that they may have been addressed in another letter she had written to Mr. Dounce. (The CMO read a memo dated 21 October). Mrs. Basdeo reiterated that they were internal matters concerning comments made by Mr. Dounce about the Portfolio's supervision of IHC.

The Committee noted that it was of the opinion that Mrs. Basdeo was trying to distance herself from IHC at the previous meeting, and questioned whether she was satisfied that all IHC dealings are above-board, that they have been handled from the top in an ethical and proper manner, and whether Government has achieved that best value for money. Mrs. Basdeo noted that she was satisfied that she had dealt as best as she knew how. She reiterated that she had some reservations; that she is satisfied that Government got the best value for money from IHC; and that she is satisfied with Mr. Conti's professional work.

The Committee expressed concern that Mr. Conti was receiving both profit and employee allowance. It was noted that he could be termed a salesman who put the concept together. Mrs. Basdeo noted that she would agree that he is not qualified, but that it was accepted that he was the person with the finger on the pulse.".

That ended the days meeting and the examination on those aspects of the Principal Secretary. There was one other point that the Member made a big thing about, and that was the point where the Attorney General, in his examination of the contracts, made some remark about a certain matter, and I believe in the Minutes or in the Report, that could have been misconstrued. What the Attorney General said, was that it was not a 'legal matter'. Our contention is that, yes, the Attorney General said it was not a legal matter, but the Attorney General of this country did not say that it was right what they were doing. That was our argument. So what? It might not have been a legal matter, it did not say it was right. A legal matter in connection to a contract. So he cannot hide behind that one.

I want to turn to some more evidence given in the Committee having to do with these bills, and so on, and to show what the Committee had to go through in the taking of evidence from the several witnesses, the Principal Secretary, the Hospital Administrator, the CMO, and the Hospital Accountant.

I go now to some letters that were written between the Hospital Accountant and the problems he was having with IHC. The information given to us is what we have based our facts on. So he cannot say we misconstrued anything. That is a lot of propaganda and red herrings, to try to justify their mismanagement of the whole IHC fiasco.

On 4 September 1989, a letter from the Hospital Accountant to the Financial Secretary at that time:

"This is to obtain clarification and/or approval in regards to expenses incurred by International Healthcare Corporation in their course in completing the Study of the George Town Hospital and facilities.

I have been receiving invoices for payments of expenses incurred by IHC without accompanying receipts. This has put me in an awkward position in that in the past we have required original receipts to authorise payments. Additionally the IHC team have on occasions charged miscellaneous food and beverages to their accommodation bills. This causes us to back charge IHC against these submitted "Expense" billings.

I would feel more confident in signing these vouchers if the original receipts for their expenses were included with their billings. It would also help in processing payments if IHC staff were

advised that they pay for any miscellaneous charges to the hotel prior to their departure. Thus the hotel billings to be paid by us would just reflect the accommodation portion of their stay and could be quickly and easily processed.

If these two suggestions cannot be done, please authorise me to continue payments without supporting documentation and back charge IHC's "Expense" invoices for charges other than accommodation.

Thank you for your time and earliest attention.".

Now that was the Hospital Accountant writing to the Financial Secretary telling him of his problems and this was the reply from the Accountant General to the Principal Secretary. I refer to the memorandum dated 31 October from the Hospital Accountant to you, regarding difficulties he is having vouching payments to IHC.

"I am writing to express my view that all expenses claimed by the consultants, should be supported by vouchers and in addition the 'per diem' allowance point must be clarified.

With regard to the time spent by consultants on the project, I would expect this to be subject to control by the Portfolio or the CMO, so that the Hospital Accountant can properly verify the charges being made.

I myself am bound by Financial and Stores Regulations to refuse payment of amounts not properly justified and would recommend that you address the points made as soon as possible.".

So here we have the poor old Hospital Accountant who is being asked to resign, trying to do his duty according to Government standards and according to professional standards. Yet, they say he was no good. They have to get rid of him. Why? Simply because the man tried to do his job in seeing that Government's money was spent properly and when he came to us, this is the evidence. We, therefore, acted and put it in our Report. Were we wrong? No, we were not wrong. The one that is wrong is the Member for Health.

Here we have another letter from 31 October 1989, from the Hospital Accountant to the Principal Secretary for Health and Social Services.

"As I mentioned, in my earlier memo dated 4 September, I am increasingly concerned about the manner of presentation of International Healthcare Expense invoices.

In Financial and Stores Regulations, section 4.3.2. states, 'The Officer who signs a voucher thereby certifies to the accuracy of every detail therein. He will, therefore, be held personally responsible that the services specified have been duly and completely performed...' At this time I cannot verify as to the accuracy of the above mentioned expense bills.

It was not until recently that I have received the expense bill (dated 13 October) the Grand Pavilion bill and the copy of the airline bills together for the same period of time (previous bills for the same period arrived at various times making comparison difficult at best). Discrepancies were noted as to the 'actual length of stay' versus the length of stay billed. This prompted me to view all the expense bills, and discrepancies occurred in all of said bills.

1. In order to avoid any further discrepancies and audit previous billings, would you please provide me with the 'contracted' names and dates of the consultants that we are responsible for;

2. Please confirm in writing that: Telephone expenses, Ground Transportation charges, Fax and Copy expense, Postage and other miscellaneous expense, (car hire, drivers licences, departure taxes) should or should not have, supporting documentation/receipts. (none provided to date);

3. Please confirm in writing the meaning of 'Per Diem allowance' we are paying each consultant US$50 per day, plus the above (#2) incidental expenses. (General Orders, chapter 6, paragraph 21(c) states 'The per diem allowance under (B) [$40 and $25] and (C) [$25] above is to cover all incidental expenses such as taxi fares, airport taxes, hire cars, telephones and the like.'

I have currently audited the March through June expense bills and as such I have been prompted to ask the above questions. Mathematical errors were also noted. I will prepare a full review in writing as soon as the above points are clarified.

If on the other hand you feel that I am being overly critical you may request that we issue an allocation warrant and transfer full responsibility of payments to the Portfolio, thereby having all the information/billings consolidated under your office.

Thank you for your time and earliest reply.

Mr. Dounce
Hospital Accountant.".

Here we are, the same Hospital Accountant that they say is no good, pointing out to them the problems he is having. Further, and why they say he was impertinent, was because he was telling them that the per diem allowance that Government authorises to everybody, their top civil servants and anybody they send on a course or whatever, is for all incidental expenses such as taxi fares, airport taxes, hire cars, telephones and the like. And they are saying Government got value for money? When they put that as a separate entity in the contracts? Who are they fooling? Who are they dealing with? This is not Ezzard Miller's money. This belongs to the people of the Cayman Islands' and they are derelict in their duty in giving those kind of contracts.

The Accountant General then had to write the Portfolio again. I think I read that letter already. On 10 of November, the Hospital Accountant received a letter from the Principal Secretary for Health and Social Services:

"I take great exception to your memorandum of October 31, referenced above: IHC billing.

This subject has been under discussion for sometime, and you are quite aware of the Portfolio's position re: your memo of 4 September to the Financial Secretary. It was then, and is now, my position that any accounting difficulties you are having with the IHC expenses should be handled face to face with Mr. Jim Conti of IHC and the Hospital Administrator. It is unnecessary to involve either the Portfolio or the Financial Secretary unless IHC refuses to provide the required and agreed invoices.".

Well, what was the Hospital Accountant saying, Madam Speaker? He was saying we were not getting them. They were charging us, but there was no corresponding bills. I further quote her:

"You are in possession of the contract, including Exhibits A and C which I attach again. I have also copied to you a list of expenses which the Accountant General and I have agreed do not require an invoice.

With regard to the length of stay versus the length of stay billed, IHC are working three contracts concurrently. You are aware that the Hospital Administration handles all accommodation and car rental arrangements for the three contracts. Sometimes, depending on availability, the consultants are housed in a rented apartment. Any queries you may have regarding which consultants are here and where they are being accommodated should be addressed to the Hospital Administrator.

1. The contract for the health services further stipulates that no more than five consultants will visit at one time. The consultants connected with this study are: Mr. Jim Conti; Ms. Dawn Sellaro; Mr. Tom Keller; Mr. Dennis Wildman; and Mr. David Sabine

Mr. Alex Byers was involved with the first part of this study. Since July he has been replaced by Mr. David Sabine.

2. "Per diem "is the full allowance per day, per consultant as contractually agreed, Exhibit C Page 1 of 1 attached, and no invoices are required. General Orders Chapter 6 paragraphs 21(c) as quoted refers to civil servants in this case.

It would seem to me that your audit exercise is rather late. I would have expected mathematical errors to have been picked up before payment was made.

I consider that you are being overly critical as well as impertinent. Your attitude towards the consultants as well as verbal comments attributed to you in the matter of their supervision has been conveyed to me on more than one occasion. At this point in time I consider that intentionally or unintentionally your actions and comments are likely to bring disrepute to this Portfolio, and to the Honourable Member for Health.

I do not underestimate the accounting complexities involved with the three IHC consultancies operating simultaneously. However, these obstacles can be overcome with good communication and a willingness
to cooperate.

I would appreciate it if you would address these issues and cease creating problems for all concerned through promulgating half-truths, innuendo and one-sided arguments.".

That is the letter written to the poor Hospital Accountant after he was questioned about the bills and who were we

paying for and so forth and so on. The poor Hospital Accountant had every right to question, because when we examine the bills we find that his family was down here at Government's expense. Whether it was his wife or his brother, is left yet to be seen. But, we do know that we have those bills here for a Mr. E. J. Conti, and we have another one for a Mr. F. D. Conti, or a F. D. Conti, not Mr. or Mrs., we do not know. But the poor old Hospital Accountant was doing his best to try to find out who we were supposed to pay for. These are the bills from the hotels. These are IHC.

As I said, he brought his family down here and the bills were charged to Government - $1,000, Mr. E. J. Conti, $594 for transportation expense, a per diem allowance, they even got Government money to buy food and to make telephone calls - $250. Then they say we are dishonest. I think they need to catch hold of Mr. Conti and give him a good flogging. Because either its dishonesty or something else.

The Public Accounts Committee is not dishonest, we were doing our work. Here are the bills, yet what did the Principal Secretary tell him? "You are impertinent". The poor man was trying to do his job, citing Government's General Orders and citing the Financial and Stores Regulations and today, he has to resign. I know you are going to hear that they did not fire him, but they make the recommendation. Simple. They do not want him, he has to go.

Subject to those letters, they all met on the expense billings. Now the Principal Secretary writes the Accountant General because, of course, he had said things do not look good. Things are bad. I do not recommend that this is the right way to go. And so she writes him:

> "Subsequent to your memo of November 9 under reference we met today and I write to record my understanding of the outcome of this discussion.
>
> We agreed that it was unrealistic to expect IHC to provide invoices for:
>
> 1. telephone expenses
> 2. ground transportation charges
> 3. fax and copy expenses
> 4. postage
> 5. driver's licence
> 6. departure tax
> 7. miscellaneous, so forth and so on.
>
> We agreed that due care would be taken to ensure that the expenses listed above were reasonable, and would be monitored by myself.
>
> The "per diem" referred to is covered by contract Exhibit C, Page 1 of 1 attached, and is a food allowance. No invoices are required.
>
> As far as time is concerned, I showed you a copy of IHC's task force report of July 1989. We received one of these documents each time the consultants visited, it details time of arrival, length of stay, names of participating staff and a daily schedule of business. At each task force meeting attended by the Honourable Member and myself, the previous visit is evaluated, and presented and future visits are discussed.
>
> I am fully confident in saying that the IHC consultancies are properly supervised, from both an administrative and technical standpoint.
>
> I hope that the foregoing and our discussions have addressed any misconceptions which may have arisen from the Hospital Accountant's memo of 31 October.".

This is the Principal Secretary, of course, writing on the instructions of the Member for Health.

Madam Speaker, the Member for Education is asking me if I have those instructions. Whose instructions would she be writing on? Not on McKeeva's, unless it was the Member for Education's. Madam Speaker, I am not giving way...

HON. BENSON O. EBANKS: Madam Speaker, it appears that the letter was written in response to the memorandum...

MR. W. McKEEVA BUSH: I am not giving way! Unless the Member has a Point of Order, I am not giving way. They had their time in this House - stand and hear the evidence. The Member is saying I am lying. Can he show me? This is the evidence I am reading, here are the bills, paid for his wife, paid for his brother, they paid for you too, or what? Rest me, man - just rest me!

MADAM SPEAKER: Honourable Member, please continue.

MR. W. McKEEVA BUSH: Madam Speaker, some Members like to wear a new shoe, but they cannot stand the pinch.

The Hospital Accountant then writes on the 14 December to the Principal Secretary for Health and Social Services.

"Thank you for your memo dated 10 November 1989. I have awaited clarification of this for some time. I apologise if you or the Honourable Member misconstrued my concerns for proper adherence of the Financial and Stores Regulations as impertinence on my part. (he was smart)

I believe you have pointed out the main problems in your penultimate paragraph of your memo, i.e. 'these obstacles can be overcome with good communication and a willingness to cooperate'. This, I believe, has been a problem from the beginning of the IHC billings. Please allow me to enumerate my difficulties and at the same time answer your points of contention by reference to your memo.

Paragraph # 1. The accounting difficulties that I have listed were discussed prior to my first memo dated 4 September. In order to ascertain which visits that the "Health Care Plan", i.e., Head 29 was responsible for, I needed the dates of the consultants' visits. Without these dates confirmed through the Portfolio it would be a meaningless exercise to meet with Mr. Conti.

Additionally, I needed to know which dates Mr. Conti stayed that were not chargeable to Head 29, (which dates his family was here and which dates are to be charged.".

This is what they just got hot about because I just mentioned that the family was billed to Government. That is what they are hot out there about, about Government got value for money! They give a man a contract, he brings his wife down here, they pay him, they pay for the wife, and the brother, and the family and everybody else! And they are saying that we are dishonest! I resent that, Madam Speaker. The dishonesty does not lie over here on this side.

Paragraph 2...

MADAM SPEAKER: Excuse me, Honourable Member. How much more correspondence do you intend to read? Because you have been reading some very lengthy correspondence.

MR. W. McKEEVA BUSH: Well, Madam Speaker, I have at least a few bits more which I think are pertinent to the debate, seeing that we were charged with dishonesty and charged with misconstruing or manufacturing evidence. That is a most serious charge and I want to go through the evidence to show that it was not manufactured.

MADAM SPEAKER: Well, I appreciate that too, but I must draw your attention to Standing Order 32(4) that anything you read must be of reasonable length in support of your argument. Some of these are very lengthy.

MR. W. McKEEVA BUSH: I appreciate the Standing Order, Madam Speaker, but I would hope that the Chair will bear with us and I will try to be brief, but the letters were not brief and the fact is, it is our integrity that is in question here. I think that the House owes it to us to listen to the evidence because this evidence is nowhere else to be found. I think that my arguments and my reading them is very pertinent, and if you say I should stop, I will have to, but I would ask you to please bear with us to get the evidence out.

MADAM SPEAKER: Well, please get through as quickly as you can, all right? Do not belabor some of the points that you are making.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker, and I hope that there will be no more interruptions from that side of the House, which takes up some time.

"Paragraph #2. Neither myself or any member of this Department had in his/her possession "Exhibit C" until your memo arrived here. Thank you for providing this information. Exhibit C #1 states that we are responsible for $100.00 PER VISIT. This was being charged and paid to IHC as (possibly) $100.00 per person which would result in an over charge of approximately $500.00.".

There again, Madam Speaker, an over charge. And they say that we are dishonest, I suggest they go and fire every one of those consultants and pack them up and send them back to the United States. It is not the Public Accounts Committee that is dishonest.

"Paragraph #3. points 1 thru 3. Thank you for your clarifications.

Paragraph #4. Mathematical errors were picked up before payment. This was not my main concern. I have stated in both of my previous memos the main concern was supporting documentation of the charges presented and the dates of the consultants' stay vs. the per diem charges.".

You see, again, they were charging for days that they were not here. This is what the Hospital Accountant is saying. This is the evidence. They ask for evidence - this is it.

"Your memo page 2;

I apologise if I have been overly critical by my questions, or have in any way brought 'disrepute to this Portfolio' or the Honourable Member. As I have previously stated, I am following the Financial Stores Regulations to the best of my ability and my job is to safeguard Government funds and expenditures.".

That is the kind of man that we need, but they are getting rid of him. The main questions in these letters are that the whole Hospital Management team, the CMO, a foreigner; Mr. Mervyn Connolly, a Caymanian and the Hospital Administrator; and the Hospital Accountant, a foreigner, were not satisfied with what they were getting. Over paid - they were charging for days that they were not here, bringing in their families and all these other things. Yet the Member, because he is responsible, he is the one that is saying that they did a good job and we got value for money. It is no wonder we have a deficit.

The letter goes on to say:

"The following are questions that need resolutions"

Expense period of 29 April thru 10 May:
Additional air fare charges from Orlando.".

For somebody else that was not on the team.

Expenses period of 17 may thru 2 June:

Dates and person actually on the Island
disagree to Grand Pavilion and "Agenda" dates
Transportation expense unknown person, (again)
charges do not agree to air bills.
Ground transportation charged $200, allowed
$100

Total Charge Back $372.43

Expenses period of 13 thru 22 June:

Dates and persons actually on the Island
disagree to "Agenda" dates
Billings for J. Conti & Family?
Air transportation invoice not present
Ground transportation charged $200 allowed
$100 (under the contract)
Federal express charges invoice not present.

Expenses period of 23 July thru 2 August:

Dates and persons actually on the Island
disagree to "Agenda" dates
J. Conti over charge on room
Air transportation invoices not present
Ground Transportation charged $200, allowed
$100 (from the contract)
Federal express charges invoice not present
Are we responsible for charges incurred on a
'non-working arrival date' (Sat. 23 July)?".

Madam Speaker, when we go abroad in conferences and when Government people go abroad, if they go before the conference starts or before their work begins, that is their expense, not the Government's. But yet, Mr. Jim Conti was getting away with it. And now they are firing the Hospital Accountant and putting somebody there that they can trust and they can do what they want with him.

"Expenses period of 16 thru 20 August:

Dates and person actually on the Island
disagree to "Agenda" dates
Air transportation invoice not present
Ground transportation charged $200, allowed
$100.".

The same thing every single stay, it was the same thing doubled up, bills doubled up.

"Expense period of 16 thru 26 September:

Dates and persons actually on the Island
disagree to "Agenda" dates
Ground transportation charged $250 charge Back
(contract says $100).".

The same again, Madam Speaker, the same again.

"Expenses period of 14 thru 29 October: (the same said things again).".

Madam Speaker, the period of 9 thru 19 November, the same thing. Here they had one other thing. The Computer software charges of $578 has no supporting evidence.

Are we responsible for charges incurred on 'non-working departure dates' (Sat. & Sun. 18,19 Nov.)?

Well we contend they should not have been paid for those days. That is where the value for money went in. This is where Government got gypped, as far as I am concerned. They go on, the other letters are all the same. He had to write again, he writes again to thank her for arranging a meeting. She writes them and arranges a meeting and he writes and thanks her again for arranging a meeting with Conti and to remind her of the things that they agreed upon.

This time the same thing, overcharges and doubling up of bills all along. That was on 21 December 1989. Now on 13 March 1990, the Hospital Accountant writes again to say that although they had a meeting with Conti, and they had agreed to certain things, still Conti would not do what he was supposed to do as of then, there was an over charge or there was still over $13,000 still not accounted for in bills. But they were being charged. Poor fellow, where is he? He is being fired.

The 26th of March, the same thing. the Hospital Accountant again writes the Principal Secretary and tells her nothing has been done, we meet with him but we cannot get anywhere with him. Here it is $13,216.61 of billings, but no substantiated bills.

They finally got down to the wrangling and jangling between the Hospital Accountant, the CMO, the Hospital Administrator and the Portfolio got down to where, when we held the PAC, all this was still going on. Finally, the Government's Accountant had to write the Principal Secretary:

"I refer to the memorandum from the Hospital Accountant to you dated 31 October, 1989, in which he expressed concern regarding problems in agreeing IHC expense claims. You will recall that I wrote to you on 9 November, 1989, expressing my view that 'all expenses claimed by the Consultants should be supported by vouchers and in addition the per diem allowance point must be clarified.'.

This is all the way up in October 1990, a year later.

"You wrote to me on 10 November, 1989, following our meeting with the Honourable Member which the Hospital Accountant failed to attend. My understanding of our discussion was that, within the context of my memorandum of the previous day, and in an effort to ease the problems being experienced between the Portfolio and the Hospital Accountant, certain minor concessions could be made with regard to supporting documents which you listed in your memorandum. The important point in your memorandum was your agreement that due care would be taken to ensure that the expenses listed were reasonable and that you would personally monitor these.

In view of the concern expressed by the Public Accounts Committee regarding the concessions made in this instance, I now advise you that in all future contracts, I shall insist on full supporting documentation for all payments in accordance with the usual Treasury practice.

Roger Bicknell
Accountant General.".

Madam Speaker, we, the PAC, had every right to make those statements in our Report because we are justified in doing so. And there is the evidence to prove it and they have not brought one shred of evidence to say otherwise. Not one shred!

Yes, he was the owner, that is, Jim Conti, owner of the contract - yet they were paying him for food at $50 per day. Here it is, 13 days. Mr. Jim Conti, $50 a day. Yet he owned the contract.

We have heard evidence that they thought he was a professional man, that is why they could trust him, although he did not have any experience, they say he was a professional man. They admitted that he was not an experienced man, but they say he was professional in what he was doing. Now I want to read one letter that tells you just how professional this Conti is:

"14 June 1989,

Dear Mr. Miller:

I am writing to you for your assistance in resolving a discrepancy that has been brought to my attention by our auditors, for which I accept full responsibility, and I hope you understand the reasons why and are willing to assist me with the approval of my request.

Over the past five (5) years, and prior to your engagement of my company's services currently being performed, I visited the Cayman Islands on numerous occasions, and, as you are aware, I have a deep sense of respect and admiration for the Caymanian people.".

Oh, yes, he had to, a lot of money.

"During these visits I have exchanged numerous $100 bills and have received $80 C.I. and have been amused by the T-shirt which says, 'I may look 20, but I am only 16'. Therefore, it was my full impression and experience that the conversion rate of the C.I. currency versus the U.S. dollar was .80 to $1.00 U.S. You can imagine my surprise when I was paid the initial installment in C.I. dollars which, when converted, did not equal a .80 conversion rate but rather a .8375 conversion rate resulting in the amount of $1,071.42 less than anticipated. (Please note that the second installment was paid in U.S. currency in the amount of $15,000 U.S.)

I respectfully request that you give considerations to my error and adjust our consultancy fee to reflect the .80 conversion rate.".

Can you imagine, Madam Speaker? This is a professional man, looking at a tee-shirt and saying 'I may look 20 but I am only 16', and therefore, realising that, low and behold, the Government was not paying what he should have been getting. Can you imagine?

