1990 SESSION

16 February — 11 December 1990

VOLUME 1 of 2

CAYMAN ISLANDS
LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

His Excellency the Governor
Mr. Alan J. Scott, CVO, CBE, President

GOVERNMENT MEMBERS

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

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

HON. JOHN 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 for Education, Environment, Recreation and Culture

HON. D. EZZARD MILLER
Elected Member Responsible for Health 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. FRANKLIN R. SMITH
Second 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

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* Resigned on 1st March, 1990

** Elected in By-election on 30 May 1990

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

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***Abbreviations**: 1r, 2r, 3r, first, second, third reading; **(A)**, Amendment; **(C),** Committee; **GM**, Government Motion; **PAC**, Public Accounts Committee; **PMM,** Private Member's Motion; **(R),** Report; **SO**, Standing Order.*

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FRIDAY
16TH FEBRUARY, 1990
10.06 AM

MR. PRESIDENT: We will ask the Reverend Talmage Ebanks to say prayers for us.

PRAYERS

THE 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 Members of Executive Council and Members of the Legislative Assembly that we may be enabled faithfully to perform the responsible duties of our high office.

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

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

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

MR. PRESIDENT: Pray be seated. The Clerk will now read the Proclamation.

PROCLAMATION NO. 2 OF 1990

CLERK: Proclamation No. 2 of 1990 by His Excellency, Allan James Scott, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

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

"NOW THEREFORE, by virtue of the power conferred on me by the aforesaid Order I, Allan 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 at the Legislative Assembly Building in George Town, Island of Grand Cayman, beginning at 10.00 a.m., on Friday, the 16th day of February, One Thousand Nine Hundred and Ninety.

"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 in the Thirty-Eighth year of the Reign of Her Majesty Queen Elizabeth II.

God Save the Queen.".

APOLOGIES

THE PRESIDENT: Would the Clerk please cause to be recorded the apology for absence by the Second Elected Member for the Sister Islands?

THE THRONE SPEECH
DELIVERED BY HIS EXCELLENCY THE
GOVERNOR MR. ALLAN JAMES SCOTT, CVO, CBE

Honourable Members of the Legislative Assembly: The Throne Speech this year will again concern itself primarily with the policies and programmes of the Government, looking forward rather than presenting a detailed retrospective of the preceding year. Departmental activities are fully covered in the Annual Report produced by the Government Information Services Department which attracts well-deserved tributes both within Cayman and from abroad.

The year 1990 opened with the affairs of the Islands in generally

satisfactory condition. The economy continued to be strong, with steady growth in the banking, insurance and companies industries. Although tourist arrivals by air fell from the record 1988 level to about the 1987 level, arrivals by cruise ship increased by 28%. There was a healthy budget surplus.

However, the continuing rapid growth in the economy increased anxiety in the community about the effects on the social fabric of the pace of development. The year 1990 and the immediately following years are likely to be a watershed in the continuing development of the Islands. An acceptable balance between continuing economic development and the accompanying prosperity, with Cayman being true to itself and its own sense of identity, must be found. Continuing economic development depend largely upon external investment and the tourist industry, and the continuance of these in turn depend upon stability and social equity. It is, of course, entirely a matter for Caymanians themselves to decide which direction to take, to decide what constraints, if any, should be placed upon development, and what their attitude should be to outside participation by way of investment and labour at all levels of skill.

The community has long been well served by voluntary associations, the Churches and many individuals. I am sure that Honourable Members will endorse my warm commendation of them all. I should like this year to add our thanks to those corporations and individuals who sponsor with their time and generosity, cultural and sporting activities. The cooperation of Government and all these groups and individuals is a marked feature of our society and I hope that it will long continue, notwithstanding the almost inevitable tendency for the Government to be called upon to do more and more, subject to available resources.

THE JUDICIARY

Civil litigation and criminal cases, together with the number of appeals to the Court of Appeal, have continued to grow. There is thus great pressure on court accommodation.

In 1990 the verbatim court reporting system which has just begun using the latest stenotype system will be extended.

I should like to pay a warm tribute to Mr. Gerald Collett who retired from the office of Chief Justice a few week ago, and welcome his successor, Sir Dennis Malone.

PUBLIC SERVICE COMMISSION

The Commission continues its important task of filling posts in the Civil Service with Caymanian candidates and ensuring that qualified Caymanians receive promotion as quickly as possible, while maintaining a satisfactory level of efficiency.

However, facts must be faced: The rapid growth of the private and public sectors in the last decade, and the relatively low birth rate among Caymanians means that (unless there is a recession and hence a significant reduction in demand in the labour force) some years must elapse before the proportion of Caymanians can increase significantly.

Public Service Commission regulations will be reviewed in an attempt to speed up some procedures, especially those of a disciplinary nature, but care will be taken that they remain fair and effective.

THE PORTFOLIO OF FINANCE AND DEVELOPMENT

As the burden grows on this portfolio in the care of the Financial Secretary, it becomes ever more important to clarify and streamline the planning and budgetary controls in the portfolio. The renamed Public Sector Investment Committee will vigorously pursue the development of the Government plans and programmes and policies and their linkage into the budget system.

National Development Planning Committee

The National Development Planning Committee has been constituted with a wide membership under the Chairmanship of the Financial Secretary. The Committee is fully conscious of the sensitive and vital task before it, and is committed to obtaining the broadest possible range of public opinion in formulating its proposals.

Agricultural and Industrial Development Board

The Board will in 1990 expand its activities in providing loan funds for Caymanians wishing to undertake training courses to upgrade their skills and qualify themselves for higher appointments. The Board will also increase its activities in the development of the agricultural sector.

Banking

The banking industry continues in good health, with a period of consolidation after years of rapid growth. This is timely and appropriate, and enables continuing attention to quality rather than quantity banking to be maintained.

In 1989 the Banks and Trust Companies Law came into effect, bringing together under one statue all that has been done by way of legislation and policy intent since the 1966

Banking Law. This has been widely welcomed by the banking industry both in Cayman and overseas.

Cayman will in 1990 host the 8th annual meeting of Caribbean banking supervisors, reflecting our status and participation in international cooperation among banking supervisors.

Currency Board

The currency Board will issue a five dollar silver crown size coin to mark the occasion of Her Majesty The Queen Mother's 90th birthday during the year. The currency notes will also be redesigned and upgraded to reflect the progress and aspirations of the Islands.

Customs Department

Against the background of another year of record revenue collection in 1989, the Department will continue preparations for computerising controls and records.

On the drugs front, the pursuit boat is now operational and two new specially trained dogs will improve the capacity of customs and drug interdiction.

Improved mutual assistance between Caribbean customs administrations is expected, following the signing of the Memorandum of Understanding last November in regard to drug interdiction and revenue fraud.

It is pleasing to note that the 13th Caribbean customs law enforcement conference will be held in Cayman in 1990.

Legislative Assembly

The Department which serves this Assembly can look forward to another busy year; among the other activities there will be a seminar on parliamentary procedures in April.

Marine Survey Department

Efforts will continue to promote the Register and to consolidate its new status. Most of the merchant ships on the Register have acquired the necessary certification, and survey work will continue on the remainder. Our interests abroad will be more effectively served as a member of the recently created "Red Ensign Group". This consists of the United Kingdom, Bermuda, Hong Kong, Gibraltar, the Isle of Man, and Cayman, forming the UK delegation to the International Maritime Organisation.

Registry of Companies

The Government will consider during the year whether the 1984 Companies Management Law requires updating; some amendments are already in hand.

Statistics

The work programme of the Statistics Office will be expanded steadily, providing the database to assist in the consideration of major policy issues. During 1990 work will be completed on their biggest task, the 1989 population census. A small scale survey of housing demand is proposed, and a major voluntary sample survey of household income and expenditure will begin.

The Treasury

Honourable Members will have noticed the improved format and wider publication of the Government accounts, together with the Accountant General's Report last year. The Government intends further to improve financial control and accountability by reorganisation in the Treasury Department, including an internal audit section under the control of the Accountant General.

Insurance Department

The estimated gross written premium of the 357 licenced captive insurance companies at the end of the year stood at $1.5 billion, making the Cayman Islands undisputedly the second largest captive domicile in the world. The primary role of the Department is supervision, but it did collect just under $2 million in licence fees last year.

It is difficult to make forecasts in regard to international insurance as it is a volatile and cyclical business, but there are signs that the US market, at least, should start to harden by the end of this year, and the demand for captives should increase. The Department stands ready to meet this demand.

In June 1990 amending legislation to the Motor Vehicles Insurance (Third Party Risk) Law of 1964, will be brought forward, in order to reflect changing economic, legal and insurance requirements in recent years.

THE PORTFOLIO OF LEGAL AFFAIRS

The work load of the Attorney General's Chambers continues to grow in all its divisions, and the necessary increases in staff have caused the Chambers to be divided with the Principal Crown Counsel and the Crown Counsel now accommodated in the First Home Tower.

A heavy schedule of work faces the legal drafting division, whose output is largely generated by this House. I am sure that Members will share my pleasure in observing that Miss Sheridan Brooks, a Caymanian officer, has been confirmed as Legal Draftsman.

The excellent results gained by students at the Law School continued in 1989. The school is developing other programmes to advance legal education in the Islands, and during 1990 a course leading to a diploma in Legal Studies will be introduced for students who do not need a full law qualification, but for whom some legal knowledge would be an asset in their employment.

THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

Royal Cayman Islands Police Force

The Annual Report of the Force details the record for 1989. The recent increase in establishment will help to maintain crime preventative measures and enhance patrolling and response capacity. Pressure will be maintained in particular on drugs dealers and users in 1990, with attention also being given to reducing the traffic accident rate and the incidence of theft and burglary.

I have invited the Overseas Police Advisor at the Foreign and Commonwealth Office to visit the Force later this year. His advice, based on extensive experience both in the United Kingdom and overseas, will be beneficial in the continuing development of the Cayman Force.

Prisons Department

The significant improvements of 1989 will be built upon, continuing the development of a balanced and positive regime. Improvements to perimeter security are planned for 1990 and work is expected to begin on extensions to the women's prison, the new administration and visitation block, and vehicle parking areas.

The education programme will be further expanded including extending vocational correspondence courses. Farming activities which expanded significantly in 1989, will be further expanded, if possible. The drug counselling groups which began in April 1989 are well established, and the development of individual counselling will be pursued during 1990.

Immigration

The Select Committee of this House to review the Caymanian Protection Law has begun its work and has been favoured with a substantial response both by individuals and organisations. It is hoped that this important committee will complete its work and make recommendations during 1990. Meanwhile, the department will continue to carry out its ever-increasing tasks, as even-handedly as possible, in the administration of what is inevitably, on occasion, contentious legislation.

I should like to particularly mention the contribution of the Caymanian Protection Board. Its heavy work load and the judgments of Solomon so often required of it are sometimes the subject of strong public criticism. Their task cannot be easy; they cannot possibly please all of their clients all of the time; and I am grateful to them for bearing the burden with such equanimity.

Broadcasting

Radio Cayman again covered its expenditure by revenue and looks forward to some further expansion of FM services, as well as the addition of a second floor to its present building to enhance studio and new facilities.

Government Information Services

I mentioned earlier the production of the excellent annual report by this Department. The Department will continue its efforts in campaigns on various subjects to improve public awareness, and to respond to the hundreds of enquiries for information both local and overseas.

The Civil Service

Honourable members are aware that during the latter part of 1989, a comprehensive Review of salaries and other benefits was undertaken. Copies of the report and Government's considered views upon it are already with Members. The costs of the recommendations will be very substantial, and during this meeting of the Hose appropriate revenue measures will be proposed in order to fund them. Without these measures, it will not be possible to implement the Review.

An efficient Civil Service is necessary to the continuing development of Cayman. Its size and the range of its tasks increase in response to demands for increasing present

services or introducing new ones. A period of rapid growth has, not surprisingly, led to a situation where a management review is timely; indeed, one of the pivotal recommendations of the 1990 review is the creation of a management services division. I mentioned last year that professional help in the organisation and methods field was needed; and the first member of the management services division arrived last week.

On the training side, it is hoped to continue the progress in the Association for Accounting Technicians programme by extending it to the intermediate and final examination levels; the public service management development programme in conjunction with the UNDP will continue, with the emphasis on activities within Departments. Efforts will be increased to identify and select for appropriate further training officers already in the service, on more formal career development basis.

Computer Services

Following an independent audit of Computer Services, recommendations are being taken forward to improve the quality of service and to develop a more comprehensive information plan. The Computer Steering Committee has been reorganised and now represents all portfolios. It goes without saying how important the computer and information function is in a modern Government.

Retirements

I have already mentioned the retirement of Chief Justice Gerald Collett. Mrs. Ena Allen, after seven years of dedicated and worthy service as Clerk of the Courts, also retired last year.

District Administration

It is expected that 1990 will be another good year economically for the Sister Islands, with the new terminal at Gerrard Smith International Airport fully operational, and with the facilities offered by the Tibbetts Square Development. Government continued the improvement of the roads on both islands. In the private sector, Club Tiara has completed its 12 time share units and brought them into operation. The Divi Tiara Resort is carrying out considerable renovation and new construction which will continue during 1990.

Plans are being finalised by a private company to provide bulk storage facility on the Brac for various types of fuel. Electricity is now available from the generation plant recently inaugurated on Little Cayman.

PORTFOLIO OF TOURISM AVIATION AND TRADE

Tourism

The year 1990 is expected to be a reasonably good year, with the Department of Tourism intensifying target marketing in North America, Europe and Japan to broaden and diversify the market base. Quality will continue to be of prime importance. The number and quality of cruise ships permitted to visit will be carefully monitored.

Legislation will be brought forward to enable the imposition of a moratorium on the construction of new hotels in specified locations.

Work on a ten year toruism development plan for the Islands has begun with the assistance of UNDP and the World Tourism Organisation, refecting the continuing partnership of the public and private sector in the tourist industry.

Civil Aviation

Although routine repairs were carried out on both international airport runways, it is expected that Owen Roberts will require complete resurfacing quite soon. The quality of service at our airports continues to be favourably remarked upon, and I congratulate all concerned in their management and operation.

In the year ended 30th June, 1989, Cayman Airways recorded its first bottom line profit since the Government acquired all the shares of the company, primarily as a result of Eastern Airlines' withdrawal from the Miami/Cayman route due to strike action. However, the latter part of the year brought less happy news. This was due to excessive competition from US carriers and thus over-capacity on our principal route. The recent 40% increase in the price of aviation jet fuel has also adversely affected operating costs.

The Government has made strong representations to the American authorities about the excessive number of American carriers, with the help of the United Kingdom Government, and will continue to do so. It is a reminder that Cayman, however prosperous, does not exist in a vacuum and that external factors can materilaly affect us.

Fire Services

During 1990 the training and retraining programme will continue to keep up to the present high standards of service and to staff the new station at Gerrard Smith Airport. A new

domestic fire unit will be established in Cayman Brac offering 24 hour service. Delivery of a new aerial turntable ladder truck is expected in May 1990. The Department will continue its extensive programme of fire prevention and protection and reviewing commercial applications for public buildings and all facilities offering services to the public.

Trade and Labour

The number of formal and confidential complaints made to the Labour Office totalled 140 last year. The department will continue to provide a valuable service in job placements and in resolving disputes on an informal basis.

Public Safety

There have been some complaints about the unsafe use of fireworks in public places. Government will accordingly consider means whereby the use of fireworks can be more effectively controlled.