Thank God, the Accountant General and the Financial Secretary held fast and said, "No. You are going to get what everybody else gets from us, and that is the conversion rate of .8375."

That is an honest man? That is a professional man? He is a professional con man! I brought a motion which was debated here last year and you heard reference to it in this debate, about trying to get rid of him. It is a pity that we did not, at that time, sever connections with them, like that motion requested. Instead, they took it upon themselves to try to make me out like I was the worst person in the world. That is the same thing that they did when we tabled that motion. They did this with the Report, they did the same thing - criticised the Auditor General, criticised the Hospital Accountant, and attacked the Public Accounts Committee trying to make themselves look good.

I come now to one of the last contracts dealing with this IHC. I want to say that it is my opinion and opinions are perfectly constitutional. I hope that has not been thrown out of the bathroom window yet. The whole scheme was to make sure that IHC got all the contracts, including the Master Plan Development contract for the George Town Hospital. The letter that I am going to read was written to the CMO by the Principal Secretary of the Member for Health, and this shows that they were prepared to give these contracts to Conti without giving anyone else a chance to bid on it. But the pressure hit them and they had to re-think their position.

"To: Chief Medical Officer
From: Principal Secretary, Health & Social Services.
Date: September 10, 1990.

Master Plan Development - George Town Hospital

As a result of our meeting on 7 September 1990, and following discussion with the Honourable Member, I would like to make the following observations:-

(1) Funds for the surgical suite, including a master development plan, were approved in the L.A. (in June 1990).

(2) You have agreed that the surgical suite, and to a great extent, the master plan, should proceed as a matter of urgency.

(3) The Committee (that is the Departmental Tenders Committee, Madam Speaker), agreed that IHC should be asked to produce a detailed analytical brief for the master plan of George Town Hospital and Faith Hospital. This brief to then be used as a bid document to invite tenders for the master plan itself.

(4) The Honourable Member has rejected the proposed analytical brief on the basis of time and cost.

His reasoning is that the $1.5 million was obtained citing the emergency conditions at the George Town Hospital. He is morally bound to proceed with the master plan and the surgical suite as soon as possible.

The development of the master plan is a job for health planners (and this is the important paragraph in this) and not for "ordinary" architectural firms. Any of the local firms will have to bring in health planners and they will need time to research the background to the plan, government policy, etc. It is unrealistic to believe that the master plan can be tendered, awarded and accomplished in four months. The Hon. Member is of the opinion that the information gained from his letter of April 20, 1990, to local architectural firms is sufficient on which to base a decision to award the master plan contract.

I would refer you to two recent documents Selection and Use of Consultants, emanating from the Finance and Development Portfolio P. 9 paragraph 2, which provides the circumstances under which single tenders may be granted, and the Financial Secretary's memo of 22 August 1990, which allows departmental tender committees to consider bids of up to $350,000.00.

In the interest of time, and because I am confident that outside health planners, without local knowledge and detailed information of our health services, will be costly in terms of time and money, I suggest that your committee consider this project a single tender action.".

Now, the Principal Secretary is writing on behalf of the Member for Health. I wonder if they would dispute that? Just now they disputed it and said I was a liar. I will continue.

"This argument might be further advanced that as a result of the Health Systems and Health Facilities Plan, I.H.C. are ideally placed to develop the master plans for the two hospitals and that the master plan development should be viewed as a corollary of the existing contract.".

A direct move to tell the Departmental Tenders Committee, whose Chairman is the Hospital Administrator, Mr. Mervyn Connolly, to put pressure on them to give the contract to Mr. Conti. This is what this letter is saying.

Now, I understand that the contract was awarded and I want to ask the Honourable Member, through you, Madam Speaker, whether that contract was awarded to the person that the Tenders Committee awarded it to, or whether he has requested that contract to be brought back to his office and not given out? We would like to know that. I would like to know.

MADAM SPEAKER: Honourable Member, may I just have a moment of your time please? Yesterday, we did agree that the House would adjourn at 6 o'clock and normally the suspension is taken about this time for 15 minutes. I am wondering whether we might consider taking the suspension at 4 o'clock, which would make an hour and 45 minutes, coming back at 4:15 until 6:00. Would that be convenient to Members? Good, please continue.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker. May I enquire how much time I have left?

MADAM SPEAKER: You started at 11:59, that was 46 minutes and you continued again at 2:15. You still have some time left within the four hours.

MR. W. McKEEVA BUSH: Madam Speaker, after that attempt to tell the Departmental Committee to give that particular contract to Mr. Conti, the Chief Medical Officer wrote to the Honourable Financial Secretary. He said:

"I would be grateful for your advice upon the following matter . I have been directed to institute a Departmental Tenders Committee (DTC) to consider bids from various firms to provide architects briefs, drawings to construction and equipment specifications for 3 related but separate projects.

These are:-

a. A Master Facilities Development Plan for GT Hospital.
b. A Master Facilities Development Plan for Faith Hospital.
c. Alterations/Additions to the GT Hospital Surgery Suite.

I am informed that each project falls below the $100,000 ceiling stated in FSR which allows a DTC to deal with the matter.

In order for any firm to successfully provide these services, particularly with respect to the Master Plan for GT Hospital, it would be necessary for that firm to be in possession of a whole gamut of data; for example (and these are only a few examples), patient flow, admission rates, discharge rates, morbidity patterns, utilisation rates, current facility utilisation, etcetera, etcetera. Without that data the production of architects briefs for the Master Plans would be meaningless and unacceptable.

Obviously any firm could acquire that data as part of the project. This would inevitably force the

costs involved up and over the $100,000 ceiling for DTC.

More importantly, that data is already available having been provided specifically by IHC in their role as the Government's consultants and published in their Final Report of Dec' 89. It is illogical for Government to pay for the same thing twice.

However, IHC is one of the bidders for the above mentioned projects.

Thus as it stands at the moment only IHC can realistically fulfill the task, which would constitute single tender action by the DTC (and I am aware of the caveat on single tender action as given in the second paragraph page 9 of 'Selection and Use of Consultants' July '90).

Alternatively it would be necessary to present the other bidders with the IHC Report and the data it contained. Whilst I am conscious of the fact that 'Government' bought that report and presumably may do with it what it will, I am uncertain of the business etiquette involved in these situations.

Thus your advice would be appreciated.".

That was on 4 September 1990, and on 19 September 1990, the CMO wrote the Hospital Administrator and the other people on the Departmental Tenders Committee.

"This morning I met with Mr. Woodward Terry in his capacity as Acting Financial Secretary and fortuitously he is also the Chairman of the Central Tendering Committee.

His advice was:-

a. That the projects, i.e., Master Plan (MP) GT and Faith Hospital and Surgery Suite may legitimately be considered as 3 separate projects;

b. Upon the information on hand it is reasonable to assume that each project is below the (magic) $100,000 mark and therefore may be considered a viable matter for a DTC;

c. That a formal bidding document should be prepared and sent to the firms who have expressed an interest. This has not been done yet.

d. That all firms should be in possession of the health care data as it pertains to these projects, i.e., some of the content of IHCs Dec 89 report, otherwise competing firms will be disadvantaged and won't actually know what they are bidding for!

I shall seek permission from PS H&SS for release of the IHC Final Report to other competing firms with the recommendation that a caveat be placed upon its release, that the contents of the document will not be used for any other purpose.".

So, Madam Speaker, the pressure hit the Portfolio and the Principal Secretary then wrote to the CM and said:

"Further to your memo HEA/3/9 dated 10 September 1990; attached please find a memo written by myself #1. This memo was not sent when I learned that the FS was not on the Island; rather, I sought an interview with the Acting FS which took place yesterday; a summary of his advice is contained in the inter-office memo #2.

(that is the one I just read)

I present the information to you in this way to save having to write it all out again.

Your authority is requested to release the appropriate parts of the IHC Final Report November '89 to the other competing firms, i.e., Onions, Rutowski & Chalmers Gibbs, as part of a formal bidding document which we shall prepare.".

This letter actually was sent to the Principal Secretary from the CMO. The CMO then, on October 4, received a letter from the Principal Secretary then acknowledging that she, at that point, after the pressure was put on by the Public Accounts Committee that this document be sent out. She wrote:

"With reference to your memo dated September 1990 you may proceed to release the appropriate parts of the I.H.C. final report on the Health Systems and Health Facilities Plan. I would imagine that with regard to the new surgical suite, the interim report on surgical management would also be most useful to any bidders.".

That is a far cry from the context of the letter which she wrote on

behalf of the Member telling them, give it to IHC, because they are the only ones that can do it.

But, after the Public Accounts Committee did their job and said this thing must be done right through the Departmental Tenders Committee, they buckled. We only did our job and there is a lot more to this whole thing of IHC. Because I would now like to read some other correspondence sent to the PAC. This is a letter from Rutowski Baxter and Houghton regarding the proposed Hospital facilities, the memos that I just read to the House.

"Dear Mr. Connolly,

We confirm our continuing interest in bidding for architectural services for medical facilities and had indeed by the end of November completed as much preparatory work as we were able. However, as our research developed we became aware of possible irregularities in the procedure which bidders had been asked to follow. It was decided to consult with Mr. Bill Bissell in his capacity as President of C.A.S.E. about our reservations regarding conditions of invitation to bid being fair, equitable and competitive to all involved.

Our main concern was that IHC Ltd. were placed on a similar footing as local architects and had an unfair advantage. As a result of our consultation with Mr. Bissell, it was established that he has similar reservations which we confirmed in our letter dated 30 November 1990.

Although we have not had a response, we assume that the President of C.A.S.E. had advised a third local architect (meaning Chalmers Gibbs Martin & Joseph) that bidding should be cancelled and resumed when an architects brief is undertaken by independent medical consultants for distribution to competing architects.

We believe this to be the only acceptable solution to bidding as it is possible that an association of IHC with one of the local architects on undisclosed financial terms would also be unacceptable to the Health & Social Services Portfolio as unfair, inequitable and noncompetitive to other firms.

We conclude that it is essential for Government agencies to maintain fair, professional and ethical procedure and to this end we trust that the Departmental Tendering Committee will uphold the contents of our letter addressed to the President of C.A.S.E..

May we look forward to your further instructions.

Rutowski Baxter & Houghton".

And the crowning of this, I believe, to show that there was not good will in the whole IHC scheme of things is the next letter written to IHC re: various Government projects

"Having now had a chance to review the various documents on the above and after having had various discussions with Jim Scott, I now have a clearer view on the various projects and have some suggestions as to how we should proceed.

Without being overly presumptuous, I believe at this stage that we actually do need each other. There is no question that technically you could perform all these projects, but politically, this may be unpalatable to the Caymanian public at large, but particularly to the Backbenchers.

(I would like to read that again, Madam Speaker.)

Without being overly presumptuous, I believe at this stage that we actually do need each other. There is no question that technically you could perform all these projects, but politically, this may be unpalatable to the Caymanian public at large, but particularly to the Backbenchers.

On this basis I believe it would be wise to be seen to be acting locally and on this basis only believe our consortium should be headed by Onion Bouchard & McCulloch. This will allow us, with yourselves, to act in various ways and the following include some possible options:

1. IHC could work under Onions Bouchard & McCulloch and we can obtain work permits for you if these are felt necessary. This could follow a similar format to the way we use our current Miami engineers infrastructure ('elec' I guess is electricity and 'mech' is mechanical etc.) elec/mech etcetera. In fact, if we are involved in the project, then we will be using the aforementioned engineers in this fashion.

2. IHC and Onions Bouchard & McCulloch set up a joint venture agreement and turn out, nothing to do with Government except we would advise them, we could

even use my personal office and assign it to the project. It has two boards and we could if need be work out of this office and at least the perception of a local firm would be evident.

3. We can work in a similar way to the present Dental Clinic project. Essentially as independent consultants with mutual interests.

None of the foregoing are inclusive of the others, neither are they exhaustive of the workable formats, but they give us a basis for discussions. The formulation for the above should not noticeably affect the feed distribution but would effect the way and method of collection and payment fees.

The document calls for fixed fees on all projects and I guess on this basis it is useful to refer to all of our previous letters on this and I enclose our letters of April 12 1990, 5 May 1990 and 29 March 1990. Since sending these letters we have the practical experience of the site administration on the Dental Clinic. At this period in time we are losing our shirt on this project and we are having to spend five to six hours a week on the project as I had noted down in my letter of March 29, 1990.

On this basis I do not feel that I have to adjust our fee proposal as laid down in my May 5, 1990 letter. Our proposal is as follows:

1. Master Facilities Development Plan George Town on an as and when required basis on instruction from IHC; a time basis at US $100 per hour.

2. The Surgical Suite George Town construction $750,000; fixture and furniture $250,000. Estimated cost of project $1 million.

a) On an as and when required basis on the design aspect work to be done by IHC. A time basis of US $100.

b) Construction drawing US $60,000

c) Site administration estimated 12 months US $24,000.

3. The Master Facilities Development Faith Hospital. On and as required basis on instruction from IHC, a time basis at US $100 per hour.

4. The 18 bed and patient unit Faith Hospital, construction $800,000; fixtures and furniture $400,000. Estimated cost of project CI$1.2 million.

a) On an as when required basis on design aspects work to be done by IHC, a time basis of $100 per hour;

b) Construction drawings US$67,500.

c) Site administration US$30,000.

On top of all of this all reimbursable charges will be charged in accordance with our enclosed conditions of engagement.

General

As we discussed, I believe we need to cover in your proposal the possibility of the scope of all projects going beyond the so-called provisional estimates. We also need to both acknowledge that there will be an overlap of work design construction drawings and we will have allowed in our fee for construction, drawing time that you will spend with us and be expected to be paid for.

The foregoing information should give us a basis for discussion on a joint venture proposal and I guess if we go with a proposal along these lines Onions Bouchard & McCulloch should perhaps be making the submission.

Best regards

Onions Bouchard and McCulloch
Bill Bissell

Oh, Madam Speaker, they were prepared to go to great lengths so that the Backbenchers would not find out what they were doing as is stated in this letter. They talk about honesty. You should hand in your resignation.

MADAM SPEAKER: Please address the Chair, Honourable Member.

MR. W. McKEEVA BUSH: Madam Speaker, they should hand in their resignations. The whole scheme of IHC was born bad - it came to life bad. From 1989 we had a previous Member of the House, Mrs. Orrett, who said that IHC had promised her commissions. And I have no reason to believe that she did not get them or she is still getting them, because, IHC Ltd. has its post-office box at Box 383 West Bay - the post-office box of Daphne Orrett, a previous Member of the House who introduced IHC to Government, who admitted in the papers that she was promised commissions.

I say that the Public Accounts Committee of this country had every right, every conceivable right to make that kind of Report that we made. If the Government of this country was worth its salt, it would call for the dismantling of IHC in this country and it would break and sever connections with them immediately because, if there is not impropriety, everything is not above board. The Governor of this country, of this territory, should call for a commission of inquiry into IHC and its relations with the Government. We have every right as a Public Accounts Committee to suggest what we have suggested.

The evidence produced here in this House today makes an overwhelming case against the Government, the Portfolio of Health. None of them can deny it because it is all there. Yet, of course, they denied it earlier before I got up and read out all of this evidence. Dare they deny again, Madam Speaker? Dare they deny again? Oh, of course, they are shaking their heads and saying that they are denying. They will deny until kingdom come. No amount of evidence that the Public Accounts Committee or the Backbenchers bring to this House is going to change their minds.

There is only one thing that is going to handle that group, and that is the people of this country by the ballot. I say, Madam Speaker, that that does not need delay because when you have a Public Accounts Committee which cannot perform its duty without harassment as we have had, then something is radically wrong in this country.

We put a report and it was held up for a whole week by the Presiding Officer. Very unusual. What came next was a statement by one of the Members of Executive Council lambasting the Members of the PAC. What comes next? It was the speeches that we heard here on their Government Minute.

Madam Speaker, I am going to vote against certain parts of that Government Minute and I hope that it has several sections and I believe, under the Standing Orders, we can put any section in a Motion on separate votes. I hope that would be the procedure in this House because I am going to vote against what they have written because if anything needs to be done, is an investigation called into the Health Portfolio's connection with IHC, and IHC work. I am not saying so much that the Member, what I am saying is that there is something here not right and it is our money. It is the people's money.

The Auditor General has been taken to task. For what? That is his duty what he has done. It is clear in the law.

Let us look at some of the language used and the charges made by the Member for Health. First of all he said that we were not acting within the bounds of the Standing Orders. He thought he had made a big revelation when he read out the Standing Orders of the House. The Public Accounts Committee has a very wide responsibility and the Standing Orders simply says that:

> "74(1) There shall be a standing select committee, to be styled the Public Accounts Committee, to consider reports of the Auditor General -
>
> (a) on the accounts of the Government
> (b) on such other accounts required to be laid before the House as the Committee may think fit; and
> (c) on any matter incidental to the performance of his duties or the exercise of his powers as the Committee may think fit.".

Madam Speaker, this is as broad as you want it. So he makes the charge that we had no business going into that area. He said secondly, "they have made a deliberate and determined misrepresentation of the evidence placed before it during its deliberations".

Thirdly, "they have made deliberate and incorrect deductions from the evidence before it".

Fourthly, "deliberately ignoring facts put before it which did not support their pre-conceived positions whether for political gain, which is the cheapest kind, or just personal hatred and malicious intent". Those are the words of the Member for Health.

What political gain? By us taking him to task? The Member is no giant when he comes to me, nor any one of us on the PAC, because none of us got elected by four votes. Everyone of us had an overwhelming majority. There is no political gain to get from this. So what is he talking about? He is no giant when it comes to these matters of politics. I am going to prove that to him when he calls the poll.

He went on and, as I said, except for what I heard in July, one of the most slanderous speeches that I have ever heard made in this House is what he made here yesterday. While

he uses these, as I said, wounding words, he believes he is completely sheltered and protected. What did he call it? "Miller time" he called it.

Well the appetite of the Member for Health for "Miller time", is only excelled by the parliamentary indigestion that obtains in every occasion that Member comes to this Honourable House under the influence of "Miller time". That is his problem.

I wish to deal with the comments now of the two Members who spoke. We heard the Member for Education talking about how Government had been so good to the Auditor General by sending his staff on some course. It was the same staff of the Auditing Department that the Member for Health was lambasting the Public Accounts Committee for.

If you remember correctly, it is in here that he said we had no business, we were calling those junior officers. He said, "We had no business inviting them to the Committee". What a joker! What a joke! On the one hand, one of them gets up and talks about the kind of training that Government gave them, but when the time comes for those poor civil servants to use their training, the two of them tell them, "You can use your training but do not ever use it against me. Do not tell me that I am wrong".

The Member for Education went on to talk about that we were dealing with in areas that we were not competent to deal with. He went on to deal with the area in the Public Accounts Committee statement on the public debt. He says that we had no right to say to them, "Watch out what you are doing. Be careful, this is how you get in trouble". On what basis was he saying that?

He was saying the $32 million for Government pensions is only a contingent liability. I know words are used to mean a lot of things, but he cannot go and tell those civil servants that when they become of age, that they are not going to get their pensions. So I do not talk about contingent liabilities, it is still, when put all together, that particular liability and the Government's loan position add up to over $62 million which the Government is responsible for. All the Public Accounts Committee was saying is that it is not a good position in relation to Government's Budget which is just over $100 million. So why are they chastising us for that?

You mean, they are so big that we cannot remind them, especially when we have so many examples within the Commonwealth, and particularly the Caribbean area, of countries getting in debt over their head? If you look at the examples throughout the region, we find just that. The Government is responsible for certain civil servant's pensions, but when the time comes because the Government is so much in debt in the hands of International Monetary Fund and World Bank, and so on, they cannot pay their pensionable officers. This has happened throughout the Commonwealth, it has happened throughout the Caribbean. We know that to be a fact. So do not tell me! The way we are going is that we have to watch our expenses and this is all the Public Accounts Committee was saying in relation to the public debt. But, yet, we had no grounds? We were not competent? Well, I wish they would be competent and take us out of the debt that we are in.

The most ludicrous charge of all by the Member for Education is that we were self-serving Members of the PAC. He made the statement, but he could not say what we were serving ourselves with. If there are any self-serving Members in the House, I suggest they look at themselves.

The Members of the Public Accounts Committee have done nothing to serve themselves. But, you know what? this is how the whole fiasco of IHC came into play. Because of a self seeking previous Member of Government. She was the one who was getting the commissions, or said she was going to get the commissions. Not any Member of the PAC. I do not know if anybody else is getting any, but we are not getting any. All we are saying is, that the Government's money is being ill spent. Ill spent.

MADAM SPEAKER: Perhaps we could suspend for 15 minutes at this time. The House is suspended until 4:15 P.M.

AT 3:56 P.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 4:17 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed, the First Elected Member for West Bay continuing.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.

I am just about finished with the matters I wanted to deal with. I would like to deal for the next couple of minutes with this attack on civil servants.

It is one thing to have your differences with the civil servants in the country, but it is another thing to get up in the House and spend two hours attacking civil servants that cannot defend themselves. It is one thing to deal with political opponents; if they want to take a shot at me fine, because I am capable of defending myself. But you must tell the truth. However, when you come to deal with the civil servants of the country, it is wrong to be constantly criticising them, when, as I said, they cannot defend themselves in this House. What we have to remember as politicians, and I have learned this from when I was in my first couple of months in this House, i the civil servants are going to be with us forever; politicians, while some of us might last longer than others, we are all going to go. But the civil servant is the establishment.

I am not saying that some of them do not have their faults, but I stated over and over again that we have some good civil servants. It is to their credit why we have built up the kind

of country that we have. Without their back-up, what would have happened to the political Elected Members?

I do not understand what it is they want of civil servants. Do the Members of Executive Council want a system founded on the notion of blind obedience? Blind obedience as a necessary price of efficiency? No, we cannot talk about, on the one hand we are giving civil servants training sessions, but when they become qualified, you get up in the House and attack them to say that they had no business attending a Committee that is responsible to their department as in the case of the Audit Department. Do they want a system where the civil servants, especially Controlling Officers, must not question wrong when they see wrong, and know it is wrong. What is it they want?

This attack on civil servants is doing the country no good. As I said, everyone of us, now and then, gets a little upset when certain things go wrong, but what we heard from the Member for Health yesterday is uncalled for. We need a climate in which civil servants feel that they participate significantly in the affairs of their country. But if we have a political climate where they are being threatened in every area, even if they have the will and the skill to make a contribution to public affairs, they will be deterred because of such spiteful attacks.

You cannot expect allegiance from civil servants when you are constantly criticising them. But only good leaders know that, Madam Speaker. Only good leaders know that, and I trust that this whole thing will stop. We have heard him talk about the CMO, we were told by the CMO that he knew he was going to be asked to resign. We heard him talking about the Hospital Accountant, they are going to say that they were not fired, but that, of course, they resigned. That is the usual thing. They ask you to resign. Now we hear him talking about the Auditor General.