THE PORTFOLIO OF EDUCATION, RECREATION AND CULTURE

Education

As Members know, a wide ranging review of the Government education sector is proceeding and will be completed during 1990. The overall purpose of the review is to examine how the present system is serving and can continue to serve the needs of the community, and to what extent changes may be required. Provision in the budget reflects the continuing commitment of the Government to the further education of young Caymanians and to give serving teachers the opportunity to upgrade their qualifications and to keep up-to-date in current developments in education. The importance of these programmes cannot be over-emphasised.

The family life education programmes in the schools are continuing to be developed, with the recent introduction of the Quest Programme for primary schools (funded by the Lions Club of Grand Cayman) being of particular note. This will complement the social education programme at the Middle School and the recently introduced family life education programme at Cayman Islands High School.

It is gratifying to note the cooperation of the voluntary organisation Cayman Against Substance Abuse (CASA) with the Department in training teachers and sixth form pupils at the High School in a "peer counselling" programme.

Preparations are being made for an alternative education programme for pupils with severe behaviour problems on extended suspension from schools by the Education Council.

The substantial involvement of schools in cultural development and awareness programmes such as the Marine Conservation Week, the playwriting competition, and Heritage Week, as well as the current National Childrens' Festival of the Arts, will continue. The staff of the department are fully committed to continue the improvement of services, and to extend contract and cooperation with parents and pupils. Great challenges are faced and much is expected of all involved.

The development of the Community College has been anxiously awaited and construction of the first phase of its new buildings is about to begin, with the expectation that the technology block will be completed this year, and the business/hotel studies and administration blocks next year. Programmes are being reviewed in advance of the physical facilities becoming available and the education consultancy terms of reference include the Community College. The College can function effectively only with the wholehearted commitment and involvement of the private sector and it is gratifying to note the ready cooperation of the Bankers' Association, the Society of Professional Accountants, the Chamber of Commerce and others.

Library Services

Children's registrations have increased greatly during 1989 and school visits will be continued to develop this interest. Following the opening of a public library on Cayman Brac last year, plans are being made to reopen the East End Library in 1990. The staff will complete an inventory of the George Town collection of books and continue the retrospective cataloging project.

Museum

The renovation and adaptation of the old Courts Building is well underway, and this historic building will reopen its doors as the Cayman Islands National Museum during 1990. An impressive series of exhibitions, activities and educational programmes are being prepared, and there will be a museum shop and refreshment facilities.

Archives and Government Records Centre

The building purchased for this purpose is being suitably altered and should become operational during the year. It will offer full records storage, including conservation facilities for

the Museum, and retrieval services for Government Departments and for professional and other access. The necessary legislation for the Museum and the Archives will be presented during this Session.

The Sports Office

Further improvement in sport and recreational facilities is expected in 1990 with continuing involvement in regional and other overseas competition. Lighting at the national sports complex and at the new field in West Bay will extend the use of these facilities considerably. Suitable equipment and facilities will also be provided in various districts during the year. Members will join me in noting the importance of adequate sports facilities to occupy leisure time in an increasing affluent society.

The Turtle Farm

The major objective of early 1990 will be to repair the damage caused the Nor'wester storm last December. New fibre glass tanks are required, and the slaughter plant will be relocated. It is hoped that the trend of increasing tourist visitors will continue and that income will increase with it. The breeding stock, fortunately, was preserved intact, and 1990 should see more hatchings of second generation Green Turtles.

The National Trust

Government looks forward to extending its cooperative relationship with the National Trust. In 1990 the Trust will initiate the Botanical Gardens to be situated on land off the Frank Sound Road, and commence renovation of the old Savannah School House. The Trust will continue to manage the land it already holds, including the Salinas National Wilderness Reserve.

Work on the Memory Bank, a joint project with the National Museum, and the research necessary for the development of a National Heritage Register will be carried forward.

The Trust is active in teaching our children about their heritage. Their junior newsletter in each issue focuses on a particular aspect of Caymanian heritage; and there are programmes and support materials to assist teachers.

The Trust will follow up its marine conservation video with a book of photographs on the wildlife of Grand Cayman and a historic walking tour of George Town.

The Cayman National Cultural Foundation

In 1990, the Foundation will conclude its ten month playwriting competition by presenting two original Caymanian plays at the Harquail Theatre. It will continue to offer instruction and financial help to residents interested in painting, music, dance and sculpture. The Foundation is encouraging wider use by other organisations of the 11 acre Harquail site on which the Theatre stands.

The Foundation is building an addition to the rehearsal theatre behind the main building. Scheduled to be completed in March, it will be available for the set building and rehearsal space and will allow the rehearsal theatre itself to be used as a small auditorium, seating up to 40 people.

The Foundation plans to present more Caribbean entertainment at the Harquail Theatre, featuring local performers.

PORTFOLIO OF HEALTH AND SOCIAL SERVICES

Health Services

The recommendations for the policy direction of health services over the next 15 years by the consultancy commissioned last year have been accepted. During 1990 ten interim projects (which were begun last September) will be carried forward. The management systems of the hospital will be improved. A new dental clinic is scheduled to be built during 1990 and 1991.

Possibilities will be explored for funding the construction of the proposed new hospital. In conjunction with this, the portfolio has begun to investigate the feasibility of national health insurance and how it might be set up.

The measles immunisation programme will be intensified in keeping with PAHO/WHO objectives to eliminate measles in the Americas by 1995. A health educator under the Medium Term AIDS Plan is expected to take up duty shortly. This will strengthen AIDS education as well as general public health education.

Environmental Health

Drafting instructions have been completed for food hygiene regulations. Terms of reference for a consultancy on solid waste management are ready and the study will proceed this year. The Public Health Law will be reviewed in order to improve enforcement capacity in regard to littering and illegal dumping. Amendments to the law to enable regulations to be made for the definition and disposal of infectious waste will be presented to the House during this meeting.

Misuse of Drugs

The implementation of the national plan for the prevention and treatment of drug abuse will continue, with emphasis on the development of the Cayman Counselling Centre, and of after care programmes. Preparations to establish a 'drop in' centre are in hand and it is hoped that this will be functioning before the end of the year.

Social Services

The Department is being reorganised to provide better services in a more coordinated way for the community. The main thrust of the Department in the 1990s will be community development issues and it is hoped as a first step to establish family and community resource centres in the districts.

The long process of revising the Juveniles Law is nearing finality and drafting. It is hoped it will soon begin. The implementation of the recommendations in the review of the Caring Homes will be carried out. The Department will examine ways of establishing a small residential treatment centre.

Cayman Islands Pension Plan

Drafting legislation to establish a national plan is about to be published for public consideration and input. A series of public meetings is also planned. Maximum public input is highly desirable on this far-reaching set of proposals.

Housing Development Corporation

The second debenture offering has passed the US $2 million mark and the Corporation will put into effect certain changes in its operating guidelines to extend the availability of loans to the low-to-middle income market. New strategies are to be developed by the Corporation to enlarge its role, including a possible joint venture with the Department of Social Services to provide temporary shelter for the indigent.

PORTFOLIO OF COMMUNICATIONS, WORKS AND NATURAL RESOURCES

Communications

A contract has been signed with Motorola to provide a modern efficient telecommunications system across all relevant departments. This should be operational before the hurricane season. Although all departments will be individually grouped in the new system, they can in emergency be networked on the same frequency.

Postal Department

A site has been identified for the new General Post Office building which would include additional office accommodation for other Government departments. The British Postal Consultancy Service has been commissioned to review their 1982 report, after which designs can be prepared and tenders invited. If all goes according to plan, work should commence around the end of 1990.

Some sub-post offices will be improved during the year. Five commemorative stamp issues are planned including the regular Christmas issue.

Public Works Department

The Department has begun a review of the maintenance of public facilities and roads to provide examples of the quality of maintenance recommended and its cost. This will be of great help in budget forecasting.

It is existing policy to direct major project work to the private sector. It is intended that certain maintenance service and road construction work should also go to the private sector. The Government remains committed to an appropriate forward looking transportation development plan, and, notwithstanding the denial of funds to proceed with the MGTP, the Department will continue to work towards finding solutions to the increasingly severe traffic congestion in Grand Cayman.

Port Authority

The year 1990 will see the completion of the longshoremen facilities and offices for remaining staff in the new Port Authority Building. The cargo distribution terminal in the Airport Industrial Park will be completed and begin operation during the year. This will provide the port with sufficient storage area for the rest of this century and should have a beneficial effect on water front traffic.

At the tourist landing the pavilion is to be roofed and restrooms and an information booth will be included in the structure.

Central Funding Scheme

The year 1990 should see the re-organisation of this department with the possible including of responsibility for vehicle licensing and inspection. Improved service and economy will be the aim of any changes.

Water Authority

The Authority became independent in statutory terms on 1st January, 1990, with its own accounting system and the ability to meet its operational costs and loan costs (including those from Government) and to cover depreciation.

The original plan to service the centre of George Town with piped water has expanded considerably to the whole of George Town and east to Spotts and Newlands. The latest extension should be completed by April. The additional desalination plant recently commissioned has brought the total rated capacity up to 879,000 gallons per day. Central Desalination Limited has installed an oil fired steam boiler to provide additional steam to their plant when they have insufficient waste heat. The smaller plant which was provided late last year as a temporary measure will not now be needed, and it is hoped that it can be relocated in Cayman Brac when suitable funding and physical arrangements can be agreed with the Government.

Construction for a piped supply for West Bay should begin in 1990 when negotiations with the Cayman Water Company have been completed. The company has recently expanded its water production capacity to 1,285,000 gallons per day.

The above average rainfall of 1989 significantly recharged the lenses at Lower Valley and East End; both are in good condition with water quality well within World Health Organisation standards.

Sewerage

Connections to the West Bay sewerage system will continue during 1990. The provision of piped sewerage for the centre of George Town and North Church Street will be investigated.

Planning Department

The pressure of work on the Department continues to increase, as reflected by another record year of approved applications by the Central Planning Authority in 1989, in fact, an increase of 11% in dollar terms over 1988. The Building Code is still under review, and it is hoped that this work will be completed during the year. The Department will continue to work with the Street Naming and Numbering Committee to identify and implement a suitable system.

The Department is deeply involved with the National Development Committee in the effort to draft more suitable development guidelines within a coherent philosophy. Work is also being done on the Development and Planning Law regulations in order to update them and make them more responsive to the needs of the Islands.

Lands and Survey Department

This Department also reflected the continuing economic growth of the Islands with a record year in fees and stamp duty revenue collection. Proposals for a computerised geographic land information system have been completed and funds will be sought for its introduction at a later stage.

Agriculture

During 1990 the Five Year Agricultural Development Plan will be completed as a foundation for the further planning development of the sector. The 1990 Budget reflects the Government's commitment to this sector. With the Agricultural Society the Department will continue to work towards creating an agricultural complex in Lower Valley to include the pavilion and show grounds and other necessary facilities.

Natural Resources

A shortage of marl continues to hamper developers, particularly for large projects in low lying areas. A moratorium was some time ago placed on terrestrial marl mining because of damage to large tracts of developable land by indiscriminate mining. Funds will be sought from Finance Committee for an extensive consultancy on the extraction of marl from the sea bed so that the most sensible use can be made of this important natural resource, balancing the need of its for development and its environmental significance.

There is great concern about the marine environment, although much has been done to protect it in recent years. The Natural Resources Laboratory will continue to collection of valuable data on fish species and coral cover, and the maintenance of marine park moorings. Efforts to involve and interest the public will continue, such as the Marine Conservation Week introduced last year.

It is proposed to introduce legislation in 1990 to regulate the Watersports industry, taking into account licensing of boats, licensing of commercial boat operators, safety and a revision of the Sea Code.

Mosquito Research and Control Unit

During 1990 conventional insecticide use will be reduced as much possible and solid pelletised materials will be increasingly used. They have proved elsewhere, as well as here, to be effective, safer, and more environmentally acceptable. Some new equipment has been acquired to carry out this work. Except, perhaps, in the Cayman Kai area, new canal dykes and systems are not planned because the present systems inhibit large scale breeding satisfactorily. Maintenance and where necessary upgrading will of course continue.

Radar Station

Last year I mentioned the proposal from the United States Government to install a radar station in Cayman as one of its chain of such radar stations in the Caribbean. These provide radar surveillance of drug traffickers trying to carry their dreadful cargo by air into the United States. The proposal has been carefully examined and Government has now agreed with the United States Government and the United Kingdom Government that a radar station should be installed on a site close to the Owen Roberts Airport. The installation will collect and disseminate radar data to countries participating in the Caribbean Basin Radar Network, for identifying, tracking and interdiction of the shipment of illegal drugs; for airspace management, for the improvement of flight safety; for assistance in regional search and rescue operations; and for the collection of weather data. A special additional feature which will be included at no cost to this Government is a long range radar capable of detecting and tracking significant weather phenomena such as hurricanes.

The air surveillance function is specifically non-military and non-aggressive. The site will be owned, controlled and operated by the Government of the Cayman Islands. The installation will be carried out at minimal cost to this Government, indeed at virtually no cost. The operating costs will be borne in full by the United States authorities.

The US authorities have extended an invitation to Members of this Assembly to visit the Coast Guard and Customs Joint Intelligence Center in Miami where the input from the several radar stations in the Caribbean Basin Radar Network is received and processed.

Government welcomes this opportunity to reaffirm its commitment to the pursuit of drug traffickers in cooperation with the United States Government and is gratified that additional useful features will accrue to the Cayman Islands from the installation.

Misuse of Drugs

At various points in this speech I have referred to activities in regard to the interdiction of drugs, the punishment of offenders, and the education, prevention and rehabilitation programmes of Government. It may be helpful to draw these together.

Although there are indications that the problems of drug misuse are at least not expanding in Cayman, and may indeed by decreasing, we cannot afford to relent in any of the several programmes of Government. Most important is the commitment and involvement of the community at all levels, and all ages must be retained and enhanced.

The responsibility for drug interdiction rests jointly with the Royal Cayman Islands Police Force, the Customs Department and, to a lesser extent, the Immigration Department. Specifically, the Customs Department is responsible for preventing the importation of illegal substances, while the Police are responsible for investigating, detecting and prosecuting persons involved in these illegal activities. The prosecution of major cases is conducted by the Legal Department.

All over the world satisfactory intelligence is recognised as the basis for effective operation against drug dealers. Intelligence gathering is in the hands of the Police, the Customs and the Immigration Departments. Their cooperation and coordination is, I consider, effective - but they are always looking for methods to improve them. I should mention at this point how seriously Government takes the risk of corruption among enforcement agencies. There is, for example, random urine testing in all agencies, and any lapses are severely dealt with.

The resources available to our agencies have been increased considerably in recognition of the problem. For example, the Police Drug Squad has increased from six to 13 posts in five years, including the capacity for intelligence coordination and an officer responsible for investigating the movement of drug profits.

The Customs Interdiction Task Force now consists of eight officers, with a marine enforcement section of six officers. They have a high speed pursuit launch donated by the US Customs Service. Recently obtained specially trained dogs are used by the police and customs department, and have proved themselves effective in action, and of course, as a deterrent.

Cooperation with other police forces through Interpol, and with the United States authorities, particularly the Drug Enforcement Agency, the US Customs Service and the US Coast Guard Service, is very effective at operational and at policy level. The recent ratification of the Mutual Legal Assistance Treaty has finally put in place the mechanism for information to be properly and legally obtained by the US authorities in the pursuit of drug traffickers and their profits. Our own Misuse of Drugs Law was recently

amended to enable the initial restraint and confiscation on conviction of the assets of drug traffickers. The offences of money laundering and assisting in it have been embodied in our legislation.

So much for the interdiction and enforcement side. Equally important is the treatment and prevention side, which is the responsibility of the Member for Health and Social Services. The Honourable Member presented to this Assembly the Government's National Drug Plan in September 1989, and set out the Government's policies and intentions fully, clearly and emphatically. However, this campaign cannot succeed without the full involvement of the community, in the framework of committee and association activity such as the Advisory Council on the Misuse of Drugs and Cayman Against Substance Abuse, and by individuals. Intelligence comes from individuals more than from groups. Unless individuals are prepared to report what they observe or what they reasonably suspect, the authorities will inevitably be handicapped in their work. The community has recognised the problem and accepted its magnitude. I hope that individuals will increasingly accept their personal responsibility to speak up, if necessary on a confidential basis, to relevant agencies. This is one area where we cannot afford to "pass by on the other side", and say nothing.

DISTRIBUTION OF SUBJECTS IN PORTFOLIOS

When the portfolios were assigned after the November 1988 elections, the portfolio of Communications, Works and Natural Resources contained a wide range of subjects, and it was understood that some changes might later be necessary. Government recognises the growing concern of the community in regard to the protection and preservation of our natural heritage. Accordingly, in order to focus the responsibility for the environment more effectively in the portfolio of Education, Recreation and Culture, the following subjects will soon be move to it, with associated departments, boards and committees, from the portfolio of Communications, Works and Natural Resources: dredging; fisheries; forestry; game and bird sanctuaries; minerals, mining, petroleum and gas; mosquito research and control; oil transfer operations; petrol and oil supplies and storage; pollution control; watersports industry; zoos and aquaria.

Government is about to consider a report by Dr. Martin Brunt upon the environment, including the possible creation of a Department of Environment, coordinating various existing agencies and assuming any necessary new responsibilities. The portfolios will accordingly be retitled: Education, Environment, Recreation and Culture; and Communications, Works and Agriculture.

THE CONSTITUTION

The present Constitution was introduced in 1972 after Lord Oxford and Asquith was invited to visit the Islands, and conducted extensive enquiries. His report was studied by the Assembly and the 1972 Constitution evolved. It introduced significant changes compared with the 1962 Constitution.

The 1972 Constitution has served the Islands well in their extraordinary progress from an undeveloped country to the present stage of economic and social advancement. It was carefully constructed and appears to have reflected well the desires of the people at that time. However, time has moved along and even if these Islands were once fondly referred to as "the Islands that time forgot", they certainly are not in that category now.

All human institutions and organisations need to be examined from time to time to ensure that they continue to serve the purpose for which they were constructed and, if necessary, to consider their adaptation to fit changing times and needs. Such periodic examination or review should not, of course, pre-judge or pre-determine what, if any, changes may be needed. It may now be worth considering whether the time has come to request the United Kingdom Government to appoint a suitable person to conduct a review of the Constitution of the Cayman Islands, taking wide soundings among the community, and to report on what he finds for the consideration of the community and of this Assembly, as on the last occasion.

It is emphasised that in raising for consideration the possibility of such a review, I convey no personal view, nor any opinion of the United Kingdom Government, as to any possible need for change. These remain as matters for the people of these Islands to consider and decide upon.

Honourable Members, this concludes the Throne Speech for 1990. 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. THOMAS C. JEFFERSON: BE IT RESOLVED that the Honourable Legislative Assembly record its grateful thanks to His Excellency the Governor for the address delivered at this meeting.

AND BE IT FURTHER RESOLVED that debate on the address delivered by His Excellency be deferred until Wednesday, 21st February, 1990.

THE PRESIDENT: The Motion before the House is; BE IT RESOLVED that debate on the address delivered by His Excellency be deferred until Wednesday, 21st February, 1990. Those in favour, please say Aye... Those against, No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED. DEBATE ON THE ADDRESS DELIVERED BY HIS EXCELLENCY BE DEFERRED UNTIL WEDNESDAY, 21ST FEBRUARY, 1990.

HIS EXCELLENCY DEPARTED THE CHAMBER

THE HONOURABLE FIRST OFFICIAL MEMBER TOOK THE PRESIDENT'S CHAIR

THE ACTING PRESIDENT: The business of this Meeting being completed, I ask the Honourable Second Official Member to move the adjournment.

ADJOURNMENT

HON. RICHARD GROUND: I move the adjournment of this Honourable House until 10 o'clock Monday morning, the 19th of February, 1990.

THE ACTING PRESIDENT: The question is that this Honourable House do adjourn until 10 o'clock Monday morning, the 19th of February, 1990.

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

AYES.

THE ACTING PRESIDENT: The Ayes have it. The House stands adjourned accordingly.

AT 11:15 A.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 19TH FEBRUARY, 1990.

MONDAY
19TH FEBRUARY 1990
10:03 A.M.

MR. PRESIDENT: Prayer by the Honourable First Official Member.

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, 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 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 His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: The Legislative Assembly is in session.

Papers, the Honourable Member for Communication and Works.

PRESENTATION OF PAPERS AND OF REPORTS

THE DRAFT DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1990

HON. LINFORD A. PIERSON: Mr. President, in accordance with Standing Order 18 and the provisions of section 35(3) of the Development and Planning Law (Revised), I beg to lay on the Table of this Honourable House a draft of the Development and Planning (Amendment) Regulations, 1990. These will be the subject of Government Motion 1/90.

MR. PRESIDENT: So ordered.

Questions. The Second Elected Member for Bodden Town.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 1: Can the Honourable Member say if any cruise ships issue maps or any other such details which advise their passengers which shops to patronise or which not to patronise while in the Cayman Islands?

ANSWER: As a convenience to their passengers the majority of cruise ships visiting the Cayman Islands recommend certain shops for their passengers to use. Not all ships recommend the same stores. The ships produce their own flyers including maps indicating location of "preferred stores". They do not list names of "non-preferred" stores.

SUPPLEMENTARY

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.

Can the Honourable Member say if there has been any representation to his Portfolio concerning discrimination on the part of some of these shop owners by cruise ship passengers?

HON. W. NORMAN BODDEN: Mr. President, there have been some formal representations

made to the Portfolio. We held discussions with the Chamber of Commerce and I think there was representation from one jewelry shop [owner] in that regard. We wrote to the cruise ship operators in connection with this and there have been few developments recently to try to correct or combat, to some extent, that situation.

Through the efforts Mrs. Elita Soto of the private sector, a discount coupon book was produced which was supported financially by the Department of Tourism and co-ordinated with the Chamber of Commerce. That book offers discounts from about 30 or 35 stores. It is distributed by the Department of Tourism at the cruise ship landing and this gives preferential treatment to many of our local businesses, some of whom might not be recommended by the cruise director. Additionally, we have informed the Chamber of Commerce that we would like them to publish a notice which could be installed at the new office at the cruise ship landing saying that they stand behind the products and services offered by all Chamber of Commerce members.

MR. PRESIDENT: No further supplementaries? We will take the second question please, 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 NATURAL RESOURCES

NO. 2: Can the Honourable Member say what attempts have been made to recruit qualified Caymanians to work at the Water Authority?

Answer: The Board of the Water Authority is very conscious of its obligation and the need to ensure that wherever possible it employs Caymanians. It utilises the services of the Public Service Commission to locate suitable candidates for any positions that from time to time become vacant.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.

Can the Member say if the efforts to recruit these Caymanians entails advertising through the local media or just internally within the Government service?

HON. LINFORD A. PIERSON: Mr. President, the efforts entail both, through the local media and internal promotions.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say what are the number of Caymanian and non-Caymanian staff at the Water Authority?

HON. LINFORD A. PIERSON: Mr. President, the Water Authority has a compliment of 24 established posts. Of these, six are held by expatriates of which four have Caymanian connections.

MR. PRESIDENT: We move to the next Question No. 3, 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 NATURAL RESOURCES

NO. 3: Would the Honourable Member say if Petro Servicios has presented a schedule to the Government with regard to restoring roads to their original standard after laying the water lines?

ANSWER: Yes, under the contract, the contractor Petro Servicios Ltd. is required to temporarily reinstate the road surfaces immediately following the backfilling of the trenches being completed. This temporary reinstatement consists of tar, spray and chip. The contractor is also required to maintain this temporary surface reinstatement until the permanent reinstatement is carried out. The permanent reinstatement cannot be carried out until at least a period of three months has passed from the date of completion of the temporary reinstatement.

The Water Authority has attempted to locate the pipes off the road as much as possible, thereby reducing the amount of damage to the roads. In fact, the present extension to Spotts has the majority of the pipes off the road. It is anticipated that the contractor will have finished installing the pipes by the end of April 1990. The reinstatement of all roads should be finished by the end of June 1990.

SUPPLEMENTARIES

MR. PRESIDENT: Supplementaries, the Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, can the Member say whether Petro Servicios does, in fact, put the permanent repairs down immediately after the three months have expired or have there been much longer periods of time?

HON. LINFORD A. PIERSON: Mr. President, the answer is that there have been later periods of time than the three months, following the temporary reinstatement before the permanent reinstatement is carried out, but this is mainly to allow the contractor to be able to install as many pipes as possible without having to go and rip the road up again.

MR. PRESIDENT: The Third Elected Member for George Town

MR. TRUMAN M. BODDEN: Mr. President, can the Member say whether the road that is being repaired cannot be rolled or compacted in some other way. Rather than leaving this period of three months or more and having people's cars compacting it over a period of time?

HON. LINFORD A. PIERSON: Mr. President, it is really not the intention of the Government or the Water Authority or Petroservicios to use the cars to compact the trenches. This is being done now, but as mentioned, this sometimes takes longer than the three months due to the Petroservicios trying to meet the demand of as many customers as possible.

MR. PRESIDENT: The First Elected Member for Bodden Town

MR. ROY BODDEN: Thank you, Mr. President.
Can the Honourable Member say if there are any prearranged standards which the repairs must be brought up to and if so, which Department or Government body is responsible for inspection and insuring these standards have been met?

HON. LINFORD A. PIERSON: The answer to the first part of the question is yes. There are prearranged standards within the contract with Petroservicios. The answer to the second part of the question is, the Department responsible for inspection is the Public Works Department.

MR. PRESIDENT: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Mr. President.
Would the Member say if any roads have been repaired to a permanent state and, if so, where are these roads?

HON. LINFORD A. PIERSON: Mr. President, the answer is that there have been a number of roads that have been repaired to permanent status, but we would be unable at this time to give all the details because there are so many roads. I would be very happy to supply this information to the Member in writing.

MR. PRESIDENT: If there are no more supplementaries? Question No. 4 please, the First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER FOR HEALTH AND SOCIAL SERVICES

NO. 4: Would the Honourable Member give the number of births to teenage mothers since 1984 to date, and give the reports of total number of teenage pregnancies to date?

ANSWER: Births to teenage mothers (19 years and under) in the Cayman Islands are as follows:-

1984	71
1985	55
1986	62
1987	57
1988	69
1989	74
1990 (up to 14th Feb 1990)	9

Total births to teenaged mothers at the George Town Hospital since 1984 = 397.

Total pregnant teenagers registered with the Government Antenatal Clinic at present, as of 14 February 1990, are 30.

SUPPLEMENTARIES

MR. W. McKEEVA BUSH: Mr. President, I know that the question says teenage and that would indicate anyone under 20, however, what I am trying to elicit is births to mothers between the ages of 12 and 16 or 17 years. I wonder if the Member can give that kind of information?

HON. D. EZZARD MILLER: Yes, Mr. President, I do not have any for the age of 12 years, I would have to check and see if there were any.

13 years	1
14 years	1
15 years	1
16 years	6

from a total of 438.

MR. PRESIDENT: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Mr. President. Would the Member say if any of these young mothers are school children?

HON. D. EZZARD MILLER: Mr. President, I think the school leaving age is defined as 16, so therefore at least three of these would have been mothers in school.

MR. PRESIDENT: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Can he say whether these six pregnancies of the age 16 group are out of school, graduated or still in school.

HON. D. EZZARD MILLER: No Sir, I do not have that information but I would undertake to provide it in writing.

MR. PRESIDENT: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON: Thank you, Mr. President. I wonder if the Member has the breakdown for information on the single mothers and married mothers, because I know a lot of the teenagers are also married.

HON. D. EZZARD MILLER: No, Mr. President, I do not have that information either, but I would undertake to provide it in writing.

MR. PRESIDENT: Shall we go to the fifth question please. The First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER FOR HEALTH AND SOCIAL SERVICES

NO. 5: Can the Honourable Member say how many reports have been received by the Social Services Department since January 1984 to date, of child abuse and neglect and what investigations have been carried out, if any?

ANSWER: The Department of Social Services states that prior to 1987, reports or intakes were not broken down by categories. Therefore, no figures are available for 1984 through 1986. However, since 1987, the Department's figures show that 222 reports of child abuse and/or neglect were received and investigated and relevant action taken. They are unable to say how many of these upon investigation were found to be true.

On Cayman Brac, from 1985 to date, there have been reports of ten children being abused and 15 children being neglected as follows;

1984	-	Figures are unavailable	
1985	-	3 abuse	2 neglect
1986	-	0 abuse	4 neglect
1987	-	2 abuse	0 neglect
1988	-	1 abuse	4 neglect
1989	-	1 abuse	3 neglect
1990	-	3 abuse	2 neglect (as of 16th Feb 1990)

All were investigated and relevant action was taken.

For further information on Cayman Brac:

1985	-	3 abuse	-	all yes
		2 neglect-		1 yes, 1 no
1986	-	4 neglect-		3 yes, 1 no
1987	-	2 abuse	-	1 yes, 1 no
1988	-	1 abuse	-	yes
		4 neglect-		3 yes, 1 no
1989	-	1 abuse	-	yes
		3 neglect-		yes
1990	-	3 abuse	-	2 yes, 1 pending
		2 neglect-		yes

'Yes' means that the social worker found abuse or neglect to exist and relevant action was taken which did not necessarily lead to prosecution.

SUPPLEMENTARIES

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say what number of the 222 were divided into abuse and what were neglect?

HON. D. EZZARD MILLER: Mr. President, unfortunately the records maintained by the Social Services Department in Grand Cayman does not allow that information to be forthcoming.

MR. TRUMAN M. BODDEN: Would the Member have any indication from the Department, of an estimate of one-third or two-thirds, one way or the other?

HON. D. EZZARD MILLER: Mr. President, they seem to be unable to give any information. The Portfolio even tried to get some of this information from Court records, but because we did not have the name of the individual we could not get that information. However in the Throne Speech it was made clear that the Department is being reorganised.

MR. PRESIDENT: The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President.
If I understand correctly, the Member is saying that the records of the Department are such that he cannot extrapolate information from them in the various categories as given for Cayman Brac. What I would like to know is, if the Member has taken any action to cause this type of statistical information to be gathered? It seems important from the point of view of the Department.

HON. D. EZZARD MILLER: Mr. President, the Member is correct in saying that. I am told by the Director of Social Services that the way the records are maintained in the Cayman Islands this information cannot be obtained. We have taking actions so that it can be obtainable in cases from now on, including the recruitment of a Statistical Officer for the Department to improve the whole method by which statistics are kept for exactly this purpose.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say whether the Department has the necessary staff to deal with this area of abuse and neglect to children?

HON. D. EZZARD MILLER: Mr. President, I think it is fair to say that the Department has sufficient staff in terms of social workers and other technically trained people to treat and deal with the cases. It is just the way the records are presently maintained that it does not lend itself to this kind of extrapolation.