Now I know as a fact, that sometime last year an attempt was made on the Auditor General to get rid of him. We know, on this side, that the Auditor General is hired by the Governor with the approval, first of all, of the Secretary of State and fired by the Governor - only, with the prior approval of the Secretary of State. That is the way it is done.

Of course cases can be made to get rid of people, as I said, but I can only say of a person as I have found them. I have found the Auditor General to be a man of integrity who believes in doing his job correctly. He believes that there must be accountability for the expenditure of Government's money and he takes it to its full length. But the man is a professional and if he were doing wrong, I would be one of the first ones to say he is doing wrong. But he has not guided the Public Accounts Committee wrongly. He puts the evidence before us and this is his duty but we hear the Member for Health saying that the Governor must get rid of him under section 32 because of section 42(1).

He said he was not doing his duties. The Member did not bring one shred of evidence to prove that the Auditor General did not do his duties correctly. They made a big fuss out of the fact that the Auditor General passed on a copy of the draft report on the audited accounts. Well, the law does not say that he cannot do that. The law says that when the report is final it must be sent to the Presiding Officer, who was then the Governor. Now he will send it to the Speaker, and he sent it to Members. Well it does not say that he cannot do otherwise. It does not say that he cannot get a draft report and give it to the Members of the PAC. But, of course, he can. There is nothing to say otherwise! He has done his job and he is doing a good job and he is pinching the Member for Health. That is why the Member for Health is suggesting that we get rid of him.

But it is not just today that the Member for Health took a turn on the Auditor General. As I said, it was done from last year. We know that the Auditor General started an investigation and they say that he could not do it but he has every right. At any time when he suspects that there is foul play, or there is discrepancy in the spending of the country's money, it is his duty to step in before it is done and say, "Look I suspect something, I want to see this document, I want to see the next document." If he did not do it, I think he could be accused of dereliction of duty. That is his duty to do it.

What happened? The Member for Health goes to his constituency where he usually raises the privilege motions in this House, trying to get me to apologise to him - he goes to his constituency and he takes a turn on the Auditor General. Not only the Auditor General, but he took a turn, according to the February 16, 1990 issue of the *Caymanian Compass*, he took a turn on the Financial Secretary. He wanted an apology from everybody. Can you believe it? I mean this man believes he is a giant and, as I say, he is a little boy when it comes to matters of politics.

He wanted the Auditor General to apologise for having started that investigation into IHC. He said in that meeting that he had written a letter which said that he would feel compelled to tender his resignation unless two conditions were met - that the Auditor General issue a public apology acceptable to the four Elected Members of Executive Council and that the Financial Secretary issue a statement which exonerates him and his Portfolio.

That statement was not even worth the 25 cents that you paid for this *Compass* because neither was done and he still did not resign. When he would not resign, he said he was going to form a new political group and, thank God, the electoral Gods had it that when he put out one of those Members in the by-election last year, we trounced her properly - a six/love - that is what will happen to his group when he puts them out there.

This thing with the Auditor General has not been just something cooked up this week. He has been fighting a long time to get rid of the Auditor General. The Auditor General is doing his job, and it is not going to stop. If we allow him, and I am saying this to every Honourable Member in this House and of the Civil Service within hearing; if we allow that Member, because there is no evidence, to cook up any kind of information or scheme to get rid of the Auditor General, I want to ask each one of the Official Members which one of them will be next? Who will be next? Which member of the Civil Service will be fired next if they do not kowtow to him? It is time that we be man enough to stand up and say, "I have had enough of this, I am not

going to take it out", and we must put him in his place.

There has to be accountability and the scheme of things, as far as the Public Accounts Committee is concerned, that is what we are here for. To see that there is accountability by the Government. If we have the political influence (because there is a pressure on to make them accountable) to get rid of the man who is responsible to report whatever he finds out of place with the management in the handling of public's money, we have come to a sad day in the history of our country.

I am not going to belabor this, I think that the evidence is overwhelming in this case and if they took it to the highest court in the Commonwealth, the verdict would have to be guilty! There could be no court to overturn it because there is the evidence and if a court was to overturn it, it would be what that Member talked about earlier when we talk about more than legally innocent, or legally guilty - that is what it would be. It would be a travesty of justice.

I believe that I have given, all of us, in fact, on this side who have spoken, have given to this Honourable House the truth, the whole truth and nothing but the truth. We have nothing to hide, we did our best with what evidence we had. We put the facts out. I say, again, that none of us are dishonest and they cannot ever prove it. We did what was right. If there is any dishonesty in this whole thing, let them look at themselves. Let them examine Conti and the rest of them. That is where the dishonesty lies.

No amount of excuses, however loud, long, and profuse, can exonerate the Member for Health from the guilt of overstepping his bounds in these contracts. It is there and every bit of evidence they over-stepped their bounds. When they could not have their way, they just shoved aside those people responsible and said, "I will handle it". It is time for that to stop in this country.

So one, the Public Accounts Committee did what we did - made the Report under the law and the law is wide enough for us to make our investigations. There were certain things that were not in the Auditor General's Report, but there were things left from the previous year that we had to take into consideration. There were matters which were not raised in the Auditor General's Report that we had to deal with, but it was left from the previous year, so it was related, and we had to deal with it. That is why it was put in our Report.

Number two, as I said from day one, the whole IHC business was born bad.

Number three, none of them, so far, have brought any evidence that can beat the evidence that I have put on the floor of this Honourable House. The evidence comes from his Principal Secretary, from the CMO, from the Hospital Accountant and from the Hospital Administrator.

The only thing that I wish that I could have got, was Mr. Conti in that PAC.

I have no more to say, I think our case is well made and I trust that after we have finished with IHC, that this country will never see another monster like IHC.

Thank you.

MADAM SPEAKER: Would any other Member wish to continue the debate? The First Elected Member for Cayman Brac and Little Cayman.

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

The Motion before this House to accept the Government Minute which is the Government's reply to the Report of the Public Accounts Committee, and of the Report of the Auditor General on the Financial Statement of the Government of the Cayman Islands for the year ending 31 December 1989, I consider the Government Minute a very important document and it gives me great concern that we are here debating whether to accept it or to reject it.

I think we should be considering really this Minute in clause by clause, or paragraph by paragraph. I, as Member of the Public Accounts Committee before the Government Minute became a Government document, and I know the benefit of the Government Minute. Reports of the Public Accounts Committee were filed, tabled in this Honourable House and we did not know whether they were accepted or rejected by Government as there was no format of a formal reply to this Honourable House. So, I think it is very unfortunate that we are being called upon today to actually vote whether to accept or reject it.

I have been a Member of the Public Accounts Committee since the general election in 1984, and ever since I have been there I have tried to do to the best of my ability what I felt was the purpose of a public member of a PAC. We have always carefully examined the Auditor General's Report, the Accountant General's Report, and the Accounts of the Cayman Islands; then called witnesses to give us additional information particularly on sections referred to by the Auditor General. We listened, always, very carefully to what has been said, and our deliberations and, finally, the Report has to be the by-product of what takes place within that Committee.

I was off the Island, returning from a Parliamentary trip to Africa, the first meeting, but I did attend all the other meetings and I did carefully acquaint myself with all the Minutes of all the meetings and the deliberations of the meeting which I was not present at.

The Standing Orders are very clear on what our Public Accounts Committee is and how it is formed. I crave your indulgence, although it is late in the afternoon, to once again read this Standing Order in its entirety because I think it is very important and I would like to make some comments on that with your permission, Madam Speaker.

Standing Order 74 says:

"74.(1)There shall be a standing select committee, to be styled the Public Accounts Committee, to

consider reports of the Auditor General -

(a) on the accounts of the Government
(b) on such other accounts required to be laid before the House as the Committee may think fit; and
(c) on any matter incidental to the performance of his duties or the exercise of his powers as the Committee may think fit.

(2) The Public Accounts Committee shall be nominated by the House at the beginning of a new session following a general election and shall consist of five elected Members. The quorum shall be three Members, including the Chairman.".

It is my understanding that normally this Committee is always composed of non-Government members.

"(3) Upon its receipt by the Presiding Officer, a report mentioned in paragraph (1) shall be deemed to have been referred by the House to the Public Accounts Committee for consideration and shall forthwith be distributed on a confidential basis to all Members (of the Committee).

(4) In accordance with Standing Order 70, the Public Accounts Committee may call any public officer or, in the case of a report on the accounts of or relating to a non-Government body or organisation, any member or servant of that body or organisation, to give information or any explanation or to produce any records or documents which the Committee may require in the performance of their duties.

(5) The Public Accounts Committee shall make their report upon the report of the Auditor General on the accounts of Government before the Auditor General's report is laid on the Table of the House and both the Committee's report and the Auditor General's report shall be laid at the same time.

(6) Subject to these Standing Orders, the practice and procedure of the Public Accounts Committee shall be determined by the Committee.

(7) The Government Minute shall be laid on the Table of the House within three months of the laying of the report of the Committee and of the report of the Auditor General to which it relates.

(8) The Auditor General, the Deputy Financial Secretary and the Chief Accountant shall be in attendance when Controlling Officers or other persons are providing information or explanations to the Committee.

(9) Notwithstanding the provisions of Standing Order 72, the Report of the Public Accounts Committee shall be deemed to have been agreed to.".

I feel this Standing Order should also include that the Government Minute should have been agreed to because it is their reply. It is unfortunate that we have heard so much debate and we have rekindled a lot of unpleasantness which has been going on in this House for months.

The Government Minute, although I agree is a good document, I cannot agree with all that has been said here and there is one particular thing on page 9, I would like to call reference to, to the Honourable Members. It concerns an organisation which I have always given my support to since I have been in this House and that is Cayman Airways. But to read in this Minute that "Cayman Airways Ltd. is to include service to Cayman Brac and Little Cayman, which, of course, is the main money loser". Madam Speaker, this hits me very, very hard because there has never been $2 million spent in promoting the service to Cayman Brac. Certainly more than that was spent to promote New York; much, much more is continuing to be spent. Maybe in the eyes of some, those two Sister Islands may not be as important, but to those who live there and make their living there; I have a responsibility to represent those people. It is home and it is our responsibility and I do not feel that this should be placed in this manner.

Very little has been lost on the service to Cayman Brac when you take and consideration the total losses that have been incurred by Cayman Airways since its inception. As I said in the beginning, I have always supported Cayman Airways and I will continue to support them, but I feel the real reason for Cayman Airways being in existence is to connect the Cayman Islands, and I say 'Islands' with the outside world. It is to provide service to us in the event foreign owned airlines do not choose to come to our shore.

Well, that is the problem that we have in the Brac. Cayman Airways is our sole supplier of air transportation and in this modern time that is almost a sole means of transport. We depend not only for local traffic, tourist traffic, but also, for our perishable commodities in most instances. So, it is my contention that where Cayman Airways has made its mistake is that they have never understood that the Cayman Islands is three islands and not just Grand Cayman. I ask the management and Honourable Members of this House to join with me in trying to get this across for those that are responsible, that it is a responsibility of Cayman Airways to serve Cayman Brac and Little Cayman, regardless of what they lose, or either the airlines should be discontinued. I am not advocating that, but neither will I ever advocate that service to Cayman Brac be

made any less than it is. I say it must be improved.

I would like to suggest to Honourable Members here that shortly we convene the Standing Order Committee and let us look very carefully at Standing Order 74. If we feel, as Members of the Standing Order Committee which comprises all Members of this Honourable House, that it needs to be amended in any way, that this type of embarrassment will not appear again, or misunderstanding by either side, that it be clearly defined how the report should be made in its entirety. Also, that a decision of this Honourable House can there be made, whether the future deliberations should be made in public or in private. I think our Standing Orders in general need to be reviewed and I contend 74 is no less important, if not more important, than most.

The Government has said the Government is concerned that despite those reassurances the Committee has not adhered to its proper role but has concerned itself with policy. It is the Government's view that the language and style in which the report is presented is aggressive and extravagant. Government believes that this type of language is inappropriate for the report of a parliamentary committee.

With regard to the accuracy of the report, it appears that the evidence of some witnesses has been misstated or ignored. Again, I think the statement possibly could have been put in a little softer English, if that is the right phraseology. I think, had the Members of Government approached the Members of the Public Accounts Committee before it was tabled - as there was at least a week after it was in the hands of all Members before it was tabled in this Honourable House - adjustments could have been made at that time. It is unfortunate that we had a hostile attitude prevailing on both sides, and maybe this was overlooked, but I am asking this afternoon that we accept this Government Minute, but that it be presented in such a way that the Member's of the PAC, in particular, will have an opportunity to ask that certain amendments to the wording in this Minute be changed and that it will be a little softer and more palatable to us.

We have tried to do our job. I admit it could have been presented calmer and in a better frame of mind. I have no malice in my heart against anyone. I did my job as a Member of the Public Accounts Committee and if it has offended some people, if the wordings have offended it, I apologise for the wording. I do not apologise for the content, as the content is not my content, but it is the majority of the Committee.

I think it is very important that we, as Members of the this House, realise the importance of a PAC. Recently, while attending the Commonwealth Parliamentary Association Conference in Harare, Zimbabwe, we had a very important title of a panel discussion, 'The Role of Parliamentary Committees in Accounting, Investigating and Assessing the Executive and the Bureaucracy'.

Many countries were extremely alarmed that their PAC, as they called it, performed postmortems and not investigations, as many of them were investigating five and six years after the Government Accounts had been tabled. We here, get our accounts shortly after the Accounts are prepared and we start our deliberations immediately. I note the delegate from Guyana, said in their country the PAC's job was like unwrapping 'mummies' - it was so old, so far back. So, I think we have much to appreciate.

The advantage of Parliamentary Committees include providing another vehicle of public debate enabling the study of technical matters as a supplement to parliamentary debate; providing oversight into the Executive and the bureaucracy and providing a better informed government and administration. All of these are comments made. It was also said that in the larger parliaments they have now progressed to departmental committees which deal with independent subjects. But for us, with such a small parliament, that will never be possible. What I am trying to say is the importance of the Public Accounts Committee must never be underestimated. We have a responsibility and we must adhere to it. I made reference at this conference of the same Government Minute that we are now debating here, and all countries thought it was such a wonderful provision to have within our Standing Orders because none of the other smaller countries apparently had something such as a 'Government Minute".

The Canadian delegation said that they had a response required within 60 days but it was not a complete Minute as the Government replied only on subjects which they chose to reply on. It was not, in essence, a reply to their PAC.

Before I take my seat, I would like again to ask the Government Members to let us not vote to reject the Government Minute because, as I have tried to point out, it is a very important document. It has evolved over being a necessary document, I have known the benefit of it since I have been here and I think everyone that comes after me will realise the benefit that it provides to Backbenchers. I ask Honourable Members to let us, in voting on this, see if we cannot water down some of the words that we can accept this Government Minute.

I thank you, Madam Speaker.

MADAM SPEAKER: Thank you.
Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

I shall be brief in what I have to say in regards to the debate on the Government Minute on the Public Accounts Committees' Report on the Auditor General's Report on the Accounts of the Cayman Islands Government for the Year Ended 31 December 1989.

I have listened over the past several hours and days while the Government's reply to the Public Accounts Committee has been debated. During that time I have seriously wondered whether it has become a question of teaching the Committee Members what style of English to use. It has led me to wonder if the result hoped for is not a revelation of the facts as the Public Accounts Committee finds

it, or is it an exercise in having approval by the Government as to what is right and proper language?

My position is that the Report once it is in sound and sensible language and it reflects the facts as found by the PAC, then, it is acceptable. If the Members of the Committee choose to use strong language, and by strong language I mean very definite, or shocked, or surprised language, as the case may be, then it has the right to do so. Certainly, as I look in the reply from Government, they have surely not been short on strong language and strong style either.

I am wondering if, to quite an extent, it is not an attempt by the Government, as the Third Elected Member for George Town pointed out, to use it as a tactic which is used by advocates where they take the debate on a different train away from the real facts that are before the House. I can understand that the Government might find itself in an unhappy situation, because the PAC, in examining the Auditor General's Report, found areas of weakness. However, I do not believe that any Government would be serving the national cause to try to find excuses for those weaknesses. But they should use that as a means of looking at their individual departments, at the subject areas, or, if there is weaknesses in service, to correct them.

I believe this service is much too big to level accusations accurately at any particular individuals who are carrying out the works. Of course, those persons are none other than the civil servants. Certainly, Members responsible for subjects can be criticised and attacked for their management of their Portfolios and to the fact that they should be more attentive to what is happening within them. But that is part of the process.

So far, I have heard a lot said in the Government's reply about the language - the language is inappropriate, the language is strong. Well, so what if it is strong? There is nothing that says it has to be weak.

For my own edification I tried to read up on what Public Accounts Committees are supposed to be. It has been said to me since I have been in this House, and before, that the Bible, which sets down the parliamentary process in the Westminster style of parliament, is *Erskine May*. I would like to refer to a few points taken from this publication, and some of it was quoted in the first reply by the Government delivered sometime last year when it was chastising the Public Accounts Committee about its style of language.

It seems that a Public Accounts Committee was first established under the British system in 1861. Secondly, it says, and I quote: "By tradition its chairman is chosen from the Opposition.".

It might be well to note here that on the 23rd of November 1988, when this Public Accounts Committee was appointed that no such thing was the case because the present Chairman was then a Government Backbench Member and the only person on that Committee who was from the Opposition was the Third Elected Member for West Bay.

I imagine that it should be clear to most anyone why one would seek to have the Chairman of that Committee from the Opposition. The Committee will investigate and criticise and examine what the Government is doing, and if you have it filled with Government Backbenchers, or its Chairman is from the Government side, then it might naturally be biased towards it.

It is also my understanding that when the present Chairman was appointed he made it clear to the Government that if they expected him to assist the Government to look good, when the findings showed that that was not the case, then they were choosing the wrong person.

I think this Committee has really proven itself because I believe it is the first time that anyone has found the Committee to look in depth, and speak out on areas where it has found deficiencies. I remember when the first Public Accounts Committee's Report was made, the Government took the stance that it had released its Report too early or that there was some confusion between it and the Auditor General's Report. But, then again, it did not go down well and we are seeing a second replay of it.

I will read now from *Erskine May* the point the Government made:

> "The Committee does not seek to concern itself with policy; its interest is in whether policy is carried out efficiently, effectively and economically.".

I submit, that by such examination the Committee does involve itself with policy. It is examining the policy of the Government of the day. Is the Government saying that they do not have any policies on the various areas that the Public Accounts Committee has examined? I wonder. I have read the Report and I do not think it is setting down any policies for Government. I have not seen anything there that would lead me to that, but the Report has expressed itself on certain areas where Government has a policy in place.

Erskine May also points out that the main function of the Public Accounts Committee is to see that public monies are applied for the purposes prescribed by Parliament. In other words, what is passed in the Estimates, and is approved for a specific use, the Government does use it for that purpose and not for any other purpose it might choose, that extravagance and waste are minimised and that sound financial practices are encouraged in estimating and contracting, and in administration generally.

Based on that, I think the Public Accounts Committee's Report is a very good document. It has gone in depth in all of these areas and I do believe that the Members of that Committee can be complimented by this House for doing such a very thorough job.

I do not accept the fact, as was suggested by the Member for Health, that my colleague, the First Elected Member for Cayman Brac, was intimidated into signing that Report because I think, as he has said, that the facts of the Report stand as they found them and, indeed, there may be

some query about the language, but the facts speak for themselves.

Another thing I found quite interesting in *Erskine May* was:

> "The Comptroller and Auditor General is required to take into account any proposals made by the committee in determining his programme of economy, efficiency and effectiveness examinations.".

This must be a very powerful Committee, and it is recognised in the whole system of the British Parliament on which we attempt to model ourselves. It goes without saying that this Committee is one that is powerful; it is given that type of authority and that is the way it has been found to best function. The Comptroller, we do not have one here as such, but the Auditor General is required to take account of the proposals made by the Public Accounts Committee because the Public Accounts Committee is examining his report and on it is making a report itself.

I would suggest that why that is significant is because within the Parliament this committee is made up of the elected representatives of the people who must have concern for the people's money and how the people's money is being spent by any given Government of the day.

It is not so unusual here because it also seems to be the way in the British Parliament that the "Auditor General attends all meetings and regularly appears (as does the Treasury Officer of Accounts) as a witness". Obviously the practice must be to give great weight to what the findings of the Auditor General are.

It also makes the point that:

> "Other witnesses are normally the permanent secretaries of government departments, who (as accounting officer) have a direct and personal responsibility for their department's expenditure".

I have heard some suggestions during the debate that seem to be that the Member responsible, or where it would be the Minister responsible, has the final word into what the Public Accounts Committee might find. That strikes me as very unusual because there has been one instance where the matter of a Member signing a voucher came into question. To the best of my knowledge, certainly from my time and experience in the Government, it is always a civil servant who is charged with accounting responsibility. So, it is only right that the Principal Secretary or the Head of Department who has been authorised by the PS be present for the signing.

In today's paper there is a lead story which says that the suggestion by the Public Accounts Committee to hold future hearings in public is unfortunate. I find that very strange. The very Government that finds it unfortunate to hold the Public Accounts Committee hearings in public, is the same Government who danced the 'hula' last July about the good that holding Finance Committee in public would do. What is the difference?

If it is good in one instance, I suggest that it is good in another. I notice that in the Public Accounts Committee's Report it was very specific and it covered a number of areas and it would not even consider having the meetings held in public if certain things were into play. Otherwise, in its general meetings it proposed to do so.

Again, in *Erskine May* I read:

> "In recent years the committee has begun to hold many of its meetings in public.".

There does not seem to me to be any major shock occurring in the United Kingdom where, I assume, they even have to account for money that is paid to spies and all the rest of it as part of the Governmental structure. I cannot see the great unfortunate case if the Public Accounts Committee holds its meetings here in public. Again, I wonder which side is really playing with the English language, and is most worrisome in terms of its style of language?

As I listened I got a distinct worry about some of the things which the Government Members were putting forward. One is, there seems to be an extreme case of not liking what the Auditor General said in his Report regarding his findings. I do not recall if anything was said about his style of writing, but to me it was very precise and explicit. I am wondering if that particular post is not coming into a position of argument and of criticism that is unhealthy?

Unless it can be proven otherwise, it is assumed that the Auditor General sits in a position similar to the Speaker of the House, and is not concerned with whichever side wins, but they preside over a situation objectively. That is what he can be assumed to have done in this case.

As I listened, I got the distinct impression that some of the comments were *personal to holder*, as that term goes in the Civil Service. It appeared to me that the Auditor General should not have found as many queries as he did, and perhaps he should not have spoken about them.

I find that worrying. Irrespective of how the two sides of this House may criticise each other, there should be enough sense within the realms of this House to realise that what makes the British system of Government quite unique is that it is a 'system'. It is an established system and that Civil Service machine is there and it makes no difference who the drivers are. It carries on and it proceeds with considerable accuracy and performance taking all factors into account.

I must express my concern about some of the suggestions where the post of Auditor General came under attack. As one Member read from the appropriate law, if the Auditor General is not performing satisfactorily there is a remedy. If anyone believes that there is need for a remedy to be taken, I think there are channels and a formal recommendation should have been made to the Governor and not have been put forward, as suggested, in this House.

I will quote one sentence from the book, *A Constitution and Administrative Law*, by D. Smith. Page 291. It is speaking about the PAC:

> "The fact that the Comptroller and Auditor General sits with the committee strengthens its position greatly when it interrogates departmental accounting and finance officers.".

It is pretty strong too, it interrogates. It did not say it questions them, it says it interrogates them.

> "Its reports are treated with the greatest respect in Whitehall and are debated annually by the Commons.".

They are not my words, they are the words from a textbook on Constitutional Law which sets down what the Public Accounts Committee is all about. I posture that we should really have no less here in these Islands.

I wish to comment on a few points raised in the PAC's Report and in Government's reply. My colleague the First Elected Member for Cayman Brac has certainly raised the subject and I certainly support fully what he has said on the question of Cayman Airways.

This matter was also raised this morning by the Third Elected Member for West Bay and he pointed out, and I agree, that a large part of this reply by Government is about Cayman Airways.

Certainly, I believe that Cayman Airways again has death rattles and thus is one of the reasons why so much is being said here in this Report. I base my belief in that on the fact that the Government is pointing out that Cayman Airways Limited is wholly owned by Government.

MADAM SPEAKER: Honourable Member, I think we will have to pause for a minute. The tape needs to be changed.

The Honourable Member may resume now.

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

When we were obliged to stop, I was saying that I am led to believe that Cayman Airways is again suffering death rattles because this reply of Government is going to great pains to point out and I quote:

> "Cayman Airways Limited is wholly owned by Government. Cayman Airways Limited is dependent on the financial support of the Government."."

That says a lot to me because whenever the persons concerned with Cayman Airways believe that all is well, if (but for a short while) you never run short of hearing that that is a privately owned company which is doing its own business and there should be no Government intervention, or that the Elected representatives of the people should have minimal to nothing to say about it. This gives me a signal that things are going wrong once again.

One year ago, after a dozen changes in the wording, I moved a Motion in this House that was unanimously accepted, whereby a study would be done on Cayman Airways which would be comprehensive for a change. It would not be piecemeal as others have been, and it would take into account just about all of the areas so that the 12 Elected Members could sit down and come up with the necessary findings.

What this Minute tells us is that six companies were invited to put forward bids for the study with only four responding. On the first occasion Finance Committee met in public, and this was brought before the Committee, it was pointed out that some of the companies seemed quite flimsy and it did not seem appropriate to invite all six. This has proven that this was sensible and logical because according to this report, four did not reply.

For the life of me I cannot understand what could be so technical. After one year, Madam Speaker, one year this has been in the move, what could be so technical about the proposals put forward by these four companies that they had to hire another consultant and an expert to figure what those four have said?

That is what the report says, Madam Speaker, that they had to hire an expert to find out what the experts had said. Is that an excuse now to bring up the situation where the study is finally going to be done?

After the management has been allowed to make changes on its own, at its whim and fancy, when the three Managing Directors - Mr. Tino Gonzales, Mr. Neil Cruickshank and Mr. Kel Thompson - are allowed daily to manage the company as they see best? I really wonder about this situation. I think there will be more delay and if it ever gets on the way, I certainly will be more than happy to see to what extent this company is examined, what the findings will be and to hear by and by just how they went about this study and its examination of Cayman Airways Limited.

I just cannot comprehend how, if the terms of reference that were worked out, and the 14 points were given to consultants, how the proposal which involves a bid for a sum of money and, perhaps they might set down how they propose to do it, could be so technical that you had to hire an expert to figure that out.

I am very glad to know that Cayman Airways is realising it needs to become more competitive and cost conscious because it surely spends. It spent approximately a million dollars

on advertising routes and nearly $3 million on purchasing a jet engine. A year and a half ago we were told that Boeing was giving us such a deal and that we would not even need to purchase the engine, that would just be sitting there waiting and, should we need it, they would change it nicely for us and charge us for the use while they fixed the other one. Too many falsehoods have been told about Cayman Airways. The truth needs to come out. From its inception, right to this moment in time, and barring none from scrutiny at any given time in its life's existence. Something is seriously wrong. It is quite remarkable, I think, that the airline functions as well as it does. I grant that. If it can function as well as it does with the obvious bad management it has, it is mind boggling to think what the case would be if it had good management.

What has always stood out as a sore thumb has not been any inadequacies in the technical people, its pilots, its mechanics, etcetera, but, indeed, it has been in the management of the airline. There was not sufficient cost consciousness and there seems to be a belief, sometimes, that it was quite sufficient to allow the airline to go on its merry way and Government would always be there to subsidise it.

What I take extreme exception to is when, in this Government reply, they stick in this sentence.

> "Government wishes to remind the Committee that part of the brief to CAL is to include service to Cayman Brac and Little Cayman, which of course is the main money loser.".

Are the people responsible for this, and the people connected with Cayman Airways suggesting, by what is said, that Cayman Brac and Little Cayman should not be included?

I do get that distinct impression and what I categorically reject is any suggestion that of course Cayman Brac and Little Cayman are the main money losers. This has never been proven, the Public Accounts Committee made reference to this and did not accept that position, and it cannot be proven.

Where are the main losses of Cayman Airways? They do not know. Cayman Brac? How can it be Cayman Brac? Only five people are employed up there. If they were to fly the jet plane through from Miami/Grand Cayman/Cayman Brac, or Miami/Cayman Brac/Grand Cayman; how much more fuel does it burn?

This is an insult to the people of Cayman Brac and Little Cayman. It clearly shows that they would rather they not be included in the service of Cayman Airways and it is a wild and unfounded statement which the airline cannot prove.

What I say to those responsible is; bring the proof, bring the facts and not the type that was given to one accounting firm who found what it had to find because of the data it was given. I am talking about hard facts.

Does it want Cayman Brac and Little Cayman not to have any service? Well, if that is the case, then I can understand why in the Throne Speech it was suggested, tough luck when you cannot get work over there, hop on down here to Grand Cayman. I guess they must mean for them to come by boat if there is not going to be any plane.

It goes on further to say:

> "Government, therefore, sees no point in capitalizing the subsidy, when that subsidy does not even cover the losses of the inter-island service.".

Something is seriously wrong at Cayman Airways, and they are blaming it on Cayman Brac and Little Cayman.

I am saying to all concerned, that if they want to find where the losses are, start examining Cayman Airways at the Miami counter. Start examining it in Houston; in Atlanta; in New York. Start examining the staff in London; in California; in Chicago, in all the areas where people are being paid monies because they are supposed to be working for Cayman Airways. That is a good place to start.

Start looking back at the folly where they have lost freight capacity and where the Government has moved from a position where it was finding it often impossible, or at least finding major difficulties, in paying a lease purchase on other aircraft that was three times less than what it is paying now. Start looking there and they will begin to find some of the losses. But, if they begin to look at Little Cayman and Cayman Brac to find the major millions of dollars of losses, they are wasting their time because it cannot be there.

This Government Report goes on to really grind the nerves of the people of Cayman Brac. It says that the Public Accounts Committee refers to the inter-island service as important. Indeed, I am glad that it did. Government supports that, it says. But, it goes on to say, and I quote:

> "It is, therefore, specifically for this service that the subsidy should be shown as income, as the ticket revenue does not warrant the excellent jet service provided to Cayman Brac and the charter service to Little Cayman.".

I wonder what the Government really means? Does this also mean that there should not be any service there? What do they mean by "it does not warrant the excellent jet service"? It warrants every minute of it. It warrants every minute that jet flies there. The only thing that it does not warrant is to fly it there at the ungodly hour of 5:00 a.m.

What Cayman Brac does not warrant is to be accused of the mismanagement of the people who are in charge of Cayman Airways. Cayman Brac and Little Cayman have always been there, from the time there was this mountain-top called Grand Cayman, they were there. Why are they

accusing them of their mismanagement? They are not to blame. The blame lies with the management and with those concerned with the airline. So, I reject in totality these remarks in this. Certainly, I hope that this Report can be put by section because I will not support or accept this as it is now presented in this House. If I have no other means at my disposal, then I shall have to vote against it when it comes to the vote.

I have one serious concern at this time, in respect to the district of Cayman Brac and Little Cayman, of which I am one representative. That is, the slowing down of the down turn in commercial activity, particularly in tourism. I resent the fact that every time Cayman Airways gets the death rattles by its bad management, it accuses those two Islands as being guilty of causing it. It has been stated as well in the reply, that there should be an increase in fares to go to Cayman Brac and Little Cayman. If that is the case, then that has to be done.

I do not agree with the statement which has been made that that route would not be taken over by a private airline operation, if given the chance. I do not agree with that. I seriously wonder if Pan-American, Northwest or American airlines have been approached to fly through Cayman Brac? I would like to hear what they would have to say. It might be most surprising. I think as long as Cayman Airways performs the air service between the Islands, then it holds on to its excuse that the only good that those two Islands are, is to lose money for Cayman Airways so that they can come back to Government to ask for more.

I see nothing wrong with money being designated to specific areas in Cayman Airways. It was my understanding that the amount of subsidy represented approximately three months worth of payments on the present aircraft that Cayman Airways now has. What is most frightening at this time about that situation, is the fact that the only solution that Cayman Airways comes up with for operating two aircraft at a loss, is to get a third one.

One of the terms of reference given for the study on Cayman Airways was that the advertising of the airline should be looked at. I see in the Government Report that Cayman Airways is spending $2.5 million in advertising. How effective that is, is anybody's guess, because bad management does not know it.

Rather than investigating what is going on - firing who has to be fired, hiring who has to be hired - the normal thing that they do is to make excuses for it. It is not him, or him, or him - it is all of them.

I do not know how accurate it is that the financial credibility has improved since the yearly subsidy. But certainly, the reason why Cayman Airways can get by with having two planes and only making a $2.7 million deposit is because, like the Government has said years ago, if 15 years from now they still have those two 737s, they will not own one seat belt on them! That is the difference. If they were lease purchasing them, as was in the situation prior to this, they would indeed need Government's guarantee. So, that is really not a big plus where the airline is concerned.

Certainly, it is my understanding, that in this present contractual arrangement where the airline is leased and at the end of 15 years we will not own a seat belt, if we were to get real brave and terminate that agreement, the company would still be liable for $12 million. That is, indeed, quite a concern of mine.

As for Cayman Airways having its only loss by operating to Cayman Brac and Little Cayman, it is a broken record and a real joke. Someone should get wise enough to know, that really cannot sell anymore. There are so many within Cayman Airways, in private moments of truth, that will tell you of areas in which there are losses, but no one does anything about it. You really cannot make this known to Mr. So and So. Therein lies its many losses, Madam Speaker.

Another point that I wish to comment on and, again, it reflects on the Government. They can say what they want and find as many excuses as they may attempt to, but there is only one solution to this problem - do something about it. That is, in the performance reports where the Civil Service is concerned.

I have been a civil servant for many years. As long as I live, I will always feel close to the Civil Service. I have seen it in good and bad times, did my fair share of fighting for it, but when I was there, there were many things that were not right, many things that needed attention. Then, like now, the solution was not finding excuses for it.

If there is a case where the Civil Service is supposed to have annual performance reports, and that only seems sound and reasonable since there are so many people employed by Government and it is the people's money, then there must be such reports.

If the Government of the day thinks that it could review the present forms of format, fine. But, I am suggesting that if you have Heads of Departments or supervisors who are not filling out or doing the performance reports, they should be told once to do them and, if they do not after that, they should not be around to do them.

How does Government function where its employees do not have some form of performance report? How do you know how that person is performing? It cannot be, unless there are performance reports. More and more we hear of improvements within the Service in training, with an organisation and management unit being set up, which is supposed to be the means by which efficiency is examined and improved, and processes are changed. That is absolutely unacceptable. I am glad that the Public Accounts Committee discovered it and that they made a point on that. Certainly, I hope that will be followed up.

The other point that arises under this is, what is the role of the Secretary of Personnel? Has that been watered down to a position where that really has no bearing as to the overall personnel management of the Service? Has it been set aside into a body called the Public Service Commission? I really wonder how that functions?

Public Service Commissions, in other parts of the world,

certainly within the British Commonwealth, do not function as the Chief Personnel Officer. They have functions specific to them - recruiting, examining recommendations for promotion, discipline and so forth. I wonder how it is, that the Chief Personnel Officer does not have the authority or the responsibility for keeping track of the performance of all of the civil servants for which that Officer should be responsible? I think it does require some thought and some corrective action.

Lastly, there are two matters - the tendering and contracting in Government. Someone should realise that something is wrong with that. I do not really believe that a solution to that situation is to increase the power of the Public Works to tender within the Department (selective tendering), from $100,000 to $350,000.

I believe that proper tendering can best be achieved by having a centralised point, unit, group or persons for doing it, and that each Department does not tender out their particular work. I think the implication of money is so great that that is something that needs careful attention. I have certainly heard many stories about that process and I daresay many Members of this House have. It is not a satisfactory situation. I do not believe that the solution of escaping the Central Tenders Committee is to set up tendering in departments.

If there is a job to be done for $2,000 or $3,000, as the case may be, in any given department, maintenance or otherwise, fine. But, when it comes to amounts of $100,000, as is the case, I think it is only proper that a central body is needed to deal with that situation. There should be a process set down and it should not be diverted from.

MADAM SPEAKER: Honourable Member, will you be concluding shortly?

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

MADAM SPEAKER: Good, we will continue then.

MR. GILBERT A. McLEAN: The other point that I wish to briefly comment on is the question of the International Healthcare Corporation. I will not be at any length on that because it has been covered in great depth by several of my colleagues on this side, but to say that the untoward and questionable part of this situation is all set down clearly in what has been said in the Auditor General's Report and, indeed, in the Public Accounts Committee.

The way the arrangement came about between Government and that organisation leaves queries, and is not the most desirable. That the contracts were not taken to the Tenders Committee; that no other consultants were given the opportunity to bid; that the Portfolio had been vetted by past and present members of health; that the person who did the study is not a professional in the field; that the way in which it was awarded, no one can be certain that there was value for money; that the person recommending the things to be done, is the same person that is doing the work. And, it is not just in the three contracts which have gone on, it is ever and ongoing. The way in which it is done is not in the best national interest and it could only be in the best national interest if this situation was to change.

This country's money, as has been pointed out, up to $3 million, can be going into the hands of these consultants. They are already participants in $1.5 million. This year there is another $1 million, of which they are the direct beneficiaries. That is what is wrong with the situation between the Cayman Islands Government and International Healthcare consultants.

The Government should not attempt to make any big charade out of the fact that no one has been found guilty, arrested and sentenced to jail for some particular offense. It is a question of the principle involved in the whole situation.

How do we, as a good and proper Government, stand by and accept the fact that a company, owned by an American, came here to set up a company and has written himself into the next 15 years of our health service to the tune of $20 to $30 million for a hospital? How does the Government, being a proper Government, accept that position as being right? It is a question of right and wrong and certainly, except those who defend that particular arrangement in this country, there are many glaring things wrong with that.

Having commented thus, on those topics, I thank you.

MOTION FOR THE ADJOURNMENT

MADAM SPEAKER: It is now 11 minutes past six. Would you move the adjournment please, Honourable First Official Member?

HON. THOMAS C. JEFFERSON: We sent around a note to the Honourable Members and our apologies to the Second Elected Member for Cayman Brac and Little Cayman, as he was on his feet he did not actually see the note, but we took the Members' advice on whether we should adjourn this evening, to start at 9 o'clock tomorrow morning. If he is in agreement with that, I will move the adjournment until 9 o'clock tomorrow morning.

MR. W. McKEEVA BUSH: Madam Speaker, I would further suspend Standing Orders to finish this item of business. It cannot be that we will carry on much longer with this item of business.

MR. GILBERT A. McLEAN: I would just like to say that I did not see that note and, indeed, I

cut short other comments that I did have because it was my understanding that the House wished to finish this particular item this evening.

MADAM SPEAKER: Well, we have two motions. The first one is that this House do now adjourn until 9:00 tomorrow morning. Those in favour please say aye, those against no. The Ayes have it.

MR. JOHN D JEFFERSON: Madam Speaker, can I have a division please?

MADAM SPEAKER: Madam Clerk.

CLERK: **DIVISION NO. 11/91**

AYES: 7	NOES: 8
Hon Thomas C Jefferson	Mr. W McKeeva Bush
Hon Richard Ground	Mr. John D Jefferson, Jr.
Hon J Lemuel Hurlston	Mr. Truman M Bodden
Hon W Norman Bodden	Capt. Mabry S Kirkconnell
Hon Benson O Ebanks	Mr. Gilbert A McLean
Hon D Ezzard Miller	Mr. Roy Bodden
Hon Linford A Pierson	Mr. G Haig Bodden
	Mr. John B McLean

MADAM SPEAKER: The result of the division is seven ayes and eight noes. The Noes have it. We will continue.

Would any other Member wish to continue the debate? If no other Member wishes to continue the debate, would the First Official Member will exercise his right of reply?

CONTINUATION OF DEBATE ON THE GOVERNMENT MINUTE

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe, being the hour that it is, it may be in all our best interests for me to be short. I really have just one or two points.

Some mention was made of the reference to Government's pensionable liability. Perhaps it is right for me to say to Honourable Members of this House, and the listening public, that Government is making every effort to ensure that the pension fund which we began last year, by giving civil servants an extra four per cent in the salary review exercise and then taking that four per cent back and placing it in a pension reserve fund, has been enhanced this year by the Government also making its equal contribution to that pension fund. Therefore, from the 1st January 1991, the fund is now being enhanced by eight per cent rather than four per cent.

Regarding the Chief Medical Officer and the Hospital Accountant's resignation, I think it would be fair to say that the Chief Medical Officer, Dr. Peter Pain, by letter dated 17th April 1990, requested agreement to terminating his contract after two years, which would end (and did end), on 20th January 1991. Maybe it is also right to say, although not necessary, that his request was agreed upon.

In respect to the Hospital Accountant, Mr. R. C. Dounce, in a memorandum of 30th June 1990, informed the Government that he would not be seeking to renew his contract on 2nd December 1990. He, however, offered his services beyond that date, if required. He was employed, in a temporary capacity, from 2nd December 1990 until the replacement commenced work on 1st March 1991.

I thank you, Madam Speaker.

MADAM SPEAKER: The question is that the Government Minute be accepted. I will put the question. Those in favour say aye, those against no. The Ayes have it.

MR. W McKEEVA BUSH: Madam Speaker, can I have a division, please?

MADAM SPEAKER: Madam Clerk.

CLERK: **DIVISION NO.12/91**

AYES: 7	NOES: 8
Hon Thomas C Jefferson	Mr. W McKeeva Bush
Hon Richard Ground	Mr. John D Jefferson, Jr.
Hon J Lemuel Hurlston	Mr. Truman M Bodden
Hon W Norman Bodden	Mr. Gilbert A McLean
Hon Benson O Ebanks	Mr. Roy Bodden
Hon D Ezzard Miller	Mr. G Haig Bodden
Hon Linford A Pierson	Mr. John B McLean

ABSTENTION
Capt. Mabry S Kirkconnell

CASTING VOTE
STANDING ORDER 42(2)

MADAM SPEAKER: The result of the division is seven ayes and seven noes. The Chair is required to give its casting vote in a manner to maintain the status quo. The Government Minute has been presented and laid on the Table. Accordingly, the Chair casts its vote for the acceptance of the Government Minute.

GOVERNMENT MINUTE ACCEPTED

NOTICE OF MOTION

MR. W. McKEEVA BUSH: I know that it is late in the day, but I wonder whether we can move a motion that certain parts of the Government Minute be rejected, or go to a Committee? It was the hope of Members that we would take the Minute paragraph by paragraph. Since that was not done, I wonder if the House could vote on it paragraph by paragraph and whether a motion would be entertained to send it to Committee?

RULING - Standing Order 43

MADAM SPEAKER: Honourable Member, in accordance with Standing Order 43, the vote has been taken and there can be no further debate or action on that matter.

I will now ask for an adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, I am going to give it one more shot. I am going to move that this House adjourn until 9 o'clock tomorrow morning.

MADAM SPEAKER: The question is that this honourable house do now adjourn until tomorrow morning at 10 o'clock. Those in favour please say aye, those against no.

AYES.

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

AT 6:16 PM THE HOUSE STOOD ADJOURNED UNTIL 9:00 AM FRIDAY, 8 MARCH 1991.

FRIDAY
8TH MARCH 1991
9:00 A.M.

MADAM SPEAKER: I will ask the Second 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, the 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, Amen.

Let us say the Lord's prayer together: 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.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Questions, the First Elected Member for West Bay. I understand that he has asked the Third Elected Member for West Bay to ask the question for him.

QUESTIONS TO HONOURABLE MEMBERS

STANDING ORDER 23(3)

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR EDUCATION, ENVIRONMENT, RECREATION AND CULTURE

NO. 73: Can the Honourable Member say what measures are taken to ensure that children remain on the Cayman Islands High School compound during school hours?

ANSWER: A security guard attends to the gate to prevent unauthorised students from leaving the compound. Students leaving the School are required to present a movement pass to the Security Guard.

SUPPLEMENTARIES

MADAM SPEAKER: Supplementaries. The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: I wonder if the Member would say whether or not this is a recent policy? I recall seeing quite a few Cayman Islands' High School students in town during School hours.

HON. BENSON O. EBANKS: Madam Speaker, this is not a recent policy. Of course, the answer did not say that students did not leave the compound, it said that they could not leave without a movement pass. Of course, there is the added possibility that the students that the Member saw in town, might never have gone to School in the first instance.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say who is responsible for issuing these security passes?

HON. BENSON O. EBANKS: Not security passes, movement passes. That would be from somebody, not below the level of Head of the Year.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, may I ask the Member in cases where the parents' consent is applicable, is this always obtained in writing? For example, where a child would have a dental appointment for that day.

HON. BENSON O. EBANKS: Yes, a written request in that case is required.

MADAM SPEAKER: The Elected Member for East End.

MR. JOHN B. McLEAN: I wonder if the Member could say whether Government has given consideration to placing more than one Guard at the premises, taking the size of the premises into consideration?

HON. BENSON O. EBANKS: The whole question of the Security Guard is under reconsideration at the moment. In fact, the question is being looked at to see whether it might be more appropriately handled by some of the security firms in town. In other words, drawing from them, so that it could be expected that this whole question of numbers will be reevaluated in this exercise.

MADAM SPEAKER: If there are no further supplementaries, the next question No. 74, standing in the name of the Third Elected Member for George Town.

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

NO. 74: Would the Honourable Member say: (a) how much money has been paid in 1990 for services, including consultants services, to foreign or non-Caymanian persons, companies or legal entities, including companies registered under Cayman Islands' Law which are owned or controlled by non-Caymanians; and (b) what is expected to be paid for similar services in 1991?