MR. PRESIDENT: Question No. 6. The First Elected Member for West Bay.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER FOR HEALTH AND SOCIAL SERVICES

NO. 6: Can the Honourable Member say how many children are in approved schools overseas, giving reasons for committals for the last four years to date and ages?

ANSWER: There are presently ten children in approved schools overseas with ages and reasons for committals as follows:

13 year old girl	beyond control

14 year old girl	beyond control
15 year old girl	possession of cocaine
13 year old boy	breach of fit person order
14 year old boy	theft & criminal trespass
15 year old boy	breach of probation
15 year old boy	breach of probation
15 year old boy	2 charges of wounding plus disorderly conduct
15 year old boy	8 serious traffic offences
16 year old boy	consumption of ganja

Over the past four years, the Juvenile Court has ordered 14 other children to approved schools overseas for the following reasons:

14 year old girl	care and protection (subsequently returned)
12 year old boy	burglary
12 year old boy	beyond control
13 year old boy	theft & aggravated assault
14 year old boy	disorderly conduct, failing to give name and address and resisting arrest
14 year old boy	burglary
14 year old boy	beyond control
14 year old boy	handling stolen property and possession of an unlicensed firearm
15 year old boy	wounding
15 year old boy	supplying of controlled drugs
15 year old boy	theft
16 year old boy	burglary
16 year old boy	burglary
16 year old boy	theft

SUPPLEMENTARIES

MR. PRESIDENT: The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President.
Could the Member confirm that there are no facilities in Cayman for dealing with the type of problem that has been put forward here in the answer for delinquent children?

HON. D. EZZARD MILLER: Mr. President, currently there is no facility locally to do that. The Department is investigating the possibility of doing it on a small scale through rented houses with individualised programmes. In fact, the Education Department has just set up a Committee to deal with some of the children who are chronically expelled from school. This would be extended through specialised programmes, including schooling, continued education in a rented house with very specialised programmes in the very near future.

MR. PRESIDENT: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, there have been Motions seeking commitments from the Government and the Government giving indications of their commitment for a remand home. Can the Member say what is now the Government's policy is now in the Government on this matter?

HON. D. EZZARD MILLER: Mr. President, the policy of the Government is, that we do not believe that an institutionalised remand home to cope with these large scale variances is the answer. We believe that small localised, specialised treatment is much better then a large institutionalised remand centre.

MR. W. McKEEVA BUSH: Is the Member saying then, Mr. President, that the Government does not intend to build this remand home?

HON. D. EZZARD MILLER: Mr. President, not at the present time.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.
Is the Member aware that it is a contravention of the United Nations Charter of Human Rights and the European Convention of Human Rights to transfer such children abroad to serve time in foreign approved schools?

HON. D. EZZARD MILLER: Mr. President that is why we are working so diligently on getting the specialised programmes put in place as soon as possible. I might add that I think the biggest problem right now is that the present Juvenile Law, which we operate under mandates that the children be sent to Jamaica to an

approved school. I could add that last Friday, the Portfolio finalised drafting instructions for a new Juvenile Law which will address the treatment of this on the local scene, but presently we are bound by the Law. The Justices who operate the Juvenile Court are forced to send the children to Jamaica to these delinquent schools.

MR. PRESIDENT: The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Mr. President, the Member has said that his policy is not to favour remand schools and that there should be an alternative. I would like to ask if it is not the case that the children are now in such centres in Jamaica and what are the conditions that are obtained there?

HON. D. EZZARD MILLER: Mr. President, I personally have not visited the remand centres in Jamaica. I have been told that they are not in the best of shape. Certainly, I think I could say that the kind of results we have been getting from children who have spent time in these kinds of large institutionalised centres in Jamaica have not been the best and that is why we are looking at more specialised and direct care in order to try to get better results and return the children as productive members of society.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say when he expects to get the programme into effect?

HON. D. EZZARD MILLER: Mr. President, it is the hope of the Portfolio to have one such programme in place by July or August, so that when those children come for summer vacation we will not have to send them back.

MR. PRESIDENT: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, the Member said that he intends to have one such programme. How many children is he expecting this one programme to deal with - all or on an individual basis, as he has been saying?

HON. D. EZZARD MILLER: Mr. President, if you look at the kind of offences for which the children were sent to school, you will find that most of them are for disorderly conduct, breach of fit person, theft, criminal types of things. We do not at this time, appear to have serious psychotic cases, so the first programme will be designed to deal with these ten children.

MR. W. McKEEVA BUSH: Mr. President, can the Member say how many homes he has ready to take these ten children?

HON. D. EZZARD MILLER: Mr. President, we do not have any ready because we are still working on the programme and when the programme is complete, then we will find a house to put the programme in.

MR. GILBERT A. McLEAN: Mr. President, would the Member say if anyone from the Cayman Islands Government has gone to inspect these schools in Jamaica to know what conditions our children are living in?

HON. D. EZZARD MILLER: Mr. President, no one has gone to my knowledge during my administration in the Portfolio. But I believe a team had visited in either 1987 or 1988 and their report was not glowing, as I recall.

MR. PRESIDENT: I think we seem to have covered that question pretty well. Question No. 7. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 7: Can the Honourable Member say whether all aircraft and boats coming to these Islands are fully monitored for drugs?

ANSWER: Mr. President, in accordance with the provisions of Standing Orders 23(5), I beg leave of the House to defer answering question No. 7 and question No. 8 on today's Order Paper, please.

MR. PRESIDENT: I imagine that it is a question of getting the information together. In that case we will go to Question No. 9 please, 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. 9: Can the Honourable Member state what are Government's plans to upgrade and to create new tourist attractions within the Islands?

ANSWER: The majority of locations known as "tourist attractions" are privately owned and consequently Government is not in a position to maintain and upgrade some of these attractions as may be necessary. Nevertheless, there is a programme in place in the Department of Tourism whereby inspections of various attractions are conducted and reports submitted to the appropriate authorities for action, as considered necessary. The Department of Tourism has also employed a caretaker for one of our main attractions.

The Portfolio and the Department of Tourism are continuing to work closely with the National Trust in the development of tourist attractions, such as the proposed Botanical Gardens in Frank Sound and the production of a "Walking Tour Brochure" to points of interest in the George Town area. Similar tours are being considered for other districts. The National Museum is nearing completion and is expected to be another major attraction.

In an effort to create other new attractions, a request was made in 1989 to the Portfolio concerned, to make provision for the purchase of Pedro Castle, a larger portion of the property at "Hell" and the site of the old gas station on Crewe Road. The 1990 Budget contains some provisions so that steps can be taken in this direction; but admittedly, progress is slow simply because Government has not been able to allocate a large amount of funds for these projects.

The Portfolio's efforts to improve upgrading and to develop new attractions are continuing.

SUPPLEMENTARIES

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say whether any attempts have been made to approach the owners of what he termed, properties that are privately owned, to see if there was a possibility of working something out between themselves and the individual, to promote the attraction? I am thinking specifically of an attraction that is in my district?

HON. W. NORMAN BODDEN: We have in some cases, worked closely with the owners of some of these attractions. For example, the Conch Shell House is one that is privately owned and the owner requested assistance from the Government in improving the entrance to the area, because many tourists visit there. That was done. We also approached another owner of another attraction and they refused to let the Government do anything to that particular attraction. I am not certain of the one that the Member refers to in his district, but if he could refresh my memory as to which one he is referring to specifically, I might be able to address that.

MR. JOHN B. McLEAN: Mr. President, I was referring to the Blow Holes.

HON. W. NORMAN BODDEN: Mr. President, attempts were made two or three years ago to try to improve that attraction. In fact, we went as far as having the Public Works Department draw plans so that improvements could be made there for lookout stands etcetera. It is privately owned and the Government was not able to conclude the arrangements to purchase the property. In my research for the answer to this question, I understand that plans have recently been approved by the Central Planning Authority for that particular attraction to be improved by the persons in the private sector who own the property.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President. I wonder if the Honourable Member could say, in the effort to acquire an important property in the constituency of Bodden Town, if the negotiations are still in progress to date?

HON. W. NORMAN BODDEN: Mr. President, I could not say at what stage the negotiations are at the present time, but I think they are still in progress.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, can the Member say whether he regards the islands free from litter as one of the major attractions to tourists?

HON. W. NORMAN BODDEN: Very definitely, Mr. President. As a citizen of this country I have been embarrassed by a few recent letters we have received from visitors, some of which appeared in the press and some of which were directed to me, as the Member responsible for the Portfolio.

There has been very close coordination between my Portfolio

and the Portfolio of Health and Social Services, which has been arranging through Environmental Health for us to get some assistance with the clean up of the Island, which we see as an educational process as well and has to be conducted on an ongoing basis, rather than in an ad hoc way.

There are plans to have manpower, equipment and funds available, in order for us to have a cleaner Island and also an improvement of our public beaches. In fact, the programme that I referred to which is conducted through the Department of Tourism, part of the responsibility of the Quality Control Officer is to inspect public beaches from time to time.

MR. TRUMAN M. BODDEN: Mr. President, just a follow-up question on that. What time approximately, does the Member feel will be necessary to get the continuing programme in place?

HON. W. NORMAN BODDEN: Mr. President, an application is before the Finance Committee to provide funds for the necessary equipment to assist with this programme and I think this will come out very shortly. I would hope that within the next couple of months we can have a full programme in place.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I would ask the Member from a safety point of view, if he would undertake to approach the private owners of the Blow Holes and try to work something out before a tourist gets hurt, because it is very dangerous as it is now.

HON. W. NORMAN BODDEN: Mr. President, it is my understanding that recently the Central Planning Authority has approved plans for proper development of that which should eliminate or at least reduce the risks of visitors being hurt in that area. I would certainly make the approach and offer any assistance that the Government might be able to provide, until those plans materialise.

MR. PRESIDENT: Question No. 10, please. The Third Elected Member for George Town.

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

NO. 10: Would the honourable Member say:

(a) When was the last accommodation for hospital beds in the General Ward, the Maternity Ward and the Surgical Ward added to the George Town Hospital;

(b) what is the square footage of the kitchen, Conference Building, and the Surgical Ward;

(c) when were these completed; and

(d) what is the square footage of major additions to the George Town Hospital since January, 1985?

ANSWER: (a) The last addition to hospital beds were as follows:

Surgery
1982 - 8 beds added

General
1984 - 8 beds added (ECU Unit at the Pines)

Maternity
1986 - 8 incubators added to Maternity Ward.

(b) The square footage of the Surgical Ward is 1,340 square feet. The square footage of the Conference Room and kitchen is 5,050 square feet.

(c) The Surgical Ward was completed in 1982. The kitchen and Conference Centre was completed in October 1985.

(d) The square footage of major additions to the George Town Hospital since January 1985, is 16,908 square feet.

SUPPLEMENTARIES

MR. TRUMAN M. BODDEN: Mr. President, can the Member say if any beds for adults have been added to the hospital since 1984?

HON. D. EZZARD MILLER: The answer, Mr. President, is no.

MR. TRUMAN M. BODDEN: Can the Honourable Member say if the 16,908 square feet include the Conference Room and kitchen square footage of 5,050?

HON. D. EZZARD MILLER: Yes, Mr. President.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say when the kitchen and Conference Room were started?

HON. D. EZZARD MILLER: No, Mr. President. I do not have the date of the start of construction, but I would undertake to provide it in writing.

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

HON. THOMAS C. JEFFERSON: Mr. President, under Standing Order 83, I Move the suspension of Standing Order 23(7) and (8) to allow the other questions to be taken.

MR. PRESIDENT: The question is that Standing Order be suspended to allow the other questions to be taken.

Those in favour please say Aye...Those against No.

AYES AND NOES.

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

MR. PRESIDENT: Are there any more supplementaries on question No. ten? No. 11 please. The Third Elected Member for George Town.

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

NO. 11: Can the honourable Member say whether there have been consistent and organised increases in hospital beds to cope with the public needs?

ANSWER: There have been increases in hospital beds in the most critical areas. However, the reason there has not been consistent and organised - that is properly planned - increases in all wards, is because the 1976-84 Government did not follow the first 15 Year Phased Plan (1975-1990) developed by the 1972-76 Government which would have prevented the present critical shortage of beds.

SUPPLEMENTARIES

MR. TRUMAN M. BODDEN: Since this plan was so critical, Mr. President, can the Member say why was it not followed between 1984 and 1989 when he and his colleague were in charge?

HON. D. EZZARD MILLER: Sir, by that time the compound had been so utterly destroyed by ad hoc building that it was physically impossible to follow the Plan which had been prepared in 1975.

MR. TRUMAN M. BODDEN: Is the Member saying that nothing has been done, as the previous question shows, to the hospital to increase beds for adults since 1984, when I left?

HON. D. EZZARD MILLER: No Sir, that is not what I am saying, nor is that the case. The addition to the Maternity Ward and the other 11,000 plus square feet, which does not include his 5,000 plus square-foot kitchen and conference room, were added in critical areas and alleviated shortages and allowed reduction in patient stays and discharge times.

MR. PRESIDENT: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, is the Member saying that there was no land available in 1984 until 1989, to build a hospital or even an addition of rooms if they were needed?

HON. D. EZZARD MILLER: It is not just a question of land, Sir, it is a question of being able to put them in such a position that it can be used in a useful way. That is so that the support services can service it properly as well as the patients and families, visitation, and reduction of staff and staffing requirements to be met. It is not just a matter of putting up a building on a piece of vacant land.

MR. W. McKEEVA BUSH: Is he saying then that there is no land available for all the things

that he just pointed out?

HON. D. EZZARD MILLER: There is no unoccupied land which could be used to provide additional beds at the present time to alleviate the critical shortage in a long term and meaningful way.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, can the Member say whether it has taken five years to find out that the 1972 Plan was not being followed?

HON. D. EZZARD MILLER: Not for me, Sir. I cannot answer for the 1984-88 Government, but I advised that Member in 1976 to follow the Plan and he would not follow it.

MR. TRUMAN M. BODDEN: Clarification, Sir, on an earlier supplementary. The Member, when I asked whether nothing was done to increase adult beds since 1984, mentioned the eight incubators. To whom do incubators cater to, adults or children.

HON. D. EZZARD MILLER: Incubators cater to children, but adults have children and if you do not have to have the rooms in which to keep the children, we can improve the services for adults.

MR. TRUMAN M. BODDEN: I will go back to my original supplementary. Has he added any beds to the hospital for adults since 1984?

HON. D. EZZARD MILLER: I will go back to my original answer, Sir. The answer is no.

MR. TRUMAN M. BODDEN: Thank you.

MR. PRESIDENT: The last question on the today's Order Paper, please. No. 12. The Third Elected Member for George Town.

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

NO. 12: Would the honourable Member say if he has a detailed study and cost of improving the present hospital?

ANSWER: No, I do not have a detailed study and cost of improving the present hospital, because Finance Committee did not approve the Government request for funds to do so.

SUPPLEMENTARIES

MR. TRUMAN M. BODDEN: Can the Member say whether that study has been carried out between 1984 until now, in 1990?

HON. D. EZZARD MILLER: If the Member is referring to a study to improve the present site to bring it up to the number of beds of 90, which was predicted as early as 1975 and confirmed in the 1989 report, if he is referring to that type of study, the answer is no.

MR. PRESIDENT: First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, the Member is saying that the Finance Committee did not approve the Government request for funds to do a detailed study. Can he say what requests he made to Finance Committee? Can he say what information he gave the Finance Committee?