Will the Member give as much details as is possible including the Portfolios involved and amounts of contracts?

QUESTION NO. 74 DEFERRED
STANDING ORDER 23(5) AND (8)

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to ask that the question be deferred simply because of the breadth of it. We have not yet complied all of the information in order to answer this question. But, should the House adjourn before the question is answered in this House, I undertake to provide it in writing to the Member.

MADAM SPEAKER: That is acceptable to the House. Thank you. That concludes Question Time. The next item on the Order Paper, Government Business - Bills. Third Reading.

GOVERNMENT BUSINESS

BILLS

THIRD READING

THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991

CLERK: THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991

HON. RICHARD W. GROUND: Madam Speaker, I move that a Bill entitled The Criminal Procedure Code (Amendment) Bill, 1991, be given a Third Reading and do pass.

MADAM SPEAKER: The question is that a Bill entitled The Criminal Procedure Code (Amendment) Bill, 1991, be given a Third Reading. Those in favour please say aye, those against no.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. THE CRIMINAL PROCEDURE CODE (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

SUSPENSION OF STANDING ORDERS 46 AND 47

MADAM SPEAKER: Suspension of Standing Orders 46 and 47. First Official

Member.

HON. THOMAS C. JEFFERSON: Madam Speaker, in accordance with Standing Order 83, I move the suspension of Standing Orders 46 and 47 to enable all stages of the Bills set down on the Order Paper to be taken.

MADAM SPEAKER: The question is that Standing Order 46 and 47 be suspended that all stages of the Bills on the Order Paper can be taken. I will put the question. Those in favour please say aye, those against no.

AYES.

MADAM SPEAKER: The Ayes have it.

AGREED. STANDING ORDERS 46 AND 47 SUSPENDED TO ENABLE ALL STAGES OF THE BILLS SET DOWN ON THE ORDER PAPER TO BE TAKEN.

FIRST READINGS

MADAM SPEAKER: First Readings.

THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991

CLERK: THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991.

MADAM SPEAKER: The Bill is deemed to have been given a First Reading and is set down for Second Reading.

THE TRAFFIC (AMENDMENT) BILL, 1991

CLERK: THE TRAFFIC (AMENDMENT) BILL, 1991.

MADAM SPEAKER: The Traffic (Amendment) Bill, 1991, is deemed to have been read a first time and is set down for Second Reading.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991.

MADAM SPEAKER: The Development and Planning (Amendment) Bill, 1991, is deemed to have been given a First Reading and is set down for Second Reading.

SECOND READINGS

MADAM SPEAKER: Bills, Second Readings.

THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991

CLERK: THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991.

HON. THOMAS C. JEFFERSON: Madam Speaker, I move the Second Reading of a Bill entitled A Bill For A Law To Amend The Motor Vehicle Insurance (Third Party Risks) Law, 1990.

This short Bill seeks to amend the Motor Vehicle Insurance (Third Party Risks) Law, 1990, in Clause 2 by amending the definition of the expression "policy of insurance" to include a certificate of insurance or cover note, and in Clause 3 to amend section 4 of the Law, the effect of which amendment is that a policy of insurance will not be required to provide cover for the death of, or bodily injury to, a passenger on a motor cycle arising out of its use on a road.

The Law which was passed in the summer of last year, had two little "bugs" in it and as a result, the insurance industry did make representation to me to ask that the Bill not be gazetted and that these amendments be made to the Law. One being, that the policy of insurance which in the Law passed in the summer of last year, the definition would be: " "policy of insurance" includes a cover note".

The industry believes that the definition should more appropriately be: "policy of insurance" includes a certificate of insurance or cover note.

The second amendment is to section 4(1)(viii):

"Provided that such a policy shall not be required to cover -

(viii) liability exceeding in the aggregate fifty thousand dollars in respect of the death of, or bodily injury to a passenger on a motor cycle arising out of the use on a road of the said motor cycle which is owned by an individual;".

The industry contends, and I think I agree, that if the motor cycle is owned by a company then it is not caught by this proviso. Therefore, the words "which is owned by an individual" should be deleted from the Law or amended in the Bill.

At the present time, we are still operating under the Motor Vehicle Insurance (Third Party Risks) Law, 1965. That Law does not require this type of coverage as well, so we are not amending anything that we were doing before, it is the same status quo. I recommend the Bill to the Honourable Members of the House.

MADAM SPEAKER: The question is that the Bill entitled A Bill For A Law To Amend The Motor Vehicle Insurance (Third Party Risks) Law, 1990 be given a second reading. The Motion is open for debate. The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I disagree in principle with the second amendment which would preclude the passenger on a motor cycle from having insurance. I feel that such an amendment caters specifically to the industry, without any regard to the people that are intended to be protected by the Law. We have on our books a compulsory Motor Vehicle Insurance Law which has been there for many years and which is intended to provide some coverage for those people who innocently or otherwise, are involved in motor vehicle accidents. The industry is in a position to protect itself against adverse claims. Perhaps the statistics on accidents involving motor cycles are very frightening, but my contention is, if our Law makes it legal for a passenger to ride on a motor cycle, that passenger has a right to be covered.

There are many ways in which the industry can protect itself against adverse claims. The industry could charge a higher premium to those riders who insist on carrying passengers. The industry can protect by putting a limit on the liability under a specific policy. This could be done in several bands where a certain premium would be charged for liability up to $10,000 for a passenger and a different premium if the amount paid was a higher amount say, $50,000 or whatever amount may be set in the policy.

There are perhaps other ways in which the industry can protect itself. One could be by not offering insurance to the passengers of persons who have a bad "track-record". Persons who have already been involved in motor cycle accidents may be precluded from obtaining coverage under such a policy.

But, to my mind, it is wrong in principle to allow a wife, for example, to ride a motor cycle with insurance coverage and to carry with her the husband, who is the father and family provider for the six children, as a passenger on that motor cycle and not have any coverage at all.

I believe that those people who ride motor cycles, who engage in any risky sport, who engage in any high risk form of transportation or in any high risk occupation, are the people who need insurance more than anybody else. These people should be entitled and if Government makes the insurance for this class of vehicle compulsory, than Government must make all eventualities that may occur, insurable and the insurance available to those who are the potential victims in situations like this.

I believe that this type of Bill is a special interest Bill which caters specifically to one particular set of people, ignoring the vast majority who will be hurt by this Bill. Those people who engage in riding as a passenger on a motor cycle or those people who engage in anything that is normally termed a high risk activity, such as scuba diving, should provide a certain amount of insurance coverage for themselves under individual life insurance policies. They should not expect the motor vehicle industry to carry for them all of the coverage that they need.

This is the ideal situation and we do not live in Utopia, where people do what is expected of them. The history of insurance has been that those people who need it most and those people who need the most coverage, are usually the people with the least coverage or none at all. But, for us to pass a law to protect a special interest group, to the detriment of other people, is ridiculous indeed, and could only be put forward by the type of Government that now runs this country!

I certainly will not vote for this amendment. I believe that this must be taken back to the drawing board and if it needs an entire review of the Law, let us have it. We know that we live in a changing world, where the situation which exists on our roads today, is far different from the situation which existed when the original Law was passed. Piecemeal amendments on the suggestion of interested persons or special interest groups, work to the detriment of people at large.

I find no fault with the other amendment which the Member mentioned regarding the cover note. This I believe is reasonable, since the cover note itself is only for a short period and does serve the interim period of about 30 days, during which time the application for the insurance is being processed. Certainly, if it means voting against that section to stop the other amendment, I will have to vote against the entire Bill.

Thank you.

MADAM SPEAKER: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Madam Speaker, this short Bill deals with two very short sections - one being extremely important: the section that deals with adding the certificate of insurance or cover

note into the definition of "policy of insurance", I have no problem with. However, what is being changed at present is such an important provision that perhaps either one of two courses should be taken on this. In the Committee stage of this, perhaps we could move it into a Select Committee to study it, or if further time could be given for discussion with the Honourable First Official Member prior to taking the Committee stage.

The danger of what we are doing now is that the passenger on a motorcycle would not be required to be covered with insurance at all. While there are problems I understand, with getting coverage or the cost of it in certain instances, I believe that it is the duty of this House to endeavour as far as possible, to ensure that all people on all vehicles are covered by insurance because as the Second Elected Member for Bodden Town has stated, that person who is a passenger on the motor cycle, could well be the bread-winner of a family. If there is no insurance and if for example, it is an accident not involving another vehicle and depending on who is at fault, then the breadwinner of the family could well be killed or badly injured. Indirectly then, the duty of Government is to take care of that family, if there is no one to actually do so.

I think that what we are doing has far-reaching effects. I agree with the Second Elected Member for Bodden Town, that it is really affecting only one main area of the public, as far as relieving them of the responsibility and also the liability of paying for this insurance. But, the effects are quite serious and far-ranging because as I mentioned earlier, it could indirectly mean that Government itself could, at some stage, come in for fairly heavy payments of sums that would have to go out to assist these people. Alternatively, if that person is badly injured, then the duty of Government is, whether it has money or not, to see that he is given the proper hospital care and treatment. We need to think about this a bit further before it is put through. I would hope that the Government would not force a vote on this and that they would either allow more time to discuss it further, or put it into a Select Committee, instead of the Committee of the House, to be studied in some depth and perhaps hear from the insurance companies the difficulties surrounding this insurance.

The Bill itself, I know is very important and I appreciate the Member's feeling of urgency in moving this as it has been about nine months now that it was passed and has not come into effect yet. This seems to be one of the two areas holding it up. There is already a section which excludes liability for coverage, in instances where the motor cycle is owned by an individual and this would be extending it considerably beyond that stage. If it is put to a vote then unfortunately, it would force me to take a course that I would prefer not to take on this specific Bill - to vote against it. On the other hand, if sometime could be given, I think it would be in the interest of the House and of the Island, as we may be able to get something worked out and further understand it.

Thank you.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.

I see no reason why the First Official Member cannot enlighten this House as to whether or not it can be done, but at present when you go in to insure a motor vehicle, you have an option: either you restrict it to yourself as the only driver or you open it up to authorise others to do the same. I see no reason why when a bike rider goes in for insurance, that he cannot exercise the same options. If he says, "I want it restricted to me as the only driver without any passengers," then he should be in a position where he can pay a specific premium. If it is the case where that bike will also be used to transport, as the Second Elected Member for Bodden Town mentioned, a family member or somebody else, then I think he should be in a position where he can say, "In addition to myself, I will be carrying my wife, my son, or my daughter or whoever as a passenger." Because of expressing those facts, the insurance company is in a position to say, "Mr. Jefferson, rather than costing you $150 per year, it will cost you $200, because you want the coverage for the passenger."

If that can be done, I see no reason why that course of action should not be pursued. If it is impossible, then I think we have a problem. That is the question that I have.

Thank you.

MADAM SPEAKER: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

I have to regretfully inform the Government that I cannot support this Bill in its present form. In doing so, I would like to elaborate on my reasons for this. Firstly, as I see it, the blame lies not with owners and riders of large bikes, who are Caymanian. The problem has its genesis in the tourists who rent mopeds, cannot ride them and cause accidents and injuries to themselves and to others. Frequently, what happens is that a man may rent one of these bikes and wishes to take his companion, usually his wife or his female friend, rather than renting two bikes. That is where the crux of the matter lies. It is incumbent upon us, as representatives of the Caymanian people, to inform the Government that we cannot support this in its present form because in a manner of speaking, it is discriminatory. I, along with my other colleagues who have spoken, support the notion that option must be given to the owner of the bike to take insurance for any passenger that he or she may wish to carry.

There is another more substantial line to the argument. In the case of the Caymanian riders, very often, if not in most cases, these are young men with families. Some people use their bikes as a means of transportation to and from work. They carry family members, as well as friends. Are we then saying that we are going to be so restrictive that we are going to bring a Bill and a Law that will exclude, on this method of transportation, somebody from taking his wife, his friend or his relative to work because insurance is unavailable? I believe that the insurance companies operating in this country owe it to the Caymanian people to make policies available to cover passengers on these bike. If the Bill is presented in this way, without any attempt

made to change it or to get some input from the insurance companies as to why they some reservations, then I too, will be voting against it.

Thank you.

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

MR. GILBERT A. McLEAN: Thank you, Madam Speaker.

I rise to object to the amendment which is before this House. In amendment 3 of section (4), I think it is nothing short of a shame, that this should come to the House.

Many years ago, this Government undertook to make motor vehicle insurance compulsory. I am told that one of the persons who was the most highly primed by the insurance companies to vote for it when he stepped out of this Chamber he said, "I will not worry about it because it will not affect me." As it happened, (the way I heard the story), that individual was most greatly affected by it because of the class of vehicle which he owned.

Be that as it may, this country has a compulsory Law which says there must be motor vehicle insurance. the Law does not provide or does not in any way try to direct an insurance company as to how much of a premium must be charged. Heaven knows they are already exceedingly high rates without any sort of regulatory system, that I am aware of in this country, to say to control them. They are really going beyond. At the same time, the Law is leaving the people of this country in a position where they must insure, irrespective of what the premium is.

If we can take that as being fair, then let there be the punishment inflicted that one must compulsorily have that insurance and let there be the infliction of punishment by the high premiums. But, I cannot see how the insurance companies must have it three ways. How can they get out of insuring people who ride or wish to ride a motor cycle when the Law says that the people who own a motor cycle must compulsorily have insurance?

How does one tell one's spouse, one's friend or whatever (if you have a motor cycle), and you wish to buy a policy that specifies who can ride on it, that we can stick you with any high premium in the first instance and grudgingly offer coverage to a certain extent, but as for the second person riding the motor cycle, let him get killed, we do not cover him. I find this Bill most objectionable and I share the view of the Second Elected Member for Bodden Town, that it could only be brought by this Government, who would want to do such a thing.

I object to this and I trust that it can be put by sections because I will most vehemently vote no to amending the Law, such as has been suggested here.

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

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

The Bill now before this House is, A Bill For A Law To Amend The Motor Vehicle Insurance (Third Party Risks) Law, 1990. I understand the reason why it is before this House, but I also share the concern that people owning motor cycles are being limited in their ability to convey the people that they had purchased it to carry. I wonder if it may not be appropriate that we have a short adjournment so that the Honourable First Official Member could explain to us in detail the reason why this Bill is before the House. I do not want to vote for anything that would take the rights and privileges of any resident away. Neither do I want to vote for something that would make our roads are more dangerous. I would like to better understand the total reasoning behind this Bill and I feel that a short adjournment could probably convey to all of us a better understanding. Then, maybe we could get on with voting on this Bill.

As has been said before, it is compulsory that all vehicles using the roads of the Cayman Islands have insurance. Therefore, people who cannot afford an automobile, may also not be able to afford several motor cycles or motor scooters. They may be riding as a passenger on a motor scooter because of their financial inability to buy an automobile and I share the concern of people who have this problem.

Thank you.

MADAM SPEAKER: The Honourable Elected Member for Tourism, Aviation and Trade.

HON. W. NORMAN BODDEN: Madam Speaker, I rise to support the Bill For A Law To Amend The Motor Vehicle Insurance Law. I naturally support this Bill because it has been brought to the House by Government, after serious consideration, as has been explained by the mover of the Bill. I think that Government has very valid reasons for wanting to bring this amendment and have it passed. I have no problem with the suggestion which has been made by the First Elected Member for Cayman Brac and Little Cayman. If the House feels that it is necessary to meet and discuss the Bill, I have no problem with that. I do believe that there are valid reasons, as I have said. I certainly support this Bill and trust that if it has been explained in further detail by the First Official Member, that we will have sufficient support to get this Bill passed.

Thank you.

MADAM SPEAKER: If no other Member wishes to debate, I will ask the mover if he would like to exercise his right of reply?

HON. THOMAS C. JEFFERSON: Yes, Madam Speaker.

Maybe the way to begin is to say that I have no difficulty with taking a suspension - if Madam Speaker wishes to do so - to discuss the Bill. But, before getting to that point, maybe it is appropriate to give a little background to the Members as to how this whole thing developed. This really came to my attention some years ago, 1985 I think it was, when a letter to the editor of the Caymanian Compass was written by a Mr. Wayne Panton. He spoke of the inadequacy of the 1965 Motor Vehicle Insurance (Third Party Risks) Law. He pointed out that while the Law required insurance, that insurance which was provided, did not cover any liability should the car that is being driven, damage someone elses property. This was in 1985. I then asked the Superintendent of Insurance to begin to examine the Motor Vehicle Insurance (Third Party Risks) Law and to meet with the insurance industry. Those meetings went on from 1985 until the summer of last year. They tried diligently to reach an agreement between the principles that some Members across the floor put forward, and the industry's ability to write coverage which is affordable to motor vehicle owners.

The present Law, which was passed in the summer of last year, does provide for property coverage. As a matter of fact, perhaps just for edification, I should read section (4) of the Law which speaks of the requirements in respect of policies. It reads as follows:

"4.(1) In order to comply with the requirements of this Law the policy of insurance must be a policy which -

(a) is issued by a person who is an insurer, and

(b) insures such person, persons or classes of persons, as may be specified in the policy in respect of any liability which may be incurred by him or them in respect of the death of, or bodily injury to any person, or damage to any property caused by, or arising out of, the use of the motor vehicle on a road:

Provided that such a policy shall not be required to cover -

(i) liability in respect of the death arising out of, and in the course of his employment of a person in the employment of a person insured by the policy, or of bodily injury sustained by such a person arising out of, and in the course of his employment;

(ii) any contractual liability;

(iii) liability in respect of the first fifty dollars of any claim by any one person;

(iv) liability exceeding in the aggregate one hundred thousand dollars in respect of the damage to any property arising out of any claim or claims in respect of any one event;".

(So there is the property coverage which we were seeking to obtain with these meetings for six years.)

"(v) property in or on the motor vehicle insured by the policy;

(vi) property belonging to, held in trust by, or in the custody or control of the person insured;

(vii) liability in respect of damage to the motor vehicle insured by the policy;

(viii) liability in respect of the death of or bodily injury to a passenger on a motor cycle arising out of the use on a road of the said motor cycle which is owned by an individual;".

(This is the subsection that we are seeking to amend)

"(ix) liability in respect of the death of, or bodily injury to, the hirer or passenger in or on a motor vehicle which is let out on hire;

(x) liability in respect of the death of or injury to any person being a passenger in a vehicle, except such passenger is seated in a seat fitted to the vehicle by the manufacturer thereof for the purpose of accommodating passengers.".

Maybe that is sufficient, Madam Speaker.

When we brought the Bill to the House, we had put a limitation on this coverage in discussion with the industry. The limitation for the coverage, that is for the passenger riding on the back of a motor cycle owned by an individual, was $50,000. The representatives of the industry met with the Superintendent of Insurance and me before we put the Bill forward. Their indication was that while coverage in principle seems all right, they would have to examine in the market their ability to find and provide this coverage. As a result of their findings we last year, deleted the $50,000, or amended the subclause to remove the $50,000.

Because the industry, in their analysis of this kind of liability coverage, determined that the number of motor bikes in the Cayman Islands would not be sufficient, in terms of premiums, to cover the liability set down in the Law at that time. Their analysis resulted in the conclusion that the market for bikes, and they estimate that there are 226 bikes, insufficient to fund the liability and the premium cost would be excessive. None of them would be prepared to write the insurance coverage. Whereas, if this section is amended, six out of 10 of them would be willing to write insurance.

The Law is not saying that the insurance company cannot issue a policy to cover a passenger on the back of a motor bike. That is not what it is saying. The Law is saying that we are not making it compulsory that he/she be covered. It depends on what it is that the Members of the Honourable House wish to achieve. If we want not to approve the amendment then I believe that it is very possible that those persons who are riding motor cycles at the present time may get no coverage whatsoever. That is one possibility. The other possibility is that the amendment be allowed. The industry did indicate to me that their policy would be in bold letters that the passenger which you may want to carry on the back of the motor bike would not be covered; so that, the rider is well aware that when he decides to pick someone up and put him on the back of the bike, there will be no coverage. I do not believe that it is customary in the Cayman Islands to make something compulsory which in essence, will have a damaging effect on the individuals who presently have insurance. If my understanding is correct, the way in which the Cayman Islands have operated so far, is to say that it is better for the rider to have insurance for himself than to put himself in the position where the insurance company will not issue a policy to cover both the rider and the passenger.

Let us face it, at the end of the day no one will cover you or me unless they are making some money on it. The Protestant ethic does not run that far, to say that I will cover you because my principles are such that I believe you should be covered, so I will keep taking money out of my pocket to cover you. The insurance company will not sustain losses doing that.

I have no reason not to speak further to the Members of the Honourable House, and if it is the wish of the House, we can take a suspension and discuss it some more.

MR. G. HAIG BODDEN: Madam Speaker, if I may just ask one question? Is the Member intending to move that this go to a Select Committee in the normal way that a Bill would go? I think that would be the proper procedure, to move at the close of his debate that the Bill goes into a Select Committee, perhaps of the Elected Members only.

MADAM SPEAKER: Honourable First Official Member will you be moving any further motion for suspension or a Select Committee?

HON. THOMAS C. JEFFERSON: Madam Speaker, I believe that it may be in all our best interests if we were to take a short suspension before we come to a decision on that matter.

MADAM SPEAKER: What time are you setting for the suspension?

HON. THOMAS C. JEFFERSON: I think 20 minutes? Will that be all right?

MADAM SPEAKER: Twenty minutes then. It is now seven minutes past, shall we say until 10:30 then? If that is the wish of the House. The House is accordingly suspended until 10:30.

AT 10:07 A.M. THE HOUSE WAS SUSPENDED

HOUSE RESUMED AT 10:58 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. First Official Member.

HON. THOMAS C. JEFFERSON: Madam Speaker, thank you for suspending the House. We had a long discussion and I think that there was some light shed on the subject. The Members of the Backbench (if I may use that expression without offending anyone), I believe have suggested, please correct me if I am wrong, that when the Traffic Bill comes forward, perhaps Government should consider placing in the Traffic Law that persons riding a motor bike should have coverage for the passenger. I think that is something Government can consider.

Thank you, Madam Speaker.

MADAM SPEAKER: The question is that the Motor Vehicle Insurance (Third Party Risks) (Amendment) Bill, 1991, be given a second reading. Those in favour say aye, those against no. The Ayes have it.

MR. G HAIG BODDEN: Madam /Speaker, can I please have a division?

MADAM SPEAKER: Madam Clerk.

DIVISION NO. 13/91

AYES: 8 **NOES: 7**

Hon Thomas C Jefferson
Hon Richard Ground
Hon J Lemuel Hurlston
Hon W Norman Bodden
Hon Benson O Ebanks
Hon D Ezzard Miller
Hon Linford A Pierson
Capt. Mabry S Kirkconnell

Mr. W McKeeva Bush
Mr. John D Jefferson, Jr.
Mr. Truman M Bodden
Mr. Gilbert A McLean
Mr. Roy Bodden
Mr. G Haig Bodden
Mr. John B McLean

MADAM SPEAKER: The result of the division, eight ayes and seven noes. The Bill has been given a Second Reading.

THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.

THE TRAFFIC (AMENDMENT) BILL, 1991

CLERK: THE TRAFFIC (AMENDMENT) BILL, 1991

MADAM SPEAKER: The Traffic (Amendment) Bill, 1991, Second Reading.

HON. J. LEMUEL HURLSTON: Madam Speaker, I beg to move the Second Reading of A Bill For A Law To Amend The Traffic Law (Revised).

The Memorandum of Objects and Reasons reads as follows:

> "The Traffic Regulations are being amended to enable the introduction of a new form of driver's licence which will render it less likely to be tampered with, easier to deal with, and will reduce the amount of documentation presently required when an application for a driver's licence is made. Machinery for putting this proposal into effect is already in place.
>
> Consequently, it is necessary to amend the Traffic Law (Revised) to facilitate the new system, and clause 2 of this Bill seeks to amend section 42(3) to remove the necessity for an applicant for a driver's licence to produce a photograph of himself since the taking of his photograph will be done by the licensing authority itself.
>
> Clause 3 seeks to amend section 71 to enable the record of a driver's licence to be kept separately, rather than being endorsed on the licence as is now the practice, and thus subsection (4) of the Law will become unnecessary.".

Madam Speaker, this short amendment is a result of the desire to put into effect a new form of driver's licence of the laminated type with a photograph, containing sufficient relevant information to enable us to discontinue the use of the present little books; which are stuffed into plastic folders and become comical, especially when one is travelling abroad and is required to produce a Cayman Islands Driver's Licence in a very old-fashioned format.

Last year, during the presentation by Government of a statement on the matter of national identification, I included in that statement the Government's intention to bring about a new form of driver's licence. The equipment to put this into effect is already in place and this Bill will accomplish that as quickly as will be possible. I commend the Bill to the House accordingly.

MADAM SPEAKER: The question is Traffic (Amendment) Bill, 1991. The motion is open for debate.

The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, I support these amendments to the Traffic Law and hope that the new driver's licences will be issued only as applications are made for renewals or for new licences. This seems to be the intention from the wording in the Memorandum and the Law.

I say this so that there will be no congestion at the Licensing Department where drivers will have to flock to get their new form of licence. Also, as the existing fees have been paid for three years, I trust that drivers holding existing licences will be allowed to use the licence that they have paid for and will be given the new licence at the expiry of the existing one. I also trust that the Government will not use this exercise to increase the driver's licence fees, which I understand are exceptionally high when compared to Florida and some other places.

I also appreciate the new equipment which will allow the licensing authorities to produce a photograph and so eliminate the necessity of the applicant having to provide photographs on his own. The final amendment seems to be a good one where the endorsement of a driver's licence will be kept separately and that the licence itself, as is the practice now, will not continue to be endorsed. I would also say that for many years now, probably for over six years, we have been told that the Traffic Law will be coming to the House soon. Yet, in nearly every meeting there is a piecemeal amendment to the Traffic Law and I trust that this will be the last amendment that we will see before the main Law is finally rewritten and presented to

the House. I welcome the amendments to the Bill.

MADAM SPEAKER: If no other Member wishes to debate, I will ask the honourable mover, the Third Official Member if he would like to reply?

HON. J. LEMUEL HURLSTON: I wish to thank the Second Elected Member for Bodden Town for his contribution and to assure the House that the Regulations which will be introduced after the coming into effect of this amendment, will provide for existing licences to continue until their natural expiry and that the new format licence will be made at that time, upon the application of the licence holder. There is no intention of compelling persons to renew their licence before expiry, so that there is no need to provide any form of large volume of traffic, seeking renewal all at once. The comprehensive study leading to a review of the Traffic Law which has admittedly been protracted, is now on its way and should be coming to this House by the Honourable Member for Communications and Works during the course of this year. That has been promised and there is no reason to believe that promise cannot be kept. In the meantime, it was felt that this minor amendment would facilitate certain improvements in the interim and for that reason, this Bill has been brought quite separately.

I thank Members for their contributions.

MADAM SPEAKER: The question is that the Traffic (Amendment) Bill, 1991, be given a second reading. Those in favour say aye, those against no. The ayes have it.

THE TRAFFIC (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991

MADAM SPEAKER: The Honourable Member for Communication, Works and Agriculture.

HON. LINFORD A. PIERSON: Madam Speaker, I beg to move the Second Reading of a Bill entitled A Bill For A Law To Amend The Development And Planning Law (Revised).

By Clause 2 of the Development and Planning (Amendment) Bill, 1991, provision is made to increase the membership of the Development Control Board for Cayman Brac and Little Cayman, thereby making for a broader representation from within the local community. This is a short, but important amendment to the Law, especially in view of the potential for development in both Cayman Brac and Little Cayman. Thus, the need to have as much local participation as possible, in the planning and development process.

As stated, this is a short and hopefully non-controversial Bill and accordingly, I would appreciate the full support of all Honourable Members in the passage of this Bill.

I commend this Bill to the Honourable House.

MADAM SPEAKER: The question is the Development and Planing (Amendment) Bill, 1991. The motion is open for debate.

The First Elected Member for Cayman Brac and Little Cayman.

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

I rise to support the Bill For A Law To Amend The Development and Planning Law (Revised). This is a short Bill, but I think that it is timely. It increases the number on the Development Control Board in Cayman Brac and Little Cayman, which is the equivalent of the Central Planning Authority in Grand Cayman, from the Chairman and four members to six members instead. Recently, the Portfolio brought a Bill to this Honourable House increasing the number in the Central Planning Authority and this is sort of a companion Bill, also to increase the numbers in the Development Control Board. We are grateful to the Portfolio that in addition to this, in the not too distant past, the addition of a professional Planning Assistant to Cayman Brac and Little Cayman has enhanced the processing of development plans for the two Islands. This expansion in the Board will give a wider input by the locals into the development and planning there.

I would like to add that I look forward, in the not too distant future, to seeing the Regulations to the Development and Planning Law before this honourable House which will give us a more definite group of regulations that we can work with.

Thank you.

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

MR. GILBERT A. McLEAN: Madam Speaker, I rise in support of the motion brought by the Member for Communication and Works to increase the Planning Board in Cayman Brac by two more persons. I think this will meet with approval from the people of Cayman Brac and Little Cayman and it follows somewhat in line with what was done last year in Grand Cayman, as has been noted by my colleague; that is, the expansion of the Board. I think too, it will satisfy the public of the Brac in that there has been criticism about the recent appointment

of members to that Board, which some contend comprises only of civil servants. They also contend that it does not give a wide enough scope to opinion in the Brac in line with the development of that Island. The situation, I believe, if it is expanded, can rectify this. I do hope that when the Member, when appointing persons, will give thought to appointing someone there who has some connection with or knowledge of construction and perhaps, development. That is the area in which representations have been made to me, i.e. the type of person that should be on the Board.

I believe if there is a wide enough scope and diverse enough opinions on this Board, it may help in providing more smoothness in deciding and determining applications which come before it. Perhaps, it will also mean that it will reflect the people in agreement or disagreement in any particular matter which has to do with the development of the Brac. A major issue which was decided by that Board against the application, is now going towards an appeal; this has great significance to the Island. However, this might be a solution to the situation that presently exists there and I do trust that the Member, before he makes appointments, might consult the two representatives for Cayman Brac and Little Cayman, who could possibly give him a suggestion of persons whom he might select for appointment to the Board.

Thank you.

MADAM SPEAKER: If there is no further debate, will the Honourable Member wish to reply?

HON. LINFORD A. PIERSON: Just to thank the First and Second Elected Members for Cayman Brac and Little Cayman for their support and for the other Members of the House who have not spoken; for what I hope is also their silent support. As stated, the expansion of the Board by two members, that is from four to six, should allow for greater participation of local non-Civil Service oriented membership, as this is indeed, one of the complaints as was mentioned by the Second Elected Member. However, I would just like to reiterate, as I mentioned in the debate on the Throne Speech, that I have every confidence in the membership of the Development Control Board and that they have indeed been doing a very good job. I would like to again, take this opportunity to commend them for a fine job. As mentioned by the Second Elected Member for Cayman Brac and Little Cayman, I will indeed consult with the two representatives for those Islands before making an appointment to the Development Control Board.

Thank you.

MADAM SPEAKER: The question is that the Development and Planning (Amendment) Bill, 1991 be given a second reading. Those in favour say aye, those against no. The Ayes have it.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991, GIVEN A SECOND READING.

MADAM SPEAKER: The House will now go into Committee to consider the three Bills.

HOUSE IN COMMITTEE
11:22 A.M.

MADAM CHAIRMAN: Please be seated. The House is in Committee to consider three Bills. The Clerk will read the clauses.

THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991

CLERK: CLAUSE 1 - SHORT TITLE.
CLAUSE 2 - AMENDMENT OF SECTION 2 OF LAW 12 OF 1990.
CLAUSE 3 - AMENDMENT OF SECTION 4(1)(viii) OF THE PRINCIPAL LAW.

MADAM CHAIRMAN: Clauses 1 - 3 are open for debate.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Chairman.

I want to say that the Backbench appreciates the effort that has been made in reviewing this entire Law. With the coverage now, regarding property that may be damaged by an insured person under the Third Party Act, our concern still remains that the issue of coverage, with regard to passengers on motor vehicles, should be pursued with insurers to see whether or not this is possible, because our main concern is with the loss of life. For example, if you damage someone's fence it may cost you $2,000; that is fine, you can be reimbursed for that kind of damage. But, what is much more important to us, is that there is some coverage in the event of the loss of life of a passenger on a motor bike.

Thank you.

MADAM CHAIRMAN: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: I wonder if it may not be possible to put the question separately

on clauses 1 and 2, which I would be happy to vote for.

MADAM CHAIRMAN: That is possible, yes. Any other Member wish to debate?

HON. THOMAS C. JEFFERSON: Madam Speaker, just to say that certainly the Superintendent of Insurance and myself will continue to speak to the insurance industry on this matter. We have every intention of doing so.

MADAM CHAIRMAN: The question is that clauses 1 to 2 do stand part of the Bill. Those in favour say aye, those against no. The ayes have it.

CLAUSES 1 AND 2 PASSED.

MADAM CHAIRMAN: The question is that clause 3 stands part of the Bill. Those in favour say aye, those against no. The Ayes have it.

MR. G HAIG BODDEN: Madam Chairman, can we have a division?

MADAM CHAIRMAN: Madam Clerk.

DIVISION NO. 14/91

AYES: 8	NOES: 6
Hon Thomas C Jefferson	Mr. John D Jefferson, Jr
Hon Richard Ground	Mr. Truman M Bodden
Hon J Lemuel Hurlston	Mr. Gilbert A McLean
Hon W Norman Bodden	Mr. Roy Bodden
Hon Benson O Ebanks	Mr. G Haig Bodden
Hon D Ezzard Miller	Mr. John B McLean
Hon Linford A Pierson	
Capt. Mabry S Kirkconnell	

MADAM CHAIRMAN: The result, eight ayes and six noes. The Ayes have it.

CLAUSE 3 PASSED BY MAJORITY.

CLERK: A BILL FOR A LAW TO AMEND THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) LAW. 1990.

MADAM CHAIRMAN: The question is that the Title do stand part of the Bill. Those in favour say aye, those against no. The ayes have it. The Title has been passed.

THE TITLE PASSED.

THE TRAFFIC (AMENDMENT) BILL, 1991

CLERK: CLAUSE 1 - SHORT TITLE
CLAUSE 2 - AMENDMENT OF SECTION 42(3) OF THE TRAFFIC LAW (REVISED)
CLAUSE 3 - AMENDMENT OF SECTION 31 OF THE PRINCIPAL LAW

MADAM CHAIRMAN: The question is that clauses 1 - 3 do stand part of the Bill. Those in favour say aye, those against no. The Ayes have it.

CLAUSES 1 THROUGH 3 PASSED.

CLERK: A BILL FOR A LAW TO AMEND THE TRAFFIC LAW (REVISED).

MADAM CHAIRMAN: The question is that the Title stands part of the Bill. Those in favour say aye, those against no. The Ayes have it.

THE TITLE PASSED.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991

CLERK: CLAUSE 1 - SHORT TITLE
CLAUSE 2 - AMENDMENT OF SECTION 3 OF LAW 28 OF 1971

MADAM CHAIRMAN: The question is that clauses 1 and 2 do stand part of the Bill. Those in favour say aye, those against no. The Ayes have it.

CLAUSES 1 AND 2 PASSED.

CLERK: A Bill for a Law to amend the Development and Planning Law (Revised).

MADAM CHAIRMAN: The question is that the Title stands part of the Bill. Those in favour say aye, those against no. The Ayes have it.

THE TITLE PASSED.

MADAM CHAIRMAN: As is customary, it is assumed that the House will authorise the Honourable Second Official Member and the Clerk to correct any necessary printing errors in the Bills.

That concludes discussions in Committee on the Bills entitled: The Motor Vehicle Insurance (Third Party Risks) (Amendment) Bill, 1991; The Traffic (Amendment) Bill, 1991; The Development and Planning (Amendment) Bill, 1991.

The House will resume.

HOUSE RESUMED
11:30 A.M.

MADAM SPEAKER: Please be seated. Proceedings are resumed. Reports.

REPORTS ON BILLS

THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991

CLERK: THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991.

HON. THOMAS C. JEFFERSON: Madam Speaker, I have to report that a Bill entitled The Motor Vehicle Insurance (Third Party Risks) (Amendment) Bill, 1991, was considered by a Committee of the Whole House and passed without amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.

THE TRAFFIC (AMENDMENT) BILL, 1991

CLERK: THE TRAFFIC (AMENDMENT) BILL, 1991.

HON. J. LEMUEL HURLSTON: Madam Speaker, I have to report that a Bill entitled The Traffic (Amendment) Bill, 1991, was considered by a Committee of the Whole House and passed without amendment.

MADAM SPEAKER: The Bill is accordingly set for Third Reading.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991.

HON. LINFORD A. PIERSON: Madam Speaker, I have to report that a Bill shortly entitled The Development and Planning (Amendment) Law, 1991, was considered by a Committee of the Whole House and passed without amendment.

MADAM SPEAKER: The Bill is accordingly set down for Third Reading.

THIRD READINGS

THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991

CLERK: THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991.

HON. THOMAS C. JEFFERSON: Madam Speaker, I move that a Bill entitled the Motor Vehicle Insurance (Third Party Risks) Bill, 1991, be given a Third Reading and passed.

MADAM SPEAKER: The question is that the Motor Vehicle Insurance (Third Party

Risks) Bill, 1991, be given a Third Reading and passed. Those in favour say aye, those against no. The Ayes have it.

THE MOTOR VEHICLE INSURANCE (THIRD PARTY RISKS) (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

THE TRAFFIC (AMENDMENT) BILL, 1991

CLERK: THE TRAFFIC (AMENDMENT) BILL, 1991.

HON. J. LEMUEL HURLSTON: I beg to move that a Bill entitled The Traffic (Amendment) Bill, 1991, be given a Third Reading and passed.

MADAM SPEAKER: The question is that the Traffic (Amendment) Bill, 1991, be given a third reading and passed. Those in favour say aye, those against no. The Ayes have it.

THE TRAFFIC (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991

CLERK: THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991.

HON. LINFORD A. PIERSON: Madam Speaker, I beg to move that a Bill shortly entitled The Development and Planning (Amendment) Law, 1991, be given a Third Reading and passed.

MADAM SPEAKER: The question is that the Development and Planning (Amendment) Bill, 1991 be given a third reading and passed. Those in favour say aye, those against no. The Ayes have it.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1991, GIVEN A THIRD READING AND PASSED.

MADAM SPEAKER: Item 4 of today's Order Paper, Other Business, Private Member's Motion No. 3/91. Tabling of the Report of the Education System in the Legislative Assembly to be moved by the Third Elected Member for George Town.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 3/91

TABLING OF THE REPORT ON THE EDUCATION SYSTEM IN THE LEGISLATIVE ASSEMBLY

MR. TRUMAN M. BODDEN: Madam Speaker, I wish to move Private Member's Motion No. 3/91 which reads:

> "WHEREAS there has been a study of the Education System of the Cayman Islands carried out recently;
>
> AND WHEREAS Education being one of the most important matters in the Cayman Islands, the public expects and the Member for Education has implied that the Education Report would be made public following the publication of the Preliminary Report;
>
> BE IT THEREFORE RESOLVED that the Report on the Education System be laid on the Table of this Honourable House, as soon as possible.".

MR. ROY BODDEN: Madam Speaker, I respectfully beg to second the motion.

MADAM SPEAKER: The question is Private Member's Motion No. 3/91, Tabling of the Report of the Education System in the Legislative Assembly. The motion is open for debate.

MR. TRUMAN M. BODDEN: Madam Speaker, this is a very simple but important Motion. In effect what we are doing here is to ask that the Member for Education, who we know has the final report on the Education System, that he tables this as soon as possible which would actually be in the House this time. The Member, and indeed the Members of the team that did the report, published earlier a preliminary report and more recently in the last few weeks they also published a summary of what the final report would be. I think it is very

important that as early a stage as possible the report be put out to the public to give members of the public time to look at it but also because it also affects not only the public school system but also the private school system. It affects the parents and the children and the teachers, in fact, everybody in the island. I see no reason, no good reason at all, why this should not be laid on the Table of the House now. It has been with Government for several months, as I understand it, or at least for some time it has been back here. I do not really see why it should be left for several months more.

The report itself can stand on its own. I do not see any reason why, if there is an intention of putting it out to the public that it could not go out at this stage. But, as I said the Member and the Portfolio and the team who did the report, did say it would go out to the public and at this stage all I am asking is that the Member do lay it on the Table of the House as soon as possible which would be at this time. The only aim is to have it go public and give the public a right to study it.

Thank you.

MADAM SPEAKER: Would any other Member wish to debate the Private Member's Motion? The Honourable Member for Education.

HON. BENSON O. EBANKS: Madam Speaker, as the mover of the Motion said, if I might paraphrase what he said, "It is a very simple but important Motion". I agree with that. It could have been very simple, but for his second sentence which went on to say, "As soon as possible". In this instance, this means at this sitting of the House. It had been my intention to enquire his meaning of "As soon as possible". If that meant that the processing of the report by Government be done as speedily as possible and thereafter laid on the Table of the House as soon as possible, I would have no problem with it. If the Member is seeking to usurp the authority and responsibility of Government to deal with the report and to dictate how and when it should be handled, well then, that gives rise to a different set of circumstances.

The question of whether this report would be made public, as far as I am concerned, was never in doubt. I do not believe there was ever a study in Government that received more public input or to which the public was given greater access. When the Review was thought of, or it had been settled that a Review would be done, this House was told of it and it was released to the press. Generally, the terms of reference were known. When the consultants came to the Island they were introduced to the public, including members of the teaching profession, and there was very wide-spread and broad discussion between the consultants and the public. That was no accident because it is my belief that the teachers and the employers have had wide input into this Report. It has been the policy, which I have adopted and followed with the Community College as well, where employers have their input into the curriculum and so forth. I believe that is the one way to satisfy the country's needs. I also gave my undertaking to this House that the Report would be made public. So, as I have said, the question of whether it would be made public or not, never crossed my mind, once having made that commitment.

It is true that the first release from the Portfolio perhaps gave a misleading impression that the full Report would not be made public at all. As was seen from a subsequent correction, what was intended to be conveyed was the fact that the Report would accompany Government's Draft Education Development Plan.

Having taken that course and I must say not without the input of some solid advice from educators, and having taken that advice, that is the course I intend to follow. That is, the Report will be made public with the Government Education Development Plan.

At that point, I believe the country will be better served. Notice that I am talking about a Draft Plan, I am not talking about a plan. Anything in draft is subject to change, if convincing representation can be put to the Portfolio. Contrary to the impression that at least one Member, maybe more, from the Backbench gave yesterday, certainly I can take advice; I seek it all the time. But, as President Truman said, "The buck has to stop somewhere". And in this case, I am afraid, that the buck stops on my desk for the way that particular Review will be handled. Madam Speaker, the mover of this motion seems to be very concerned that this Report should be put on the table at this time because so many people are dependent on its outcome. I have to ask the question, if that is his conviction, in other words, if he believes that public input into a Report on Education is so vital, maybe he can explain why the Brooks, Bank and Isles Review of the Education System in the Cayman Islands, 1981 and a subsequent follow-up visit on that specific report by a Mr. P. Collister and others, never saw the light of day during the time that he was responsible for the Portfolio of Education?

Had those reports been made public, perhaps much of what is being covered by the present Report could have been avoided. Much of the controversy of things that we see in the paper about uncertain future of institutions might have been settled. I am not passing any buck, what I am really saying is that if I have the responsibility for the subject, I will assume the responsibility, and as they say, I will have to handle it in my way on this occasion. I am committed, as I said, to public participation, something that seemed to have been a "no-no", in the past. Those were not the only reports during that period that were conducted on Government's behalf that never saw the light of day, but were left to gather dust in the corner; I can think of another one the Tourism consultancy did, at considerable expense.

What is interesting to hear is the innuendo being cast, as it was during question time on this matter, that maybe the reason why the Report was not being made public at this time was because it was uncomplimentary to me, or someone else associated with the administration of the system. Nothing could be further from the truth. When I gave the undertaking to make it public, I was very conscious that maybe somethings would not reflect well on all of us, or on some of us. But, if I had believed that the system, as good as it is, was perfect, then it would have been unnecessary to have a Review. Having decided on having the Review conducted, it seemed to me only logical that some weaknesses in the system would be highlighted. So, I

have no problem with that. Certainly, I can assure the mover and this Honourable House that I am not going to the additional expense and delay of bringing out somebody else to review this Review. As was done in the case, as I said, in 1981 and because both of the Reviews did not find favour with somebody, they did not get published or acted upon.

I appreciate the interest that is being shown in this Report. I hope that when it is made public and input is invited, that everyone, including Members of this Honourable House, will take the opportunity to study it and offer any comments or improvements that they may be able to offer. As I said, had the motion really been what it appeared to be, that is, a request that the Report on the Education System be tabled as soon as possible, I would have had no problem with such a motion. But, I cannot accept that that motion should now be interpreted to mean that it be laid on the Table at this meeting.

I would have loved to have been able to get up and say that I accepted this motion and agreed with it. Unfortunately, because of the announced intent of the motion, that it be brought during this meeting, if this motion is passed then I regret that Government is not in a position to accept this motion.

Thank you, Madam Speaker.

MADAM SPEAKER: The Second Elected Member for Bodden Town.

MR. G. HAIG BODDEN: Madam Speaker, this Motion makes a simple request that a report which has been received by Government be made public. That report is a report on the education system. Up until the time of the arrival of that report on the Island, the public believed and the Members of the House believed that the Report would have been made available.

This belief had been fanned by the Governments promises. The consultants had indicated it would be good to have public input and in fact, the small token gift had been made to the Members in the form of an Interim Report which had been circulated.

What happened to change the mind of the Member for Education when he read the Report? Unless the Report is made public today, or as soon as this motion has been resolved, I have to draw the inference that the Report has been critical of the Government's policy, attitude and handling of the education system over the past six years, since the present Member of Education has been responsible. Furthermore, if the Report is kept under wraps for another three months, I believe I am justified in wondering just what are they doing with the Report? Are they sending it back to have some amendments made? To have it doctored? Where did the Member get this magic date of June, which he has picked for the release? The Member for Education lets us believe that the first release, which was made from the Government about this Report, was a bit misleading. That is not so. The information in it had been stated emphatically. If one looks at page one of that release, one will see that is the case. Somewhere in the middle of the second paragraph I read:

> "The Portfolio has concluded that the Report was not designed for presentation as a document for national debate or discussion and has taken a decision to move to the next stage in the process which is the preparation of a Draft Education Development Plan, which will lend itself more usefully to national debate and discussion.".

This is very strong language. No guess work here, no circumlocution. It comes straight to the point, telling you point blank, they have decided! They have concluded! They have taken a decision.

They changed their mind later. But this is only after the newspaper made headlines on the 14 February, the Caymanian Compass carried the headline:

"EDUCATION CONSULTANTS' REPORT NOT FOR THE PUBLIC"

The editorial for that same day, which I will deal with later, blasted the Member to high heaven for his dereliction of duty in not making this most important report available. They would let us believe that their version of the Report was all the public could digest, all they were capable of understanding. We have had reports in the past, reports that not only dealt with subject matter but carried other information about the geography, the history, the population, that carried anecdotes about the Island and these reports were published. Why could they not publish this one? Because the statement which they published and which is headed "*The Official Statement from the Portfolio of Education on the Education Sector Review*", does not tell us very much.

Apart from the excerpts I read in paragraph two, paragraph three again repeats in its final sentence that: "The Draft Plan will be made available to the public for national discussion after it has been presented to the Legislative Assembly.". We do not know when that will be. We are hearing it may be in June. We are hearing about things like the Traffic Law, that is coming next week, for six years. So, when we get promises like the Plan being here in June, we do not know.

Another statement in the next paragraph:

> "In other words, the Portfolio (and remember the head person in that Portfolio, the man where the buck stops) takes the position that it will be more constructive to engage in discussion of what Government proposes to do arising out of the recommendations that have been made to Government.".

Who are they kidding? How can there be any discussion when the public is not given the information? The public does not have the benefit of the Report. How will they be able to discuss it and make constructive suggestions? The statement released by the Portfolio gave very little about what was in the Report. There are many pages and I will not read what is in it, no more than to point out what is covered.

Number one, they tell you the population is 25,000. Does that help you? Number two deals with population again. It says that the education system needs to relate closely to the nature and distribution of the population. They are not telling you anything that we do not already know. We knew what the population was in 1979. We know what it was in 1989 and we have seen estimates of what it could be by the year 2000.

Number three might be a little helpful. This deals with the concerns about the system. And number four just gives a graph that sets out the system as it has existed for the past 45 years from pre-school to community college. Information that is readily available. In other words, what they have reproduced in their commentary is the non-essential part of the Report. Statistics and information that could be obtained elsewhere.

Number five deals with a new system which is perhaps what they planned to do and one of the highlights of the new system is that there is no Middle School. I am calling on all of the parents of all the children who attend the Middle School, to rise up against the Member of Education and not let him dismantle the Middle School like the Member of Tourism did with the 727s and the Member of Health is doing with the Hospital and the Member for Public Works is doing with the roads.

These other things can be repaired, but our education is too vital to the survival of this country as a nation, to be tampered with. Let him not put politics into this because it is my recall that when the Middle School was being built, the Member who is now responsible for Education, when he was out, in what the First Member for West Bay calls the electoral wilderness, he, together with the President of the PTA, moved a motion in a PTA meeting that would have stopped the building of the Middle School.

The Government was strong enough at that time to build it. He has always been against it. Now this report which he hides, appears to order the dismantling of it.

Do not be fooled by the statements which we heard, that their initial statement gave misleading information. It did not. It is only because the pressure has come. The Throne Speech, which was written around the same time, said nothing about the publication of that Report.

If I may read one paragraph from the Throne Speech, the only paragraph in fact that deals with this Report:

> "As Members are aware, the 1990 Review of the Government education sector has been received, and the Portfolio, with other involved bodies, is preparing a draft education development plan for the consideration of the Government, of Honourable Members and of the community. The importance of this plan for Cayman's future cannot be overemphasised.".

Not a single word about the publication of that Report. There was never any intention of publishing it.

I endeavour to be gentle to the Member, but the public, has not been so kind to him. I would like to read a few excerpts from the editorial on the day when he made, what I call the fatal mistake, of saying that Report was not for publication: "It is most unfortunate that the consultants' report on the 1990 educational review is not accessible to the public. With this decision, the Education portfolio lays itself open to severe criticism.".

What can people think when he hides the Report? He told us that he knows it is wrong to hide reports. He spoke for about 15 minutes this morning against hiding reports. He said he knows it is wrong, but he willfully does it. What can we think of a Member who knows he is doing wrong and blatantly commits an offense?

He is no stranger to politics. He knows that what he is doing is wrong. He admitted it to us, but as he said in Motion No. 6/90, "Backbenchers and the public can have their say, ExCo must have its way." Let me tell him through you, Madam Speaker, the world is filled with men that have had their way. Men who have chosen to ignore world wide opinion, men who have chosen to ignore the sanctions of the United Nations. The world is filled with these people. But their day will come.

To go back to the editorial: "Many people in the Cayman Islands have eagerly awaited that Report as an independent, objective look at the current system and for options for future development. Countless times has it been said that education is the key to the Islands' future.".

I may speak against dismantling the airline or the roads, but I get really mad when they tamper with the education system because unless we educate our young men and women and unless we educate them properly, and train them to fill the jobs in this country, we will forever be beholden to people from the outside to carry on the jobs that our people can do, if given the opportunity through education. I see education as a means of survival for the people of this country and I will not tolerate any petty politics that would prevent the full benefits flowing down to our young people.

One other paragraph and then I will finish with the editorial: "The Education portfolio is now telling us, though not those words, that we need not know what the educational consultants found, what they recommended and why.". Because the Education Portfolio and I believe it is only the Member himself, knows best for us; Papa knows best. He has not shown this in the past and is not likely to show it in the future.

This motion before the House, calls for an immediate revelation

of this Report. We expect to see this Report made public before this meeting is over and I trust, although he has already spoken, that he will instruct one of his counterparts to tell us that the Report will be forthcoming.

We have not been given one single reason why we can see the Report in June and we cannot see it today. Although he says he knows that it is wrong to hold it up, he still cannot give us one single reason. So I support this motion and I look forward with anticipation to the tabling of this Report as soon as this debate is over. That is, providing the Member has not sent it back to the consultants.

MADAM SPEAKER: Would any other Member wish to continue the debate? If not, I shall ask the mover if he would like to reply. First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

I was making an important point when you were soliciting Members to speak on this, and my apologies, but I preferred to finish making my point. That is why I was a little late in rising.

Madam Speaker, after such an able delivery by my colleague, the Second Elected Member for Bodden Town, I can honestly say that I could just as well not say anything on this matter because he has very ably demonstrated and argued in favour of this motion, except that this is a matter which stirs me to my very soul, because as Honourable Members of this House will know, I am an educator at heart.

As the Seconder of the motion, I support the motion not because it was brought to seek any political mileage; if that comes, that is but an aside. The real motive for bringing this motion to this House, at this time, is because we were led to believe that we could very well wait for the release of an important review. I would remind the Honourable Member that after my presentation, in reply to the Government's Budget, when I offered some comments on what I saw as the direction in which education should take in these Islands in the future, the Honourable Member with responsibility for Education, in his reply, was quick to say that my ideas were not original but were indeed a good precis of his preliminary report. Well, if the Preliminary Report was so good and he was so quick to accuse me of 'precis-ing' it, why is he reluctant to release the Final Report now?

I would welcome his answer, and while I am asking questions, may I ask what the convincing reason is, why we can have the Report in June, but cannot have access to it now?

This brings me to what is perhaps the most important point of the argument and the point which delayed me from rising earlier. He replied to one of my honourable colleagues that the reason why it had to be delayed is because he had to break it down into small bits so that it could be understood. I wonder who has the problem understanding it? I find it interesting that every time Government is put on the spot by the Members of the Backbench, they go down in ancient history and say, "We are not doing it because they did not do it in 1976, and they did not do it in 1980." With respect, 1976 and 1980 have gone, never to return; this is 1991. This is especially important when we are dealing with education. This is a spurious and contemptuous reason to hold up this Report because somebody in 1976 did not table one or somebody in 1980 did not table one. Anyone who takes such an approach - I have to question his intent.

I would also remind the Honourable Member that this Report was brought about not through his brilliance and his foresight, but through pressure from the Backbench. Because we asked for this Report in more than one motion and I can specifically remember the motions, so he should not attempt to take credit for the brilliance of this Review now.

The whole country, if not the whole world, knows that when it comes to the brains and especially the educational brains, they are on this side of the House. They may have been over there, but they deserted a long time ago. I fear that somebody is trying to introduce politics into the business of education in the Cayman Islands. Because you see, before the Report had reached its conclusion in its finality, somebody came up with the brilliant idea that the Middle School was to be abolished. Why? Why?

I can accept that if convincing reasons are given, but no reasons were given. Therefore, the intelligent creature that I am, I am left to ask: Is it for political reasons? If it is not for political reasons, let us hear the reasons. Let us hear the reasons. Why is there a reluctance to hide the Report, to bury it, to have it doctored?

I would like to say something else. If we are to have a dialogue about education, why does the Government have to wait to produce their draft plan simultaneously with the Report? Why can we not have the Report, talk about the Report and then discuss it with the Government? And then, after that, they can produce their draft plan and we can discuss it some more. But you know what? The Report is bad, so they are producing their draft plan to say, "Here is the remedy." It is not going to work so. Not at all. What that is doing is compounding and complicating the situation. I am fearful and I am worried because education is too important for us to be messing around with the future of our young people in this way.

I am beginning to wonder if it is not a scheme to maintain the status quo, so that we will be forever dependent on the foreign element? I can very well remember being told that education is the most important tool that one can be equipped with. The very future of this country depends on that, therefore, this motion was designed to bring that Report to the table of this Honourable House at the earliest and most opportune time, which is now. And with the greatest of respect to the Honourable Member, if there is nothing damning about that Report, may I ask, why is he not willing to lay it now? You mean, the Backbench has to be forced into the position again where we have to wring political arms? Is the Government not tired of being bamboozled by the great debaters on this side? After a thrashing yesterday, one would think that they would have learned. But they have to get flogged every day by the Backbenchers!

But to break it down in small bits so that it can be understood?

The persons who will have problems understanding it are not on the Backbench, and they might not be in the public, therefore, they must be on the Government side. They will not heed. The newspaper came out in its editorial lambasting them. The public is awaiting. It reminds me of a little fable I read in Aesop, this business of the Education Report. "A mountain was in labour, and all the world stood agog. And at long last, it brought forth a mouse.". In this case, what is even worse, the mouse is being hidden by the Member with responsibility for Education.

Thank you, Madam Speaker.

MADAM SPEAKER: If no other Member wishes to continue the debate, is the Third Elected Member for George Town ready to wind up? The Third Elected member for George Town.

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

After the two eloquent speeches by the Members for Bodden Town, I dare say that I feel quite happy that the Elected Government, at least, should have gotten the message at this stage. As was said, if there is nothing to hide in the Education Report, or nothing that has to be broken up, or doctored in some way so that excuses can be put out in relation to it, then why can we not have it now instead of some three, four or five months down?

What worries me, is that by the admission of the Government itself, this Report was to have been published in October last year. Waiting now until June, it is nearly nine months late and I doubt if it is even going to come then. They said, and reading here from the 18 Monday February 1991, page 2 of the *Caymanian Compass*: "Originally, the full report was intended for publication in October 1990. This deadline having been unavoidably exceeded, the second interim report was aimed at filling the information gap.". This is just not good enough because what has happened, is that serious changes to the education system have been put out and we do not know why. This has gone on for many, many months and it is not just us who are worried about what is going on, the public at large is worried too. The Report has come out, for example, saying that the Middle School is going to be abolished. Why?

We know that politics were played sometime back and that the present Member for Education bitterly opposed the Middle School. There are other very serious changes that are just thrown out in these Interim Reports. In fact, the last Interim Report that the Member referred to says, basically, nothing. It tells how many people are on the Island now and in the past and this sort of thing. This is not what the public wants. He has mentioned that the buck stops with him. The thing that worries the public, is that everything in his Portfolio seems to be stopping. We cannot get anything out of there. While he procrastinates, the nation suffers.

This whole question of waiting, once again, no reason has been given for it. The Report must be able to be a report that stands on its own. If it has to be interpreted by the Education Department, all I can say is, that somebody needs to help the public. I am satisfied, as was the public and the Caymanian Compass, that the statement issued by the Portfolio made it very clear that the Final Report was not going to be published. I would like to read a section which continues on from that which was read by the Second Member for Bodden Town: "If the Education Department is not capable of understanding the English they write, then it worries me that they are trying to teach our children English.".

This statement is abundantly clear about the fact that Government did not intend to publish the Report and it was only after the article in the Caymanian Compass and my motion, that the statement came out a few days later saying that they apologise for any misunderstanding. There was no misunderstanding. This is the thing that worries me. When they are ready to cover something up, they will go to the extremes of publishing a statement that, in my view, could not be an opinion that they really held.

The statement that the Portfolio published said:

> "The Portfolio has concluded that the report was not designed for presentation as a document for national debate or discussion and has taken a decision to move to the next stage in the process which is the preparation of a draft education development plan which will lend itself more usefully to national debate and discussion.".

It goes on to say: "The draft plan will be based substantially on the sector review.". We have them going on to say: "It will also incorporate the Governments' positions by setting out the policy parameters and objectives of the education system within a Legislative and financial framework. Finally, it will set out a timetable for future action. Following a review on approval by the Government, this document will then be presented to the Legislative Assembly, hopefully, at its sitting in June. The draft plan will be made available to the public for national discussion after it has been presented to the Legislative Assembly.".

There is a very clear and categorical statement here, that they are not going to publish that Report. I do not think the people who are educating our children should be left to make these statements and then try to get out of them by saying what they did not mean, and that the public should accept that they meant to do something they said they were not going to do. That other statement came out on 18 February where they then said that the Report would be made public. The motion clearly shows it was filed on 14 February and it was also the day that the *Caymanian Compass* brought out its statement, saying how they felt that this was wrong.

Seven years have gone by since the Member has been the Member for Education, it is not just the three years out of this term, but it is the four before. To be frank, nothing

material has been done to the education system. This is a worrying thing because as he procrastinates, his time will finally run out, his draft plan, the Report and everything else, is going to come out nearly at a time when we are going into another election. I do not know if the timing of that, is any better than the timing that the Government has had on its many other policies.

A lot was said about the past or some 10 years ago. All I will say on that is to quote one writer who said: "Those who live in the past, bankrupt the future.". How true that is. I believe that the youth of our country is this country's most important investment and the most important thing that we have. We should never presume that the public is not sensible enough that they cannot understand reports that are going to be brought out in relation to education.

If it is one thing that the public of this country takes seriously, it is the education of children. After seven years of waiting and seven years of legislation and policies of, I think, 12 years ago, why on the eve of another election are we being told that the Education Department is coming out with a draft plan? I do not think it is good enough.

I do not see why, unless there is something to hide or to be explained in the Education Review, the Member cannot lay it on the table at this stage and make it public.

MADAM SPEAKER: Honourable Member, would you pause for a minute because the tape needs to be changed. Thank you. Could we have a suspension then until 2:15 P.M.? The House will be suspended until 2:15 P.M.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MADAM SPEAKER: Please be seated.

Proceedings are resumed. The Third Elected Member for George Town.

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

The summary of what has been raised, together with some expansion in a few areas, is what I would like to take the next few minutes to deal with. It has been shown clearly and admitted by the Portfolio in its release, that they promised this Report in October last year. It is now March and the promises go on and on.

The other brief point I wanted to make is that, really the thrust of this motion is that I am trying to make sure that the public gets this Report as early as possible, because it is in the public's interest.

Thank you.

MADAM SPEAKER: The question is "Be it resolved that the Report on the Education System be laid on the Table of this Honourable House as soon as possible. Those in favour please say aye, those against no. The Ayes have it.

MR. JOHN D JEFFERSON, JR.: Madam Speaker, can we have a division?

MADAM SPEAKER: Madam Clerk.

DIVISION NO. 15/91

AYES: 7	NOES: 5
Mr. W McKeeva Bush	Hon Richard Ground
Mr. John D Jefferson, Jr.	Hon J Lemuel Hurlston
Mr. Truman M Bodden	Hon W Norman Bodden
Mr. Gilbert A McLean	Hon Benson O Ebanks
Mr. Roy Bodden	Hon D Ezzard Miller
Mr. G Haig Bodden	
Mr. John B McLean	

ABSTENTION
Capt. Mabry S Kirkconnell

MADAM SPEAKER: The result of the division, seven ayes and five noes. The motion has therefore been passed.

PRIVATE MEMBER'S MOTION NO. 3/91 PASSED.

PRIVATE MEMBER'S MOTION NO. 4/91
GOVERNMENT MONTHLY FINANCIAL STATEMENTS

MADAM SPEAKER: Private Member's Motion No. 4/91. Government Monthly Financial Statements, to moved by the First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, the voting has gone so well that I wonder if should make any introductory remarks or just put the motions. But, I am sure that my friends on the other side of the House will definitely prolong the debate.

The motion before the House is:

"WHEREAS Government's Financial Statements are made available annually to Members of the Legislative Assembly;

AND WHEREAS it is considered more appropriate to provide Members with details of the financial position of the Cayman Islands' Government on a monthly basis;

BE IT THEREFORE RESOLVED THAT consideration be given for a monthly Report of Government's financial position be made available to Members of the Legislative Assembly.".

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, I beg to second that motion.

MADAM SPEAKER: The question before the House is Private Member's Motion No. 4/91, Government Monthly Financial Statements. The motion is open for debate.

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, in proposing this motion, I am seeking the recognition of this House that we, as its Members, have not only the right, but the obligation to know the financial position of the country on an ongoing basis. I also believe that the people of this country have a right to demand an accounting of Government's handling of the country's finances, on a regular monthly basis. I cannot predict today what Government's response to this proposed motion will be, but I believe that they too, could benefit greatly from the discipline of having to submit accounts monthly and from the subsequent constructive analyses and recommendations that would flow therefrom.

I do not wish to go over the debate which took place in this House in November of last year after the Budget Address, when it became apparent that Government had run a deficit of total expenditure over total income of some $17 to $20 million. And, that this had been financed by spending 2/3rd of the country's savings; savings which had been previously built up over a number of years. Suffice it to say, that we on this side of the House, the people of this country and I suspect, the Members of Government themselves, were shocked at the deterioration of Government finances in a period of 12 months.

This motion seeks to ensure that Members of this House are kept fully advised of the country's financial position on a monthly basis. It seeks to ensure that the need for remedial action will not go unrecognised. More importantly, that remedial action will not be denied. I do not believe that the provision of monthly statements will add significantly to the work load of the Portfolio of Finance and Development. I would hope that they already prepare monthly statements for their own internal monitoring and control purposes. If they do not, they certainly should be doing so and perhaps this motion and what it involves will enhance the function that they already perform.

Where I recognise that some thought and work will have to be done, is in a review of Government's accounting methods. We know that the present method of Government accounting is essentially a receipt and payment basis. While this may be the simplest form of accounting and requiring little judgement, it is essentially factual in nature and therefore, provides minimal opportunity for any kind of manipulation, but it may not be the most appropriate method of accounting. If we are to produce meaningful monthly accounts which enable us to perform a monitoring role, some change must be necessary. For example, we know that Government receives a large percentage of its annual income at the start of each year from such sources as, company fees, banks and, trust and insurance licences.

To enable us to compare true sustainable monthly revenues against monthly expenditure, it will be necessary for Government to adopt some method of accruals accounting. Perhaps, I may be told that I am not an accountant and I do not profess to an accounting expert, but I know that this method of accounting is uniformly found in large companies. After all, Government is now a large organisation with revenues and expenditures in excess of $100 million each year.

What accruals accounting seeks to do is to properly identify and measure monthly income against monthly expenditure. In times of recession and in times of the position that the country finds itself in now, I believe that this is exactly what should be happening.

People who are trained in the area of accounting tell me that this would involve, at a minimum, the use of deferred income, prepayment, and accrued liability accounts, so that income heads, which are collected in full at the commencement of the year, could be apportioned to revenue monthly and monthly expenditure, compared to properly ascertained figures of sustainable monthly income.

Other major heads of income such as, Import Duty, Accommodation and Cruise Ship Tax, Stamp Duty and Work Permit Fees, would continue to reflect in the accounts when received, as these are more evenly collected throughout the year. However, because of seasonal fluctuations, a case for apportioning 1/12th of the annual estimates to the monthly accounts could be made.

The points that I have just mentioned are some preliminary thoughts. I know that considerable attention will have to be given to the changes, but I for one, have great faith in

the technical expertise, judgement and integrity of our Financial Secretary. I am sure that he and his department can come up with the detailed methods and policies to make this work.

Once these are consistently applied, I believe that the monthly accounts, which we will receive, will better enable us to monitor Government performance and to know the financial position of the country. It is also my hope that as part of the revision of Government's financial reporting, maybe some attention could be given to the provision of a concise monthly statement of Government's general reserves, its loans, its guaranteed loans and the loans owed to it, so that the financial status of the country is clearly known to the House.

At no time is that aspect more important than the time when Government calls for supplementary expenditure. Because Government receives the greater part of its annual revenue at the start of each year, any overspending then does not become apparent until the third or fourth quarter, by which time it is too late to take any corrective action. So, as I said, this aspect is very important to the position that I am asking Government to take.

So, in conclusion, let me say that it is my sincere hope that this resolution will be accepted. I firmly believe that it will contribute significantly to maintaining the finances of this country in good order and I would hope that in Government's reply, some firm date for its implementation will be indicated. I trust that Government will accept this, as I believe that it is important for us, as Members of the House, to know on a monthly basis what Government's true financial position is, especially in times when heavy supplementary expenditure is requested.

Thank you.

MADAM SPEAKER: Honourable First Official Member.

HON. THOMAS C. JEFFERSON: When I saw this Private Member's Motion, I wondered what exactly the mover had in mind and did approach him with a view to understanding what he meant by "financial statements." The Government system of accounting for revenue and expenditure is computerised, so the Government would have no difficulty in providing monthly information on revenue and expenditure.