HON. D. EZZARD MILLER: Mr. President, the 1990 Budget as submitted by the Government in November 1989, contained a vote of $900,000 of which $100,000 was to cover a Waste Management Study and some additional studies on the Pension Plan; $800,000 to provide continued development and the implementation of the study that was commissioned in April, 1989. Finance Committee reduced the $800,000 to $350,000 and put a rider over it which says, that $350,000 can only be spent on management systems at the George Town Hospital.

MR. PRESIDENT: The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President. Would the Member confirm if he is saying, that in respect to this question he needed $800,000 to pay to a firm to decide what improvements are needed in the George Town Hospital, presently?

HON. D. EZZARD MILLER: No, Sir. That is not what I am saying.

MR. GILBERT A. McLEAN: Would the Member than please explain to the House exactly

what he is saying about this particular amount of money, Mr. President?

HON. D. EZZARD MILLER: Mr. President, that $800,000 included funds for management systems and improvements, and funds to have detailed design work done. It was obtained by using the British Architectural Charge Fees of 7 per cent plus what ever architectural firms did locally recommend to me, that the brief for such plans would be approximately 4 to 5 per cent. That is 12 per cent total.

The estimated cost of the implementations in the plans, including but not limited to, the new 96-bed hospital, the adaptations to the George Town Hospital for interim measures and for future use as a largely 9 to 5 ambulatory centre, improvements to the district clinics, improvement to Cayman Brac Faith Hospital and 12 per cent of $20 million is 2.4, and 2.4 divided by 3 is $800,000 over three years, and the plan is planned for phase implementation over three years.

MR. GILBERT A. McLEAN: Mr. President, could the Member confirm that the information which he is giving to the House today is totally unavailable in Finance Committee?

HON. D. EZZARD MILLER: Mr. President, I will not confirm that because I said it in my Budget Address and I explained it at least a half dozen times in the seven days we were in the Finance Committee.

MR. GILBERT A. McLEAN: Mr. President, whether or not the Member confirms it, it was not given.

MR. PRESIDENT: Sorry, I did not hear that clearly, would you care to repeat it?

MR. GILBERT A. McLEAN: I said that whether or not the Member confirms that he did not give that information, he did not do so.

MR. PRESIDENT: I am sorry, you may put a question that has been, but if you disagree with it, that is another matter. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President. Would the Member say, if the way the requests were listed would not have caused the misunderstanding in the Finance Committee?

MR. PRESIDENT: I think that is a hypothetical question, if not, it is very close to it. The Member may wish to reply.

MR. ROY BODDEN: I will rephrase the question, Sir.

MR. PRESIDENT: Thank you.

MR. ROY BODDEN: Would the Member consider that he satisfactorily listed his request?

HON. D. EZZARD MILLER: Yes, Mr. President.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Would the Member say whether he regards the upgrading of systems, for which $350,000 was voted, as very important at an early stage to implement?

MR. PRESIDENT: I think this sounds like this question deals with the hospital as a general statement, but you are now breaking it soundly into pieces.

MR. TRUMAN M. BODDEN: I accept your ruling except he referred to the...

MR. PRESIDENT: I was going to ask that the question be answered, but I think we are getting a bit too detailed.

HON. D. EZZARD MILLER: I would be quite happy to answer it, Sir. I think the records will show that as far back as June 1989, the Portfolio prioritised, out of systems improvements, those which it thought were the most important and which would give two things: staff satisfaction and quality of care for patients and be less costly to the Government. Those were funded way back in June of 1989 and they are ongoing. They were prioritised out of a list of 20. The other ten are all contained in the Book of Ezzard and Members should be quite aware of what they are. They are ongoing, but there are limitations in terms of improvements to what systems can do.

MR. PRESIDENT: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, can the Member say whether the only information that we received was a notation in the Estimates for $900,000, for a consultancy fee and that when we further

questioned him on it, he said that was part payment of a $2.8 million that would be for the Plan. Would the Member further confirm whether that $900,000 was tendered and further, whether he has any intention of tendering for the $2.8 million?

MR. PRESIDENT: No, I think this is a later question on the Business Paper that we will come to. I think we should take it at that point, when that question is asked.

MR. W. McKEEVA BUSH: Sorry, Sir.

MR. PRESIDENT: I think at least the latter part of your supplementary is a subject of a later question on the Order Paper. Would you take the first part of the supplementary and deal with it?

HON. D. EZZARD MILLER: You mean I cannot answer the last part, Sir?

MR. PRESIDENT: No, I mean it should be answered when the question is put later.

HON. D. EZZARD MILLER: All right, Sir. The Member is correct. Everybody knows that when the Budget is presented in its form the footnotes are usually very brief. But I repeat again, that I explained this in detail in my Budget Address and it is not $2.8 million. Twelve per cent of $20 million is $2.4 million, divided by 3 is $800,000. I explained privately in detail what the $800,000 was for to at least four Members during the Budget Session and I also explained it in great detail in Finance Committee at least a half a dozen times!

MR. PRESIDENT: Final supplementary.

MR. W. McKEEVA BUSH: Mr. President, that goes to show how many mistakes he made. He told us $2.8 million now he is saying $2.4 million. Will the Member confirm to this House that he did not give the relevant information in Finance Committee concerning the things he is now pointing out and can he say that he only found out those things after he was put under pressure after the Finance Committee was completed?

HON. D. EZZARD MILLER: Mr. President, I do not know if I look as if I am under any pressure, but I am really not under any pressure and the fact of the matter is that I did not tell anyone it was $2.8 million. I explained it in Finance Committee and I explained it in my Budget Address and I did explain it to five other Members privately for at least one half hour in the greatest of detail and answered all their questions.

MR. PRESIDENT: I think we should now take our break. I think that subject has been very well covered. I hope Members will agree with me. Proceedings are suspended for 15 minutes.

PROCEEDINGS WERE SUSPENDED AT 11:15 A.M.

PROCEEDINGS RESUMED AT 11:40 A.M.

MR. PRESIDENT: Proceedings of the House are resumed.
Bills. First Reading.

GOVERNMENT BUSINESS

BILLS

FIRST READINGS

THE ANIMALS (AMENDMENT) BILL, 1990

CLERK: The Animals (Amendment) Bill, 1990.

MR. PRESIDENT: A Bill entitled The Animals (Amendment) Bill, 1990 is deemed to have been read a first time and set down for Second Reading. Bills. Second Reading.

SECOND READINGS

CLERK: The Animals (Amendment) Bill, 1990.

MR. PRESIDENT: The Honourable Third Official Member.

HON. J. LEMUEL HURLSTON: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for a Law to Amend The Animals Law. The memorandum of objects and reasons which reads as follows:

> "This Bill seeks to insert a new section, 57(a), into the Animals Law, so as to confer on the Governor in Council the power to prohibit by order the riding or driving of any animal in any public place...,

subject to such conditions as are specified in the Order.

The Bill also seeks to provide a penalty for any contravention of the Order made under this proposed new section.".

The history of this matter, in summary, had its origin in the passage during the last session of the Assembly in the form of a Private Member's Motion No. 24/89, which sought to completely ban and prohibit the riding of horses in all public places and especially on public beaches. That Motion passed against the Government's desires and the Government, having examined the matter quite carefully, took into account the two most significant features of the Motion. The first of those features was the question of public safety. The Government accepted that there was a heavy responsibility to ensure that public safety was of paramount importance and that due regard for that must be given attention.

Secondly, was the question of the penalties for breaches, particularly breaches in respect of furious riding, etcetera. In that regard the Government in November 1989, proposed certain amendments to the Towns and Communities Law which increased substantially, the penalties for summary conviction of offences, including the offence of riding furiously.

This companion Bill seeks to address the question of public safety and in it, it provides for the Governor in Council to issue orders, which would be gazetted to stipulate certain conditions governing the riding of animals in public places. The Governor in Council has not yet completed and finalised its intention in respect to the first order to be issued under this proposed amendment, but I would like to speak in general terms as to what the Government has in mind. Once we have laid those cards on the table, Government would then welcome any new additional ideas which may be taken into consideration prior to the finalisation of any such order. It has to be stressed, however, that one never usually gets it right the first time around, in respect to these matters and the reason for suggesting the amendment in this fashion is to facilitate and enable Orders to be published from time to time by the Governor in Council as the need dictates. The Government has in mind firstly, prohibiting riding of horses on all public beaches during Saturdays, Sundays and public holidays during the hours of 9:00 A.M. to 5:00 P.M. Secondly, the Government is inclined to completely prohibit the riding of horses on that portion of Seven Mile Beach known as and referred to as the "Public Beach" that is the beach that is contracted between the Government and the Lion's Club of Grand Cayman for the maintenance thereof as a public beach.

The Government is also contemplating an order that would safeguard the distances between persons on horse back and other persons using the beach and similar public facilities. We are hoping to be able to regulate the safe and reasonable distance between a person on a horse and the next nearest person. Precisely how that will be enforced and regulated has to be worked out, but there is some thought being given to establishing a safe and convenient distance between a person on horse back and another user of public facilities. This is generally what the Government has in mind, although it is not yet firmed up. These Orders can be varied from time to time as the need arises. This very short Bill, proposing an amendment to the Animals Law, is quite clearly a simple one. It should be quite uncontroversial and I hope that we can dispose of this very quickly and get on with the more intricate and far reaching matters of legislative importance on the agenda.

Having said that, the Government takes quite seriously its responsibility with regards to safety and I would not wish for my comments to be misconstrued in that regard. Safety is an important feature. These Orders are designed to provide the flexibility of regulating movement in a sensible and reasonable fashion and I commend this short Bill to all Members and invite their support.

Thank you, Sir.

MR. PRESIDENT: The question is that a Bill entitled The Animals (Amendment) Bill, 1990, be given its Second Reading. The Motion is open for debate. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, it seems that the Government, from the debate of the Member moving the Bill, is concerned with just horse-back riding. The Bill talks about other animals. I would have hoped to have gotten information regarding what they intend to do with other animals. This Bill, if it is only intending to deal with horse-back riding, could have been dealt with a few months ago, when we were dealing with the Towns and Community Law. So, we could have saved much time and effort, if the matter had been dealt with at that point.

It seems that, at that time they might have been under some duress not to do what our resolution asked them to do. Now, circumstances might have prodded them to move in this direction. This Bill is seeking to give the Executive Council power to make regulations to prohibit the riding or driving of any animal in any public place, subject to such conditions that would be specified in the Order, made by Executive Council.

The Order would then specify whether this would be absolute, or at different times or to certain conditions. What the conditions would be I do not know. I am never one to agree to giving Council power for regulations. Two years or maybe three years ago, a resolution was moved in this House dealing with setting up a Regulations Committee. I do not know if that Committee ever met. But giving the Executive Council power to make regulations is by-passing this House. We see what can happen in that situation. We had a good example in December when post box rental fees were increased drastically. No one came to us and said: "Members, I am going to move the small box from $12 to $50." They could have come to us and discussed it. Giving them the power to make regulations is taking away power from this Legislative Assembly. The Member says it is a minor matter. Caymanians today feel that their rights are being taken away on every front. It would have made sense to sit down with us, discuss the matter and then we could go to our constituencies to talk

with the people and get their feelings on this matter. This is definitely something that we need to deal with because there are problems with all sorts of animals, not just horses. I do not know why this horse matter is getting so much attention. Why are we wasting so much time dealing with this horse matter? Who are we facilitating?

Nevertheless, I did go to my constituents on this matter and in West Bay alone we have 40 horses, excluding the one owned by the Governor's wife who also lives in the district of West Bay. That would make it a total of 41. We have 20 to 25 people owning horses, excluding again the Governor's wife who is also in West Bay. Now, the Government gave permission to bring in the horses. The Government needs to find a way to accommodate these people. These people have made suggestions. For instance they have said cut off Seven Mile Beach altogether. We agree that is a tourist area and we know that sometimes as gentle as the horses may seem, they can sometimes get out of hand. So we agree to cut off the Seven Mile Beach area, but let us ride on areas like the dike roads, Barkers area and some parts of South Sound for those people who live there because the sea is good for the horse. They have agreed that there should not be any riding at nights in public places. There were 15 to 20 horses in West Bay that were brought in to be involved in horse-back riding as an attraction. How will these people deal with this matter? When I say attraction, I do mean a tourist attraction, to develop horse-back riding. I believe that we can facilitate these people. I consider they have been very reasonable. They agree that there are problems at night and even during the day, but I know one person in West Bay who rides a horse because he cannot drive a car. He has no other mode of transportation throughout the district, so he uses his horse.

The Member says that we should not waste time. I think that the whole exercise has been just that. A waste of good time to facilitate somebody simply because the public has said, the hoteliers have said, the condo people have said that we do not like the horses on our beach. They are making a mess and causing a commotion. So why is there this round-about way of doing things? There are too many things done in this country to facilitate special interest groups. We are getting head long into the problems.

As I said, I never was one to give the Executive Council power to make regulations which will not be brought back to me. If they can say to me that they will bring the regulations back to me to deal with, fine. But the way they have gone about it, is for them to make the regulation to do what they want to do, without even saying to you: "Dog, here what do you think about it?"

MR. PRESIDENT: Does any other Member wish to speak? If no other Member wishes to speak, would the Member wish to exercise his right of reply?

HON. J. LEMUEL HURLSTON: Mr. President. I would like to thank the Member for his contribution. The remark about the removal of Caymanian rights particularly caught my attention and it is significant to note that whereas rights and privileges now extend to everyone, we are being encouraged to consider restricting those rights, in respect of well-known traditional practices in these Islands; practices by Caymanians and others visiting these Islands along one of the more popular venues that still has, in the opinion of many, the capacity to facilitate the wishes and desires of all concerned.

The First Elected Member for West Bay is to be commended for the research he did in sounding the member of his constituency and it would be interesting to hear at some point in time the extent to which other Members have done soundings in their constituencies, because I happen to know for example, that George Town produces quite a large number too of popular horse-back riding activities.

The question of banning riding at night is a particularly interesting one and one that I believe the Governor in Council will be mindful to take cognisance of. As I indicated in my presentation of the Bill, the Council will welcome any further new ideas in respect of this matter. So I am indeed, grateful to the Member for suggesting that perhaps some consideration might be given to banning riding at night. I trust therefore, that this very non contentious Bill will receive tremendous support from all quarters of Parliament.

Thank you.

MR. PRESIDENT: The question will now be put on this Bill. The question is that the bill be give a Second Reading. Those in favour please say Aye...Those against No.

AYES AND NOES.

DIVISION NO. 1/90

AYES: 8	**NOES: 7**
Hon. Thomas C. Jefferson	Mr. W. McKeeva Bush
Hon. Richard W. Ground	Mr. John J. 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
Capt. Mabry S. Kirkconnell	

MR. PRESIDENT: The result of the division is eight Ayes and seven Noes. The bill has been given a Second Reading.

AGREED: THE ANIMALS (AMENDMENT) BILL, 1990 GIVEN A SECOND READING.

FIRST READING

MR. PRESIDENT: The Fradulent Dispositions (Commencement) Bill, 1990.

THE FRAUDULENT DISPOSITIONS (COMMENCEMENT) BILL, 1990

CLERK: The Fraudulent Dispositions (Commencement) Bill, 1990.

MR. PRESIDENT: A Bill entitled The Fraudulent Dispositions (Commencement) Bill, 1990, is deemed to have been read a first time and is set down for Second Reading. Second Reading.

SECOND READING

CLERK: The Fraudulent Dispositions (Commencement) Bill, 1990.

MR. PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled The Fraudulent Dispositions (Commencement) Bill, 1990.

It is a short Bill to bring into force the Law and we have taken the views of the Private Sector Consultative Committee on this. Their view was that it should come into force as quickly as possible and we suggested the date of the first of May, which will allow the Law to be gazetted in sufficient time, so that it would be gazetted before it comes into operation and I recommend it to all Members.