All of us know that the Budget itself, approves a certain allocation for each department. That department has the responsibility to live within the confines of that Budget allocation. The department is also required to keep commitments against the allocation provided in the estimates. We know too, that at the end of each year, the Accountant General provides the accounts which are audited by the Auditor General, which states the total public debt, the total loans receivable, among other information.

It would be difficult, I think, for us to undertake to provide a financial statement, on a monthly basis, such as what we produce at the end of the year. So, if the Member will accept monthly information on the total revenue collected at the end of each month and the expenditure of that month, and the general reserve (because that really does not change unless you begin to think about how much interest is being earned on a monthly basis, but that is a lot of work that may not take you anywhere).

What I am saying is that the Government is willing to provide the information as I have described.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.

I rise to support Private Member's Motion No. 4/91 - Government Monthly Financial Statements. I feel that this is a reasonable request. I feel that if this information is made available to Members on a monthly basis, then the Members are in a much more informed position with regard to the Government's finances.

I think it has to be understood that these monthly figures will be unaudited and will not provide the details as would be found in the Annual Financial Statements. I think as far as Members are concerned, the information would be sufficient if it provided revenue, expenditure on a monthly basis and also the reserve position of Government, maybe even the debt position as that does not change much from month-to-month or year-to-year.

I think also that maybe a precedent should be established that when Government comes to the Finance Committee for approval for supplementary expenditure, Members at that stage, should also be provided with a financial statement of this nature, so that Members will be in a much more informed position to make the right decisions, with regard to the requests that are put before them.

I do not see any great difficulty with regard to the Treasury producing this information. The Honourable First Official Member did confirm that this information is all computerised. In the normal routine of things, the Treasury is also supposed to (and they do), provide monthly financial statements for the Financial Secretary and others involved, who are concerned and responsible for the financial affairs of this Government. So, all is on computer and I think that basically, all that it would consist of would be to print a few extra copies at end of the month, that would be made available to the Members. I feel also that we as a Legislature are entitled to this information and are obligated to be informed regarding the financial position of the country and the public funds for which are responsible.

I support this motion and I am glad to hear that there is no difficulty on the part of Government in providing this information on a monthly basis.

Thank you.

MADAM SPEAKER: If no other Member wishes to debate the motion, would the

mover like to exercise his right of reply? The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, just to thank the Honourable Financial Secretary for his reply and to thank the seconder of the motion, my colleague from West Bay, for their support on the motion. I believe that the implementation of this motion can help us to make sound and wise decisions and I would hope that it can take place immediately, beginning with this month, since there is no problem.

We do need to know what Government's position is, as I said last year, the whole country was struck when they found out the position of Government. Throughout the year there was much supplementary expenditure, but we did not know what the position was. In that regard, I believe it will help us. I thank the Financial Secretary for agreeing to the motion.

MADAM SPEAKER: The question is "Be it resolved that consideration be given for a monthly Report of Government's financial position be made available to Members of the Legislative Assembly". I shall put the question. Those in favour please say aye, those against no. The Ayes have it.

PRIVATE MEMBER'S MOTION NO. 4/91 PASSED.

PRIVATE MEMBER'S MOTION NO. 5/91
MEDICAL PERSONNEL - OWEN ROBERTS INTERNATIONAL AIRPORT

MADAM SPEAKER: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Madam Speaker, I beg to move Private Member's Motion No. 5/91, standing in my name, which reads as follows:

> "WHEREAS there is no medical personnel on duty at the Owen Roberts International Airport to carry out checks on passengers arriving;
>
> BE IT THEREFORE RESOLVED THAT Government be asked to consider the feasibility of having personnel on call to carry out checks especially on flights arriving from endemic diseased countries if necessary.".

MR. JOHN D. JEFFERSON, JR.: Madam Speaker, I beg to second the motion.

MADAM SPEAKER: The question is Private Member's Motion No. 5/91, Medical Personnel - Owen Roberts International Airport. The motion is open for debate.

The First Elected member for West Bay.

MR. W. McKEEVA BUSH: Thank you, Madam Speaker.

The motion is very specific and to the point. All I wish to emphasise is that we do have flights from areas which have diseases that can be easily contracted. I would hope that the Government will be reasonable and do as the motion suggests.

MADAM SPEAKER: Would any other Member wish to continue the debate? The Honourable Member for Health.

HON. D. EZZARD MILLER: Madam Speaker, the Government has no problem in accepting this motion, as it requires absolutely no action by the Government to meet the terms of this motion. This is the status quo. However, in my opinion, this is just another attempt by the mover and the seconder in purporting to have knowledge about the Health Services of the Cayman Islands, when in fact, they do not know what is going on therein.

The Government has approached this problem in two main areas. The first being, the care of the sick; the second being, the prevention of the importation of disease. The arrangements in place, not only cover the airport, as required by the motion (which is only half of the problem), but deals with both the airport and the seaports which are under the control of the Port Authority.

I will describe what is in place at the present time. It will be seen that the provisions are proper, adequate and in keeping with international standards. In fact, the international agencies concerned with this type of activity, are aware of what is in place and have, in fact, approved the provisions. The motion is unnecessary because of the present arrangements. Whether it is on a plane or a ship, if there is anyone that is sick and needing medical attention, the Emergency Department of the Hospital is informed, either through the Port Authority or the Civil Aviation. An ambulance then meets the patient either at the harbour or at the airport. In case of need for medical attention for any passengers after they have arrived, procedure is similar to any other medical condition on the Island. This means that a call is made to Emergency at the Hospital Emergency Number: 555.

Prevention of the importation of disease. In the olden days, various countries used to impose a quarantine, which was largely, isolation of healthy passengers if they did not possess vaccination against such diseases as yellow fever, small pox, the plague and cholera. For other diseases, a technique known as surveillance, meaning scrutiny of disease occurrence, is used internationally. All these countries, including the Cayman Islands, report the scrutiny and the frequency of any of these diseases on a regular basis. These are publications that are available. At present, disease surveillance and the application of

pertinent controlled measures are the methods of prevention and control of the importation of diseases all over the world. The same principals are applied in the Cayman Islands. The control measures depend on the mode of transmission of the disease. For example, persons suffering from communicable diseases such as chicken pox or measles, can transmit this disease to co-passengers through the respiratory route by coughing or sneezing. Hence, people suffering from these conditions should not be allowed to travel.

It is not feasible to examine each passenger, if they have any such condition prior to boarding. Hence, usually, all over world, the airline has the authority to refuse taking anyone on board if they suspect (as at that point they cannot confirm), the passenger suffers from a communicable disease, which can be transmitted by direct contact. They can ask anyone to produce a certificate stating that they are fit to travel if they have reasonable doubt, as they would not have facilities at air terminals and certainly not on the aircraft, to care for the sick on board. Sometimes, the airline crew or check-in staff might not notice a person with chicken pox when they arrive in a new territory. They can still pass through undetected, especially if the rash is not highly evident, to be noticed by an Immigration Officer or a Customs Officer. Nowhere in the world are all the passengers subjected to medical examinations.

In addition, the passenger may not show the symptoms at the time of arrival. The disease may be in the incubation period which varies from one disease to another. Incubation periods for some of these diseases are as follows:

Chicken Pox	2 - 3 weeks
Measles	10 days
Mumps	2 - 3 weeks
Diphtheria	2 - 5 weeks
Malaria	10 - 20 days
AIDS	2 - 7 years
Influenza	1 - 3 days
Tuberculosis	weeks - years
Cholera	1 - 5 days
Yellow Fever	3 - 10 days
Polio	7 - 14 days
Plague	2 - 6 days
Typhoid	1 - 6 weeks

And, of course in the case of AIDS you can actually be HIV positive for many years before symptoms are obvious and the incubation period is now as high as 12 to 15 years, in some countries, after contact.

Even if any country institutes a mechanism of medical examination of all arriving passengers, which is not feasible nor cost effective (and most of the travelling public would not want to subject themselves to that kind of medical examination), we would not really achieve the purposes of preventing importation of disease, especially if one was in the incubation period of the disease and developed the disease after they arrived on the Island. Therefore, the medical examinations of all passengers is neither warranted, nor feasible. the question arises: How can we prevent the disease?

Our Public Health Regulations with respect to quarantine are contained in section 6 of the Public Health Law and states:

"6. Vessels arriving in territorial waters shall, before having any physical contact with the shore, supply by radio or other means to the officer on duty at the nearest port the following information -

(a) the name of the vessel;
(b) the name of the master;
(c) the port of registry;
(d) last port of call;
(e) next destination;
(f) jurisdictions entered since last port of call;
(g) number of persons aboard;
(h) particulars of persons -

(i) suffering from any disease;
(ii) who have so suffered during the voyage;
(iii) who have died during the voyage;

(i) particulars of persons aboard who, within fourteen days, have been located in an infected place; and
(j) any further information required by the officer on duty.".

Then only will the vessel be given "practique", which is a licence to communicate with shore. They also have to provide a Maritime Declaration of Health. Based on this, we have some idea of the problem, if one exists.

The Medical Officer for Health is empowered to take appropriate steps for prevention and control of any communicable disease under the Public Health Law.

Section 36(c) of the Caymanian Protection Law, 1984, provides for any persons not being of Caymanian status "certified by a Health Officer to be suffering from a communicable disease which makes his entry into the Islands dangerous to the community" to be declared a prohibited immigrant.

Section 41(b) of the Caymanian Protection Law, 1984, empowers an Immigration Officer to require a visitor "to undergo a medical examination or furnish a medical certificate with respect to himself and his dependents, if any, acceptable to the immigration officer" if he considers it necessary.

Using the broad-range provisions the following methodology is adopted for prevention and control of the importation of communicable diseases:

1. Whenever a communication is received by the officer on duty at ports of entry re: sick persons, the hospital is contacted fro arrangements of ambulance and necessary medical care. A doctor is on duty 24 hours a day at the hospital.

2. If an Immigration Officer suspects by the physical appearance of a passenger that he might be suffering from a disease, the Emergency Room is contacted if care is necessary. If it is only on suspicion, the Medical Officer of Health is contacted, who is on call for public health matters 24 hours per day, 365 days per year, including weekends an public holidays. (They all have his private number, if they cannot get in touch with him directly trough the hospital).

Many a time Immigration Officers have contacted the Medical Officer of Health for this purpose. On one occasion quite recently, there was a passenger with discharge from the eyes and the nose, Immigration thought it might be AIDS. The Medical Officer was called, he went, examined, and gave the appropriate advice. About one month ago there were a couple patients with salmonella infection from a cruise ship. The Medical Officer of Health paid a visit to the ship, examined the medical records, liased with the shipping agency and the Control For Disease Centre in Atlanta, and the cause of the problem was identified and the Health Department was satisfied that there was no threat to the Cayman Islands from the incident. When persons with a communicable disease which is already in existence on our Islands, such as chicken pox or measles enters, there is not much to be done as sending them back would expose all other passengers on the flight. Since we have the condition here, it does not matter much. In addition, some might be incubating the disease, so the presence of medical personnel at ports of entry is meaningless. Even with the outbreak of cholera in Peru, the Pan-American Health Organization did not consider such a measure.

We do have passengers coming from countries endemic to malaria by air or by sea, directly or indirectly. Some time ago a Public Health Nurse and a Public Heath Officer used to go to clear passengers from Honduras, but it did not turn up anything serious. What was the purpose of them going? Was it to identify malaria? If so, they cannot detect it if it is in the incubation stage. If the passenger is really sick at the time of arrival, with symptoms of high fever, shivering and appear to be sick, the Immigration Officer makes the necessary contacts with the hospital or the Medical Officer for Health.

Based on this logic, the International Health Surveillance System was reviewed by the Medical Officer for Health and his staff in consultation with the Chief Immigration Officer during 1989. International health guidelines were issued by the Medical Officer for Health in September 1989, to streamline the whole process.

Malaria, being non-existent in Cayman, we need to prevent its importation. The guidelines indicate that each passenger from a malarious area should be given a Health Alert Card, as he may be incubating the disease. It advises him to contact a doctor or the Health Department should he develop fever. Once diagnosed as malaria, in order to get rid of the parasites from the patients body and to prevent mosquitoes from biting him and spreading the disease further, the patient is admitted to the hospital.

MRCU is informed of the residence of the patient by the Public Health Department and spraying operations are intensified, thus preventing transmission, by destroying any infected mosquitoes.

We have broad provisions in the Law for prevention of importation of disease and the guidelines provided facilitate the operation. The guidelines indicate that there is a system of medical health persons on call to deal with sick persons, as well as to deal with the prevention of importation of communicable disease. Also, we have a Public Health Office at the airport for whenever the health staff needs the facility for examination of travellers.

If there was any necessity for placement of health workers at the airport, based on scientific knowledge and international standards, we would do so at the appropriate time. Hence, the motion is unnecessary.

Thank you.

MADAM SPEAKER: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR.: Thank you, Madam Speaker.

Contrary to what the Member for Health said, I still contend that it is a good idea to have a Medical Officer stationed at the airport.

We boast in this country of something in the region of $250,000 passengers each year from the outside, in addition to our local Caymanians who travel back and forth. I feel we need that, not only to detect diseases which may be brought into the country, but just as a precautionary measure. Because people are always subject to emergencies, that is heart attacks and whatever else they can contract. In

those circumstances, time is of the essence.

I recall recently hearing about an outbreak of malaria in one of our neighbouring countries and my concern is what measures were taken at that time to ensure that particular disease was not brought into this country. I think it is very difficult sometimes to detect disease, but I know for a fact that you are required when you are travelling to certain countries, to produce a certain card or some type of identification that acknowledges that you have had certain shots.

I think a Government that can boast of $120 million budget, must be able to put some provision in it for a Medical Officer to be stationed at the airport. It does not necessarily have to be a specialist. It could be a qualified nurse, who in most instances would be in a position to diagnose what the problem is, if there is an emergency. At that stage if he/she is not in the position to deal with the matter completely on his/her own, can then call for back up. I think that this motion was put forward out of a genuine interest and concern for the welfare of these Islands and the travelling public as a whole. I certainly support this motion.

MADAM SPEAKER: The Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Madam Speaker.

In rising to support this motion, let me quickly set to rest any ideas that anyone on the Elected Government side may think that I am making pretensions to medical expertise, as I heard the Honourable Member for Health try to allude to my two colleagues. We on this side are quite content to leave him with that knowledge. What we are trying to get from him is action.

It is a straightforward common-sensical motion. The academic argument, or as my good colleague the Second Elected Member for Bodden Town mentioned earlier, the circumlocution that he just left us with, does not go anywhere in addressing this motion. He was quick to poke fun by saying that they have no problem accepting it because it calls for no action. That is typical of their attitude. If they do not know it, I will have to say it again: It is driving them to ruin.

Now, there can be no denial that this country is a popular destination. We have contact with points of the world where certain contagious diseases which do not now exist in the Cayman Islands, are still common: tuberculosis, yellow fever, typhoid, certain viral diseases which can be transmitted by mucus, etcetera. This is the kind of problem the motion is seeking to eliminate.

Just recently in the news there was concern about the outbreak of typhoid in Jamaica. In Peru recently, and still to my knowledge, there is a serious outbreak of cholera and all the neighbouring nations such as Ecuador were concerned and were restricting certain movements and contacts between the Peruvians and themselves, including restrictions on certain fruits and products from Peru.

I can recall as a youngster attending school in Jamaica in the 1960s, it was customary at that airport to have a nurse present. In some African countries, I am told, it is still a custom and it is mandatory and wise for travellers going to some of these countries to take certain precautions. But, if the travellers for whatever reason do not do that, they have nurses or medical personnel at the airport to guarantee this.

This motion is instituting something for our own protection. That is why it is so important, especially since the Member says it will not put the Government to any additional expense. Yet, he gets up and tries to belittle the movers of this motion who are only motivated out of genuine concern. We do not begrudge anyone their medical knowledge or any other knowledge.

All we are seeking to do is to protect our people and as the representatives that we are, we will continue to do that because when the die is cast, the Backbenchers will come out smelling like roses! If anyone doubts that, wait until the race is called. They can make fun now, but I will tell them that it will be at their expense.

I will close by saying that this is a sensible motion and we on this side expect that in their acceptance of this motion, the Government will do what the motion calls for.

Thank you very kindly.

MADAM SPEAKER: If no other Member wishes to debate the motion, I will ask the mover, the First Elected Member for West Bay, to wind up.

MR. W. McKEEVA BUSH: Madam Speaker, I do not know what to make of the motion. The Member said that he is glad to accept the motion because it will take no action. If the motion is passed, the motion says that we want to have personnel at Owen Roberts Airport "to carry out checks, especially on flights arriving from endemic diseased countries". That is what they would have to do if the motion is passed.

But, it will not surprise me if they do not do anything because we have passed motions here before and they have not done anything. With the pompous attitude of people like the Member for Health, what more can you expect? It should not be the job of Immigration Officers or Customs Officers to examine people. That is the job for health personnel and that is why I brought the motion. There are many complaints from civil servants about the situation.

When I bring a motion to this House I might not have all of the information regarding a particular subject, but I have done the background work on the motion which shows the need for the motion. What I am seeking to do is to have someone readily available and qualified to take remedial action. That is all that I am asking for. What is this big hullabaloo about qualifications; I can boast of none, except for being a Marriage Officer. The qualification that I have for that is 15 long years of a good married life. I do not begrudge the Member his qualifications, if he has any. I wanted to be a lawyer or a school teacher, but nobody

would change the Law for me to become qualified to be one of those. I understand that has been done for certain people.

When I bring a motion to this House, it is not that I know everything about the subject. Most times I try to gain information when the motion is being debated or I even bring a motion knowing that it will not be passed because of the spiteful pomposity of Members like the Member for Health but, knowing or hoping that I would get some information on a particular matter. This motion was only brought out of genuine concern for the situation that exists. The Member spoke at length about systems that are in place which have been place for a long time. It is not that Member that put those systems in place. They were there before he took up the position of Executive Council. But, he went on and on thumping his chest like he did it. What a joker!

I have done my duty. I have brought the motion and I think it is needed, as I said, I have had complaints. The thing that really gets me about that particular Member that answered on this subject, is that we bring a motion and he tells us that it is not good and that we do not know what we are doing, but yet you find him trying to put them in place under another name.

The other thing that they do is when we table a motion in the House, they take advantage of it. They run around with Government Information Services taking pictures as if they were doing something about it before the motion brought it to their attention. That was done the other day with the Dental Clinic. The motion had been in for weeks! We did not hear anything about it until the motion was put in and then we saw him on the front page of the paper. The ambulance was the same situation.

So, we on this side....

MADAM SPEAKER: Honourable Member, would you keep to the subject of the Private Member's Motion please?

MR. W. McKEEVA BUSH: Thank you, Madam Speaker, I will bow graciously to your ruling. I am only trying to reply to what the Member spoke of. I do not think that we on this side can be chastised for trying to do our duty to this country. Any motion I bring here is not out of frivolity, but is out of genuine concern. So, I do not have any professional knowledge or expertise on the health system, I carry good common sense. When we on this side are on that side, and they on that side are some place else, that is what I am going to run the health system with: Common sense.

What I have learned was not learned through or did not cost the country thousands of dollars in expensive consultants to tell me so. If that Member says that he does not need to do anything, knowing that we have flights arriving every week from Honduras where there is malaria and from Jamaica where there is typhoid, if that Member with all his professional expertise and knowledge says that there needs to be nothing done, then let him do what he wants to do. But, if he votes on this motion and passes it, he has to do what the motion says.

Thank you.

HON. D. EZZARD MILLER: Madam Speaker, on a matter of clarity, just to make sure that we are all voting on the same motion, I want to be sure that we are voting on Motion No. 5/91 - Medical Personnel - Owen Roberts International Airport of which the resolved section says:

> "BE IT THEREFORE RESOLVED THAT Government be asked to consider the feasibility of having personnel on call to carry out checks especially on flights arriving from endemic diseased countries if necessary.".

MADAM SPEAKER: I think that should be understood by all: "the feasibility of having personnel on call." So, I hope everybody understands what we are voting for.

MR. W. McKEEVA BUSH: Madam Speaker, I would crave your indulgence since you made him ask for clarification, I will say that was my intention, to have somebody there on call and not let the Immigration and Customs do it, as it is being done now.

MADAM SPEAKER: The question is, "Be it resolved that Government be asked to consider the feasibility of having personnel on CAL to carry out checks especially on flights arriving from endemic diseased countries if necessary." Those in favour please say aye, those against no. The Ayes have it.

PRIVATE MEMBER'S MOTION NO. 5/91 PASSED.

WITHDRAWAL OF PRIVATE MEMBERS' MOTIONS NOS. 6/91 AND 7/91

PRIVATE MEMBER'S MOTION NO. 6/91
MOTION TO SUSPEND STANDING ORDER 19

-AND-

PRIVATE MEMBER'S MOTION NO. 7/91
MOTION TO DEBATE THE GOVERNMENT MINUTE ON THE 1990 REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE AUDITOR GENERAL'S REPORT

ON THE ACCOUNTS OF THE CAYMAN ISLANDS GOVERNMENT
FOR THE YEAR ENDED 31ST DECEMBER, 1989

MR. ROY BODDEN: Madam Speaker, with your permission, I think in light of the debate yesterday on this motion, I would respectfully beg to withdraw these motions.
Thank you.

MADAM SPEAKER: The question is that Private Members' Motions Nos. 6/91 and 7/91 be withdrawn. Those in favour please say aye, those against no. The Ayes have it.

PRIVATE MEMBERS' MOTIONS NOS. 6/91 AND 7/91 WITHDRAWN.

MADAM SPEAKER: That concludes the business on the Order Paper for this meeting. I shall now ask the Honourable First Official Member to move a motion for Adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Madam Speaker, the understood date at this time for the next meeting is 10 June and I move the adjournment until 10:00 o'clock of that day.

MADAM SPEAKER: I drew to the Honourable Members' attention the fact that there is a Third Commonwealth Parliamentary Association Seminar to be held in Douglas, Isle of Man, from 8 to 16 June. There is a possibility that a Member will be selected to attend. I am prepared, if Members wish, to change the date from 10 June to another date which might be convenient. I have suggested 19 June. The Conference ends on Sunday 16 June and if the Member attending, whoever it is, wishes to stay on, it will be impossible to start on Monday 10 June. If Members feel that Wednesday 19 June is convenient.... Are there any objections?
I will ask the Honourable First Official Member if he would accordingly adjourn until 19 June.

HON. THOMAS C. JEFFERSON: Madam Speaker. I will be happy to move he adjournment of this honourable House until 19 June.

MADAM SPEAKER: The question is that this House do now adjourn until the 19th of June. Those in favour please say aye, those against no.

AYES.

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

AT 3:22 PM THE HOUSE STOOD ADJOURNED UNTIL 10:00 AM WEDNESDAY, 19TH JUNE 1991.