MR. PRESIDENT: The question is that a Bill entitled The Fraudulent Dispositions (Commencement) Bill, 1990 be given its Second Reading. Does any Member wish to speak? It would appear not. In that case the Motion is that this Bill be given its Second Reading.

Those in favour please say Aye...Those against No.

AYES.
AGREED. THE FRAUDULENT DISPOSITIONS (COMMENCEMENT) BILL, 1990 GIVEN A SECOND READING.

FIRST READING

MR. PRESIDENT: First Reading.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1990

CLERK: The Development and Planning (Amendment) Bill, 1990.

MR. PRESIDENT: A Bill entitled The Development and Planning (Amendment) Bill, 1990, is deemed to have been read a first time and is set down for Second Reading. Bills. Second Reading.

SECOND READING

Clerk: The Development and Planning (Amendment) Bill, 1990.

MR. PRESIDENT: The Honourable Member responsible for Communications and Works.

HON. LINFORD A. PIERSON: Mr. President, I beg to move the Second Reading of a Bill, shortly entitled The Development and Planning (Amendment) Bill, 1990.

Mr. President, this Bill seeks to make a number of amendments to The Development and Planning Law (Revised). It is quite detailed and I will attempt to go through it as carefully as possible. Under the Memorandum of Objects and Reasons, Clause 2 seeks first to amend the procedure for the submission of planning applications for religious, social and educational development in residential zones, so that the requirements for public consultation are identical to those currently applicable to applications for commercial and agricultural development in such zones.

Secondly, to ensure that persons from whom consent is required for other types of development in residential zones, are persons resident in the Cayman Islands. **Clause 4** seeks to revoke subsections (7), (8) and (9) of section 15. **Clause 5** seeks to clarify the grounds on which appeals may be made against enforcement notices. **Clause 6** makes a minor amendment to section 15(3). **Clause 7, 8, 9** and **11** seek to increase the penalties laid down in section 16, 17, 18 and 35(4) for the contraventions mentioned in those sections.

Clause 10 seeks to empower the Central Planning Authority to serve stop notices in certain cases of unauthorised development and to require the Authority in specified circumstances to pay compensation for loss or damage directly attributable to a prohibition in a stop notice.

In Clause 2 of the Bill, section ten of the principal Law is amended as follows;

"Section ten of the Development and Planning Law (Revised) (hereinafter called the "principal Law") is amended –

(a) in subsection (5) by the deletion of the words "a commercial or agricultural purpose" where they appear in the second line thereof and substitution of the following therefor -

"commercial, agricultural, religious, social or educational purposes (including recreational facilities and public and civic buildings),";

(b) in subsection (6), paragraph (b) by the deletion of the words "own land or" where they appear in the second line and addition of the following words at the end thereof, before the full stop -

"or who resides elsewhere in the Cayman Islands and own land within a radius of one thousand five hundred feet of the boundaries of the land to which the application relates".

These changes in the Law and the Regulations address a long-standing concern in the planning documents. The Development Plan, the Development and Planning Law (Revised) and the Development and Planning Regulations conflict in their advertising and polling requirements. For example, the Development Plan, 1977, exempts churches, schools and recreational activities from polling requirements. That is obtaining approval from a majority of the residents and owners within a 1,500 feet radius of the development.

To substantiate that I would like to refer to subsection 304 of the Development Plan, 1977 which reads;

"Religious, Social and Educational Development

Religious institutions and social and educational development including recreational facilities and public and civic buildings are permissible in any zone where they meet the needs of the community.".

This is in the Development Plan, 1977. But there is a conflict in the Law and the Regulations on this same matter. This situation has resulted in confusion on the part of the Planning staff and the public. Further to the problems of conflicting instructions, should the requirement to poll remain as it is currently written in the Law and Regulations, the Government would have to poll for schools, such as the proposed new Community College, civic centres, hurricane shelters and playing fields, which it proposes to build in any residential zone. An example of a future project which will be affected by the Law and Regulations as they now stand, is the proposed addition to the Savannah Primary School.

As will readily be seen, the proposed amendments to section ten of the Law are necessary in order to make the Law and the Regulations more efficient and to regularise the discrepancies which now exist between the Development Plan, 1977 and the Development and Planning Law and Regulations.

Clause 3 of the Bill seeks to amend subsection (6) of section 15, by deleting the words "under this section" and substituting the words under "section 15A", which is a new section to the Bill.

Clause 4 revokes subsection (7), (8) and (9) of section 15 of the principal Law which relates to enforcement notices. The current appeal procedures do not state on what grounds an appeal can be brought. The lack of clarity in the current Law has resulted in confusion over how to appeal an enforcement notice and on what grounds. The objective is to avoid appeals on points of Law.

The principal Law is amended by also including the new section 15A, which deals with appeals against enforcement notices. This section in 15A(2) gives the grounds on which an appeal may be brought and for the sake of the listening public, I would wish to deal with this matter in detail. Section 15A states:

(1) "A person having an interest in the land to which an enforcement notice relates may at any time before the date specified in the notice as the date on which it is to take effect, appeal to a court against the notice, whether or not a copy of it has been served on him.

(2) An appeal may be brought on any of the following grounds -

(a) that the matters alleged in the enforcement notice do not constitute a breach of planning control;

(b) that the breach of planning control alleged in the enforcement notice has not taken place;

(c) that the appellant being a prospective purchaser of the land to which the enforcement notice relates, has served notice on the Authority in accordance with subsection (2) of section 15 and that the Authority had failed to notify the appellant that the development to which the enforcement notice relates had been carried out without permission;

(d) that the breach of planning control alleged by the enforcement notice occurred on a date earlier than three years before the date on which the notice was served;

(e) that the steps required by the enforcement notice to be taken exceed what is necessary to remedy any breach of planning control or to achieve a purpose specified in subsection (3) of section 15;"

This continues to give the grounds that should be satisfied for an appeal under this section.

Clause 6 of the Bill is a consequential amendment to section 15(3) of the principal Law by substituting the words "in this Law" for the word "hereinafter" appearing in the first line.

In Clause 7, section 16 of the principal Law is amended in two areas. The first area has to do with a consequential amendment in subsection (1) of the Law and (b) in subsection (3)(i) and (ii) and reads as follows:

"Section 16 of the Principle Law is amended -

(b) in subsection (3)

(i) by deleting "two hundred dollars" in line 7 and substituting "five thousand dollars";

(ii) by deleting the word "one" in line 8 and substituting the word "two".

The effect of this amendment will mean that section 16(3) of the principal Law will now read as follows;

"Where, by virtue of an enforcement notice, any use of land is required to be discontinued or any conditions are required to be complied with in respect of any use of land or in respect of the carrying out of operations thereon, then if any persons without the grant of permission in that behalf under this Part, uses the land or causes or permits to be carried out those operations, in contravention of the enforcement notice, he is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars" (it was $200 before), "and, in the case of a continuing offence, to a further fine not exceeding two hundred dollars" (replacing $100), "for every day after the first day, during which the use is so continued.".

Section 17 of the principal Law provides for penalties for failure to comply with certain enforcement notices. Clause 8 of the Bill seeks to amend section 17(1) by replacing the words "four hundred" and "one hundred" appearing in lines 8 and 9 by the words "five thousand" and "one thousand" respectively.

The new section, 17(1), under the principal Law will now read;

"Subject to the provision of this section, where an enforcement notice has been served under section 15 on the person who was, when the notice was served on him, the owner or occupier of the land to which the enforcement notice relates and within the period specified in the enforcement notice, or within such extended period as the Authority may allow, any steps required by the enforcement notice to be taken, (other than the discontinuance of any use of the land) have not been taken, that person is guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars" (this replaces $400 in the Law), "and, in the case of a continuing offence to a further fine not exceeding one thousand dollars" (which replaces $100) "for every day after the first day during which the requirements of the enforcement notice, (other than the discontinuance of any use of land) remains unfulfilled.".

Clause 9 of the Bill seeks to amend section 18(3) of the Principle Law which deals with continuing operations of an enforcement notice.

The amended section, 18(3), which will now read;

"Without affecting the operation of section 17, a person who carries out any development on land by way of reinstating or restoring buildings or works, that have been demolished or altered in compliance with an enforcement notice shall be guilty of an offence and liable on summary conviction to a fine not exceeding five thousand dollars.". (This replaces the old amount of $400)

In Clause ten the principal Law is amended by inserting next after section 18, section 18A and 18B. dealing with stop notices. Subsection (2) of the new subsection 18A states specifically that:

(2) A stop notice shall not prohibit;

(a) the use of any building as a dwelling house; or (I think this is very important that we stress this.)

(b) the taking of any steps specified in the enforcement notice as required to be taken in order to remedy the breach of planning control;

and where an activity has been carried out (whether continuously or otherwise) without planning permission on land for a period which commenced more than twelve months before the date on which a stop notice is served, the stop notice shall not prohibit the carrying out of that activity on that land unless it is, or is incidental to, building, engineering or other operations.

(3) A stop notice shall cease to have effect when -

(a) the enforcement notice is withdrawn or quashed; or

(b) the period allowed for compliance with the enforcement notice expires; or

(c) notice of the withdrawal of the stop notice is first served under subsection (5) of this section;

and a stop notice shall also cease to have effect if or to the extent that the activities prohibited by it cease, on a variation of the enforcement notice, to be included in the matters alleged by the enforcement notice to constitute a breach of planning control.".

In section 18B provision is made for compensation for loss due to a stop notice. This is a built in protection to safe guard the rights of the developer. It reads:

(1) "A person who, when a stop notice under section 18A of this Law is first served, has an interest in or occupies the land to which the stop notice relates shall, in any of the circumstances mentioned in subsection (2) of this section, be entitled to be compensated by the Authority in respect of any loss or damage directly attributable to the prohibition contained in the notice or, in a case within paragraph (b) of that subsection, so much of that prohibition ceases to have effect.".

Subsection (2) states:

"(2) A person shall be entitled to compensation under subsection (1) of this section in respect of a prohibition contained in a stop notice in any of the following circumstances:-

(a) the enforcement notice is quashed by a court;

(b) the enforcement notice is withdrawn by the Authority otherwise than in consequence of the grant by the Authority of planning permission for the development to which the notice relates or for its retention or continuance without compliance with a condition subject to which a previous planning permission was granted:

(c) the stop notice is withdrawn.".

Section 18B (3) states;

"(3) A claim for compensation under this section shall be made to the authority within the time and in the manner prescribed by Regulations made under this Law.".

This was a matter that was raised in a meeting which we held in January and I will deal with this a little further down in my presentation of this Bill.

Section 18B (4) states;

"(4) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition may include a sum payable in respect to a breach of contract caused by the taking of action necessary to comply with the prohibition.".

It should be noted that in English Law enforcement, notices are meant for existing buildings, not buildings under construction. For unauthorised development which is in process, a provision for stop notices was included in the English Legislation. For reasons which can only be speculated upon, stop notices were left out of the Cayman Law.

The time it takes the Department to process an enforcement notice is approximately four months. Meanwhile, development can continue unabated. Stop notices will greatly improve the efficiency of Code enforcement efforts in the Planning Department, by stopping construction until the enforcement notice becomes effective. A stop notice would take effect in three days and make it an offence for a

developer to continue working.

The current penalties under the Law, and I believe it would be shared by many of us, are a joke for large developers. When a developer has expended several million dollars on a project, a penalty of $400 initial costs and $100 per day, is a cost effective bargain. The increased penalties proposed will go a long way towards giving the system more respect.

In Clause 11 of the Bill, section 35(4) is also amended by deleting the words "two hundred dollars" and replacing them with the words "five thousand dollars".

During the fourth meeting of the 1989 session of this Assembly, the Development and Planning Bill, Number Three, 1989 was withdrawn upon the request of the Members on the other side of the House, in order to allow for further consultations on that Bill. All Members of this Honourable House were invited by the Clerk to attend a meeting on Friday 12 January 1990, to review this Bill. I would like to briefly touch on some of the objections that were raised and how they were dealt with. The following objections to that Bill were made at that meeting and those agreed upon by the Government included in this new Bill, shortly entitled the Development and Planning (Amendment) Bill, 1990.

The objections firstly, dealt with the amendment to the old Bill to remove the imprisonment provision for breach of an enforcement or stop notice. This was recommended by the First Elected Member for the Lesser Islands and this has been agreed upon and therefore, the old section was deleted from the replacement Bill.

Another objection that was raised at the meeting of 12 January, requested a lower level of maximum fines for noncommercial development. However it was the view of the Government that this is imminently a question for the discretion of the Courts. The amendment gives the Courts the flexibility to determine a level of fine, reflecting the particular circumstances of the case before the Court. In the U.K. for example, where the maximum penalty is a £ 2,000 fine or an unlimited fine depending on the level of the Court hearing the case, fines for minor breaches of Planning Laws are usually in the £ 25 to £ 100 range. It should be noted that a person cannot be fined simply for carrying out an unlawful development. He must have deliberately refused to comply with an enforcement notice.

Another point raised at the Committee meeting of 12 January was that claims for compensation should not be dealt with by the CPA, that was the area that I referred to earlier. There is admittedly, scope for conflict of interest here, but all existing claims for compensation under the Law, for example the refusal of revocation of planning permission, are made to the Central Planning Authority, the CPA, and the new provisions fit very well into the existing scheme of the Law.

There is presently provision under the Law for an appeal against any decision by the CPA to the independent appeals tribunal and this procedure is cheap and informal for claimants. They do not require professional representation if they do not wish to have it.

It was also recommended during that meeting that the proposed amendments to section ten of the principal Law should have been deleted. However, as has been outlined earlier in the presentation of the revised Bill now before the House, the proposed changes to this section of the Law are necessary and the beginning of a process to make the Law and the Regulations more efficient and responsive documents.

As stated earlier, Clause 2 of this Bill seeks to amend section ten of the principal Law relating to the procedure for the submission of planning applications for religious, social and educational development in residential zones so that the requirements for public consultation are indentical to those currently applicable to applications for commercial and agricultural development in residential zones. The amendment also seeks to ensure that persons from whom consent is required for other types of development in residential zones are persons resident in the Cayman Islands.

As far as I can recall, these were the four recommendations made by the Backbench Members of this Honourable House to amend the old Bill, which has now been replaced by the Bill before this House. I believe it is quite evident from the foregoing that the Government has cooperated as far as possible to comply with the wishes of those Members.

I would wish to mention here that I have been notified of a proposed amendment which the First Elected Member for the Lesser Islands has indicated that he wishes to make at the Committee stage of this Bill which, I am pleased to say that the Government intends to support. This amendment will basically have the effect of conferring on the Development Control Board for the Lesser Islands, the functions and powers exercisable or enjoyable by the Central Planning Authority with respect to enforcement notices and stop notices and will allow that Board to deal with all such notices in the Lesser Islands without the need to have them authorised by the CPA.

This Bill deals with a number of important amendments designed to provide a more efficient piece of Legislation. Therefore, I recommend and commend this Bill to this Honourable House.

Thank you, Sir.

MR. PRESIDENT: The question is that this Bill be given its Second Reading and the Motion is open for debate. Perhaps Honourable Members would prefer to take lunch before we go forward. The House, accordingly, is suspended until 2:15.

PROCEEDINGS WERE SUSPENDED AT 12:40 P.M.

PROCEEDINGS RESUMED AT 2:20 P.M.

MR. PRESIDENT: Proceedings are resumed. The House began the Second Reading of the Development and Planning (Amendment) Bill, 1990. Does any Member wish to speak? The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I can agree with a substantial part of this Bill. There is a small area however, I feel we need different amendments than the present ones.

The question of the substantive or the larger part of this that deals with the enforcement notices is an area where there is merit in bringing this in. There are areas of this which contained considerable detail and the Member has gone through substantial part of that detail. However, I would like to, once again, reiterate some of these sections which are for the protection of the public.

The stop notice, once it is served would prohibit the carrying out of further unlawful work on the premises but it does not prohibit the use of any building as a dwelling house or the taking of any steps specified in the notice, as required to be taken to remedy the breach of planning. That section is one which would protect persons such as homeowners, at least to some extent. Importantly, in it is section 18B which provides that compensation will be paid in the event that the Central Planning Authority is wrong in issuing its notice. That, to some extent, is to loss or damage in respect of a breach of contract which flows from the result of the stop notice.

I think it is also good that we have had a specific grounds of appeal set out. We do now, have proper basis so that time cannot be wasted in doubting what the Law is, in that area. The section that I do not agree with is the first part which deals with permitting objections rather then consent in certain instances. I should say here that I am happy to see that the Green Bill has had removed from the penalty section the imprisonment. I had originally understood and specifically asked the Member for Communications and Works, when I saw several people at the informal meeting taking notes, as to whether this was going public or not. As I understood it was not, but that is not really an objection that I am taking here. Only to say that it is good to see that the new Bill has removed the imprisonment section from it.

In relation to the section that deals with objections and with the consent of landowners, I would like to just deal with that in a bit of detail because I think with an amendment of that section, we can achieve what is acceptable, hopefully, to the House as a whole.

Section ten, subsection (5) provides that permission to develop land, the primary purpose of which is residential, this is very important throughout, we are only dealing with residential land, for a commercial or agriculture purpose may be given by the authority if it is satisfied that;

(a) the applicant has published adequate notice of his application of such permission in two consecutive issues of a public newspaper circulating the Islands; and

(b) no objection which the Authority regards as raising grounds for refusal of such permission is received by it in 21 days of the publication of the second of such issues.".

That section allows people, after the publication of the newspaper for two issues, the right to object in relation to a commercial or agricultural purpose for use of the land. It is, however, the discretion of the Central Planning Authority so that it may within the terms laid down judicially, deal with that objection in such a way that it could either refuse the permission or it could grant it.

The next section that it seeks to amend is section 10(6). I would just like to read that;

"Subject to subsection (5)" (which is the one I just read), "permission to develop land, the primary purpose of which is for residential use" (once again purely residential use), "for any other purpose than such use shall not be granted unless that Authority is satisfied that -

(a) the applicant has published adequate notice of his application for such permission in four consecutive issues of a public newspaper circulating in the Islands; and

(b) consent to the granting of such approval has been given by majority of all persons of full legal capacity who for the time being reside within a radius of one thousand and five hundred feet of the boundaries of the land to which the application relates.".

Here you have a majority of persons who reside or own land within 1,500 feet who have to give their consents. The section earlier, is one in which the application goes in and it is up to the people within the 1,500 feet to object to it. The difference is between putting in an objection or consenting or agreeing to it, so to speak. This, I think, is a very important distinction because the consent section of the one I have just read, protects the right of homeowners or people who live in residential zones.

What the amending Law seeks to do is to remove and add to the objection section, religious, social educational purposes including recreation facilities and public and civil buildings so that, a person living in his house, instead of having the right by a majority not to consent to having one of those buildings beside him, now has a change to where he has to object. After he objects, it is up to the Central Planning Authority in its discretion, to decide whether or not the building for these purposes could go beside the house.

It is, I think, very basic and it has been in this Law for many years. In fact, I think that section, I do not know if it began in 1972, but I know definitely it was in the 1977 Law and

it was probably in the 1972 Law. Now, as I see it, the Government is saying that there is confusion between the Development and Planning Statement and the Law. While I do not have the Statement before me, I am certain it said that any conflict that arises between the Statement, the Law naturally overrides. So if there is any confusion there, I would say, amend the Planning Statement and bring it in line with the Law. The Law, in any event, would override the Statement where there are specific provisions.

I do not think that section which have stood the test of time for at least 14 years, and maybe now closer to 17 or 18 years, should just be removed like that. In support of this, if the Community College or an addition to a primary school were built, a majority of people within 1,500 feet may not give their consent and thus, object in that way to it.

Well, I think that the duty of this Legislature, the overriding duty has to be to protect the homeowner. I do not know of many instances where problems or conflicts arose between buildings of a religious, social or educational purpose, going into an area where they could not get the consent of a majority of people.

It would be unfortunate if this general Law is now being amended. I think what brought on this amendment originally, was the problem with the preschool that was owned by Mrs. Lawrence, that highlighted this somewhat and that, I understand, has been resolved. I believe that aspect of it has run its course into the Courts and has now been resolved.

While it is only going to affect, at the present time, in a somewhat limited way, the religious, social or educational buildings that may wish to be built in a residential area, it is a very basic removal of a very basic right that the vast majority of people have the right to be notified fully and although there is notification in the newspaper, many times they do not necessarily see this. What has to happen is that whoever wishes to get the planning, has to go around and explain to the people within 1,500 feet of the application, what is going to go on there and get them to consent to it. I think that is a basic right which should remain.

I understand, putting aside the hypothetical cases, because as far as I know there have been no objections to any of the schools, at least not during the time that I remember and I would think not since, that have been built. Whether or not the plans have already been approved for the Community College I do not know. But these few isolated cases should not be the basis for changing the general Law because the general Law, as it now stands, protects the right of the very large majority of people in the Cayman Islands. I would not be in support in changing that Law very lightly. If there were wide spread problems with this Law, then it could be a different situation.

I understand that one area of the Law that can sometimes create difficulties (but only in the rare instances where you do have these buildings which are of a religious, social or educational purpose going up), is that under 6(b) of the Law. When you go to get consent, sometimes the owners are overseas or cannot be found. If there were only a few owners and they all could not be found I could see where that difficulty could arise. But, if that is the case then I am happy to support a section which would do substantially what section 2(b) of the amending Bill would not do, that is amending section 6(b) that the consent that has to be given by the majority of people within 1,500 feet would be in relation to persons who either reside elsewhere in the Cayman Islands and owned land within the radius of 1,500 feet. In those cases they could be easily found. Also the part where anyone could refuse their consent if they reside within 1,500 feet of the boundaries of the land should be left in. So, this is a reasonable compromise that instead of removing from the consent section, the religious, social or educational purpose and put it under the objection section, then that subsection (5) remains as it should be. Subsection (6) could be widened so that the consent would have to be by people who either live within 1,500 feet or who live in the Cayman Islands and own property within 1,500 feet.

The Law itself in general, a good one. I would hope and I say this seriously, that before a stop notice is issued, that the Central Planning Authority would seek the legal advice of the Government lawyers because the compensation section is one which could be very expensive, if an error is made. I am sure they do that anyway but such as it may be, some good day when it does arise it will have to come back to the Finance Committee for money to pay for it. I will be asking that question at that time, should it ever arise, as a protector of the public's money, I believe that would be advice well sought before they move on.

I do not want to get any further into the different views that were put at the meeting, only to say that it was good to see that at least one area of the Law was amended in accordance with that. Where we differ is perhaps, only in relation to the one small section which relates to moving the rights of a landowner not to consent or in other words to agree to a change in the use of the property that is being applied for, to one in which the Central Planning Authority would be given a discretion to go on after objections have been made.

What I am saying here to the Government is that I would like to see about 98 per cent approval on the Bill and the 2 per cent against would be reasonable, since it affects the rights of voters who I can assure you, the majority of whom live in houses. I believe that to touch their rights now, without there being any widespread dissent in relation to that part of the Law, would be very politically unwise and I think it would really run against the basic aspect of the Development and Planning Law that when you want to use land for a specific purpose, then you must follow the primary purpose. If it is residential, then the primary purpose should be residential.

There is an argument, I know, which will probably be advanced, that this can be done now with commercial or agricultural purposes where you do not need the consent, you have the right to object. But my answer to that is simple. I do not think that two wrongs make a right. What I do know is, that at present even though this is not attempting to be amended, things such as industrial uses and uses where there are noxious substances and other things other than commercial or agricultural purpose does need the consent. Just to take a part out of that, at a time like this, is not in the best interest of the Cayman Islands.

In any event, I always believe that if something works you do not fix it and quite frankly, unless there could be shown to be serious and widespread problems with a section so basic to the Planning Law, I do not believe that the right of homeowners should be in any way reduced to extend in the very narrow areas the removal of the right to consent.

Very basically and finally, I agree with the biggest part of this amending Law, but I do feel that there is a very serious difference between the right to agree or consent to something so to speak, and merely the right to object. I do not think that the rights of consent of homeowners should be taken away from them and leave them with a much smaller right.

On that note I will be voting yes to the Law going to the Committee stage and at that stage hopefully, we can have an amendment worked out. If not, we can have one put and voted on there. My argument is, very simply, to protect the homeowner. To leave them with the right they have had for 18 years, which allows them to live in their homes free from excessive noise or any of the other problems that arise from Planning approval on matters such as this, being granted by the Central Planning Authority giving them the right not to agree to it, rather than just the right to object to it. The Central Planning Authority then having the discretion to grant it.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Thank you, Mr. President.

I rise to support a Bill for a Law to Amend the Development and Planning Law (Revised). I feel that this amending legislation is very necessary. I regret that today we are not dealing with a complete revision of the entire Development and Planning Law and its Regulations. I think it is long overdue. This honourable House needs to be looking at the Regulations particularly, in its entirety but I am grateful that at least we do have some important sections that we are dealing with today.

I have noticed, with interest, the argument put forth by the Third Elected Member for George Town and I have no real difficulty with what he has said. It was decided that that be amended, but I do feel that in the event it is not, that should not keep this very important Bill from being passed in this honourable House today.

With your permission because we will not have sufficient time, I will be asking that I be allowed to move at Committee stage an amendment which will bring the new sections introduced in this amending Bill and others which deal with stop orders and enforcement notices, that they will be effective under the jurisdiction of the Development and Control Board of Cayman Brac, as they are with the Development Control Board. I feel this is very necessary, as in the past, that power has not been bestowed upon the Development Control Board and it has made it very difficult to really enforce anything. You more or less had to ask and often times, it was not considered by the applicant that the Development Control Board was right. If it was required to go further, we had to request the Central Planning Authority to make the enforcement notice for us, which was very time consuming and with that Department here in Grand Cayman being so heavily worked, it put an extra burden on them.

I am very grateful to the Members here today if they will accept this Committee stage amendment, which will make this possible.

I note also, 18B, which will afford compensation for losses due to stop notices. This will show to the public that we, as Legislators, are protecting their interests and I shall read;

> "(1) A person who, when a stop notice under section 18A of this Law is first served, has an interest in or occupies the land to which the stop notice relates shall, in any of the circumstances mentioned in subsection (2) of this section, be entitled to be compensated by the Authority in respect of any loss or damage directly attributable to the prohibition contained in the notice or, in the case within paragraph (b) of that subsection, so much of that prohibition as ceases to have effect.
>
> (2) A person shall be entitled to compensation under subsection (1) of this section in respect to a prohibition contained in a stop notice in any of the following circumstances: -
>
> (a) the enforcement notice is quashed by a court;
>
> (b) the enforcement notice is withdrawn by the Authority otherwise than in consequence of the grant by the Authority of planning permission for the development to which the notice relates or for its retention or continuance without compliance with a condition subject to which a previous planning permission was granted;
>
> (c) the stop notice is withdrawn.
>
> (3) A claim for compensation under this section shall be made to the Authority within the time and in the manner prescribed by Regulations made under this Law.
>
> (4) The loss or damage in respect of which compensation is payable under this section in respect of a prohibition may include a sum payable in respect of a breach of contract caused by the taking of action necessary to comply with the prohibition.".

I feel it is good that provisions for compensation are in here, if they are due to the person aggrieved. I am also very happy that the Bill that we are dealing with today has had the imprisonment provisions removed, as the Honourable Mover mentioned. I did not agree with that when the other Bill was presented to us and I am very grateful to the Member moving the Bill that consideration has been given.

I look forward, as I said at a very early sitting of this House, to be able to look at a further amending Bill dealing with Regulations to this very important Law.

With these few words, Mr. President, I support this Bill.

MR. PRESIDENT: Does any other Member wish to speak? It appears not. Would the Honourable Member in charge of the Bill wish to exercise his right to reply?

HON. LINFORD A. PIERSON: Thank you, Mr. President.

First, I wish to thank the two Members who spoke on this Bill. I trust that the 2 per cent objection that the Third Elected Member for George Town has, will be somehow cleared up in my short winding up of this Bill.

The Third Elected Member for George Town is correct in stating that the Law and Regulations have a priority over the Development Plan. But, the Development Plan does contain the Planning policies for this country, after having received very wide consultation with the public. The discrepancy between the Law and the Regulations in this instance, does seem to have been a drafting oversight.

Surely the technical provisions of the Law and the Regulations should reflect the planning policies involved after public consultation. Further, it should be noted that the Development Plan is the basis of planning. The Law and the Regulations should, therefore, reflect this.

There is no zoning area in the Development Plan for religious, social and educational development. They have to go somewhere. The only possibilities are commercial, industrial areas, hotel and tourist related areas or residential areas. It would seem that the residential areas are surely the most appropriate for example, for schools, community halls and churches.

Further, the uses mentioned in the amendments are community service uses. They are best located in the neighbourhoods they are serving. A few residents and landowners would refuse to give their consent and thus, damage the community; I think these points have to be kept in mind.

I would also which to reiterate that section 301 of the Development Plan, specifically provides that in residential areas the uses in section 304, i.e. religious, social and educational development may be permitted, provided that the applicant has advertised details of his application in a newspaper and there are no objections which the CPA regards as raising grounds for refusing such permission. Similarly, section 304 and Regulation 12(1) of the Development and Planning Regulations states;

> "That the uses in Regulation 12, that is religious, social and educational development, are permissible in any zone provided they meet the needs of the community.".

The amendment recommended would remove the requirement to carry out a poll before submitting a planning application for a Regulation 12 use, in a residential area. Procedures would involve advertisements in the local newspaper and consultation with adjoining landowners instead. This is the same procedure that has to be followed for commercial planning applications. For example, for gas stations in a residential area.

The CPA would still have to have regard to any objections received, in deciding whether or not to grant planning permission. A critical point is that Regulation 12 uses are community needs. Should those living in the vicinity of proposed Regulation 12 use, have an automatic veto on a proposal designed to benefit the community as a whole.

If the amendment is passed polls would no longer be required for churches, social clubs, libraries, schools, preschools, parks, golf courses, Government buildings, and community halls in residential areas. I wish to emphasise this particular point, that polls would still be required for industrial and tourist related development, including night clubs, theatres, bakeries, junk yards, slaughter houses, vehicle repair shops and builders yards.

Mention was also made of the Tiny Tots preschool. While I would not say here that the Portfolio was unmindful of this case, I would state that this amendment is not necessarily one that has been spurred by that particular case, otherwise if that was the only reason I would have readily agreed to delete this section from the Bill.

It should also be noted that the CPA did, in fact, grant permission for Tiny Tots to operate in that area. It was the Planning Appeals Tribunal that changed that decision, which as the Member alluded to, was recently quashed by the Courts. So the position is, that Tiny Tots Preschool is still in operation.

Again, I thank the two Members who spoke on this Bill and I trust that all Members will give their support to it. Thank you, Sir.

MR. PRESIDENT: The question will now be put. The question is that the bill be read a second time. Those in favour please say Aye...Those against No.

AYES.

AGREED. THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1990, GIVEN A SECOND READING.

FIRST READING

THE PUBLIC HEALTH (AMENDMENT) BILL, 1990.

MR. PRESIDENT: Bills. First Reading.

CLERK: The Public Health (Amendment) Bill, 1990.

MR. PRESIDENT: A Bill entitled The Public Health (Amendment) Bill, 1990, is deemed to have been read a first time and is set down for Second Reading. Bills. Second Reading.

SECOND READING

CLERK: The Public Health (Amendment) Bill, 1990.

MR. PRESIDENT: The Honourable Member for Health.

HON. D. EZZARD MILLER: Mr. President, this short Bill seeks to amend the Public Health Law, 1981 so as to enable the Governor in Council to make Regulations for dealing with infectious waste, as that term is not defined in the Public Health Law, 1981.

Clause 2 of the Bill seeks to amend section 2 of the Law to define the terms as well as the expression "infectious agent". By the insertion of a new part, Part XA in the Law. **Clause 3** attempts to confer upon the Governor the regulation-making powers by which the control of such wastes may be achieved.

For some time now the Public Health Department has been concerned about the way in which infectious wastes are being handled in the Cayman Islands. In particular, with new diseases being discovered that are of a much more contagious and life-threatening situation. The Portfolio, therefore, attempted to write Regulations which would control the collection, disposal and licensing of bodies as Infectious Waste Producers. Late last year the Government authorised the purchasing of two proper medical infectious waste incinerators. It is hoped that these incinerators will be delivered very shortly and put in operation.

However, after drafting the Infectious Waste Regulation Instructions, it was discovered that they could not be written because there was no enabling Legislation. So all this short Bill seeks to do is to enable these Regulations to be written and put in place.

I believe this will be a step forward if we have the power to control the disposal of this waste because we have had complaints of Environmental Health Officers and Public Health Officers being stuck with needles which have been simply thrown into a plastic garbage disposal bin and when picking it up, they have been stuck. We also have problems with needles not being disposed of, either by incineration or by some other form of destruction turning up at the dump and other places. Because the dump is not as secure as we would like it to be and we all have problems with illegal dumping, there is great risk and danger to people involved, in terms of picking up diseases from this infectious wastes.

The Regulations will empower the Governor in Council to make Regulations for the following purposes;

(a) the collection, treatment and disposal of infectious waste and matters related thereto,

(b) the management and conduct of a facility or facilities for the treatment of infectious waste, imposing on the occupier of the premises, duties in connection with the disposal of infectious waste, prescribing the charges to be paid by the occupier of premises for collection and removal of infectious waste and generally the manner in dealing with infectious waste.

If this Bill is passed and Regulations are put in place, the Cayman Islands would, in fact, be the first country in the Caribbean to have such Regulations and the PAHO consultant has, in fact, copied the drafting instructions to be used in other Caribbean territories. The Bill is necessary. I ask all Members to support it.

Thank you.

MR. PRESIDENT: The question is that a Bill entitled the Public Health (Amendment) Bill, 1990, be given a Second Reading and the Motion is open for debate. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I am happy to support this Bill. It is in an area that needs to be dealt with and I hope that in due course, when the regulations come into effect, that we will then see the proper treatment in dealing with the infectious waste. As we get more and more buildings that deal with that type of waste, it does become important to have some reasonable controls in there.

This is one of the several little areas, perhaps, that can be dealt with and can assist the Public Health in the Cayman Islands. I support it and would hope, as I said earlier, that at an early stage the Regulations come into effect and that they would be reasonable and we would be able to get on with dealing with this, Sir.

Thank you.

MR. PRESIDENT: If no other Member wishes to speak, would the Mover wish to reply?

HON. D. EZZARD MILLER: Only to thank the Members for their support and to assure the Third Elected Member for George Town that we will endeavour to make the services as comprehensive as possible. In fact, it is planned for a daily collection from each infectious waste producer and to have highly trained Environmental Heath Officers, which we will use to conduct the burning and disposal of this material.

Thank you.

MR. PRESIDENT: Therefore, the question will now be put. The question is that the Bill be given a Second Reading. Those in favour please say Aye...Those against No.

AGREED. THE PUBLIC HEALTH (AMENDMENT) BILL, 1990, GIVEN A SECOND READING.

FIRST READING

THE PARTNERSHIP (AMENDMENT) BILL, 1990.

MR. PRESIDENT: Bills. First Reading.

CLERK: The Partnership (Amendment) Bill, 1990.

MR. PRESIDENT: A Bill entitled The Partnership (Amendment) Bill, 1990 is deemed to have been read a first time and is set down for Second Reading.

Bills. Second Reading.

SECOND READING.

CLERK: The Partnership (Amendment) Bill, 1990.

MR. PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move the Second Reading of a Bill entitled A Bill For A Law To Amend The Partnership Law, 1983.

The amendment of the Partnership Law in this Bill is a very short one. The essence of it is to remove the restriction which is specified in section 47, subsection (2) of a limited partnership where it shall consist of no more than 20 persons. The amendment has been considered by the Private Sector Consultative Committee and they are in unanimous support of this amendment.

Section 47(2) reads at present: "A limited partnership shall not consist of more than 20 persons.".

If the amendment is passed, it would read: "A limited partnership may consist of any number of persons but shall include and must consist of..." and then it goes on to (a), (b) and (c). I recommend the amendments to the Bill to all Honourable Members.

MR. PRESIDENT: The question is that a Bill entitled The Partnership (Amendment) Bill, 1990, be given a Second Reading. The Motion is open for debate. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I support this Bill. It is a good one and it is good to see the Government bringing Bills such as this, which will advance the financial centre. It will bring more Revenue into Government's Treasury and it is one which go a considerable way towards adding the new business which may arise under that Law.

It basically just deals with increasing the number of persons, however, as short as it may be, I would hope and I am sure, that we will see more business coming to the Cayman Islands. Perhaps, I know the Honourable First Official Member keeps these things under review, but it is always good to see that even if the amendment is small it does come forward because I think that every bit of revenue in this day and age does count and every advancement that we can make to having ourselves more attractive as a financial centre, definitely helps. I support it, Sir.

MR. PRESIDENT: If no other Member wishes to speak would the Mover wish to reply?

HON. THOMAS C. JEFFERSON: Mainly to thank the Members for their support and to indicate as I did not do in moving the Bill, that the rationale behind it is that there are partnerships which are seeking to come to Cayman which would be formed by more persons than 20, as is the restriction at present.

MR. PRESIDENT: The question will now be put.

The question is that the Bill be given a Second Reading. Those in favour please say Aye...Those against No.

AYES.

AGREED. THE PARTNERSHIP (AMENDMENT) BILL, 1990, GIVEN A SECOND READING.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:15 P.M.

PROCEEDINGS RESUMED AT 3:40 P.M.

MR. PRESIDENT: Proceedings are resumed. Bills. First Reading continuing.

FIRST READING

THE TOURISM (AMENDMENT) BILL, 1990.

CLERK: The Tourism (Amendment) Bill, 1990.

MR. PRESIDENT: A Bill entitled The Tourism (Amendment) Bill, 1990 is deemed to have been read a first time and is set down for Second Reading.
Bills. Second Reading.

SECOND READING

CLERK: The Tourism (Amendment) Bill, 1990.

MR. PRESIDENT: The Honourable Member for Tourism.

HON. W. NORMAN BODDEN: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill For a Law To Amend the Tourism Law, 1974.

This short Bill is being brought so as to enable the Governor in Council to issue an order to place a moratorium on the construction of new hotels on the Island of Grand Cayman or any part thereof, for a period of up to five years providing that the Governor in Executive Council is satisfied that the overall interests of the Islands warrant such action.

Clause 2 is a consequential amendment which makes section 8 of the Law subject to the new section 11A which, is now being introduced and forms the main portion and purpose of this Bill, clearly setting out what the Government is attempting to do.

The new section, 11A, does several things. First the Governor in Council would be empowered to declare, by order, a moratorium on new hotel construction for a specified period of time not to exceed five years. But before doing so, due regard will have to be taken of the economic condition of the country, the social situation and of course, that all-inclusive clause, all other interests of the Islands. It is not a decision to be taken lightly or rushed into without research, reassessment, serious consideration and deep thought.

I am well aware that in this day and age of the modern and swiftly moving Cayman Islands, no one wants to hear the word control mentioned. Any attempt to introduce any measure that even slightly resembles that, will meet with considerable resistance from some sectors of our business community. I would prefer to refer to this as proper planning rather than control. I sincerely believe that if we ever become weak enough or lax enough to ever allow our country to become a totally uncontrolled and indisciplined society, we will have failed to retain the fine qualities which have made our Islands special and attractive.

There can be little doubt that in our development process we have made some sacrifices of our social fabric. We have placed a strain and brought pressure to bear on the infrastructure needed to produce a high quality service. After all is said and done, our first priority must be to preserve and protect the quality of life for the people of these Islands.

As I see it, our second responsibility must be to ensure that our rate of growth does not exceed the infrastructure's ability to cope. There seems to be little difference in opinion that we are fast reaching that stage. Where the difference seems to lie is in what do we do about it. This is the Government's effort to do something about it and in saying that, attempting to do something of a degree and level that will produce the least impact on our economy. I would, of course, wish to see more done, but after taking all factors into consideration I would only say here, that this is absolutely the least that can, in fact, be done. At least, it is a beginning.

I am mindful of the Government's heavy dependence on local revenue earnings to meet its ever increasing demands from the public for more and better services. I also know that the Government can only have a high income and only experience a good performance if there is a continuing strong and buoyant economy. I am also fully aware, naturally, of the tremendous contribution and benefits that new hotels bring to our developing tourism industry because all tourist destinations like to have new properties to offer for sale and all salesmen like to have something new to sell in the marketplace.

I believe that we are fortunate enough to be attracting new hotel properties already at a fast enough rate; about one every three years. I believe that this will give us the opportunity to consolidate and improve what we already have in hand, especially when one considers the need for imported

labour. Under the Tourism Law, 1974 and which I must say, is one of the best and most important pieces of legislation on the books of these Islands, from 1974 it has served us well and the Government of the day and the architects of this Law deserve much credit for their foresight in putting in place, at that time, the measures which this Law contains.

In the Tourism Law, the Member is given a measure of control over planning development for the purpose of Tourism, in order to preserve and enhance standards, as well as to ensure that the growth of the industry does not outrun the availability of manpower and other resources. This amendment is intended to strengthen that measure of planning over tourism development.

Fresh in our minds must also be the Budget Address of 1989. An Address in which the Honourable Financial Secretary outlined in great detail the past performance of the country's economic development during the 1980s and supported by indisputable statistical data identified challenges of the 1990s. It zeroed in on the socioeconomic transformation of these Islands due mainly to a rapid pace of development. Especially hotel development which is dependent on imported labour, to at least a level of 40 per cent.

Concerns have and are continuing to be expressed at all levels, with the clear view that if such a rate is allowed to continue, an imbalance will be created which will not be sustainable socially or politically and as has already been said, these are no longer "the Islands that time forgot". We, as Legislators, cannot afford to either forget or ignore the challenges facing our country today; solutions which are not easily found and actions that will not always be politically popular.

In continuing our examination of subsection (1) of section 11A, we must have regard for the economic, social and other interests of the country. Secondly, the moratorium can be placed for a one to five year duration, but must not exceed five years. The moratorium would apply to the Island of Grand Cayman only or any specific area of Grand Cayman that is specified in the order.

As all Honourable Members are fully aware, the main area of concern as far as tourism development goes is in the Seven Mile Beach area, whose boundaries are set from the George Town Cemetery to the West Bay Cemetery, from sea to sea. It is in this area that the custom duty incentive was withdrawn, through an amendment to the Hotels Aid Law last year. The bulk of our tourism accommodation activity is concentrated mainly in this area. Over the past six years this has been heavily developed and I believe that it is no longer a question as to how much more we would like to have, but actually how much more we can really afford in one area, before the quality of our tourism product is placed at serious risk. Perhaps even more importantly, the quality of life for all who live there is further reduced.

It is my recommendation and intention that initially, the moratorium on new hotels be placed on this Seven Mile Beach area only and for a period of three years, because like other Members, I recognise and realise fully that at the present time there are other areas of Grand Cayman where development would be welcome. As a Government we wish to continue to encourage that. This also would bring it more in line with the Hotels Aid Law, which I mentioned a few minutes ago.

Provisions are also being made in the amendment, for the order to be rescinded at any time during the specified period that the Governor in Council considers it necessary to do so. There is sufficient flexibility for adjustments to be made, as and when considered necessary and based on the country's economic condition.

Subsection (2) of the new section 11A, enables the Central Planning Authority to refuse applications for the construction of hotels in the areas specified in an order, but at the same time saves the Central Planning Authority from liability for such refusal to grant building permission, during that specified period. However, provision is also made here so that any applicant who has been refused permission, retains the right to reapply at any time after the period in the Order has expired or after the Order itself, has been rescinded.

In subsection (3), protection is provided for those applications which are approved prior to the effective date of the Order, but in respect of which work has not been completed or commenced at that date, except that where that is the case, an application for renewal or for an extension will not be granted.

I should also make mention that the provisions made in this Bill would not affect condominium development, as I believe that it is desirable to continue to encourage this type of accommodation, especially since it is not labour intensive from an operational point of view, and especially if we can continue to attract luxurious condominiums along the lines, styles and types that we have seen developed over the past two to three years. If memory serves me correctly, from a labour point of view, I believe that industry standards for hotels require a one to one ratio. That is one employee for each hotel room, whereas in the condominium business it is a five to one ratio. In other words there are five rooms to one employee.

Neither will this Bill affect the extension of existing hotel properties. In fact, it might go towards encouraging some of the already established businesses to expand and to improve their facilities. It may be of some interest for the House to know that at the present time, we have in the Cayman Islands a total of 1,590 hotel rooms, which includes the Radisson. We have 1,395 condominium rooms, plus 750 apartment units for a total of 3,735.

Based on the average length of stay, which is five nights for hotels and 6.5 nights for condominiums, if these properties experience an average of 70 per cent occupancy, it is estimated that we have sufficient accommodation available for 265,000 visitors, per year. Last year we received a total of 210,000 air arrivals and we have projected a 78 per cent increase for 1990. I know this is purely hypothetical, but I believe that it bears out the point that there exists at the present time, a reasonable amount of available rooms with scope for expansion, at a rate with which we can cope.

In conclusion, I believe that this Bill, if passed, to a small extent

will help to address the concerns being expressed at all levels about rapid development, especially in the hotel sector. It will reduce, even if only for a short period of time, the imbalance in the population ratio that is changing rapidly enough, due to the need to import at least 40 per cent of the labour force needed to service our hospitality industry.

It will perhaps to some degree address the rapid social changes that are transforming our country. It should not cause any great upheaval in our sound economic conditions. But I believe it will go towards better planning and is an attempt at a more sensible and reasonable distribution of hotel development in the Cayman Islands. I find this amendment to be fair, reasonable and timely. I commend it to this Honourable House and I hereby ask all Members to give it their support.

Thank you, Mr. President.

MR. PRESIDENT: The question is that a Bill entitled The Tourism (Amendment) Bill, 1990 is given a Second Reading and the Motion is open for debate. The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.

In rising to offer a contribution to a Bill For A Law To Amend The Tourism Law, 1974, may I take this opportunity to congratulate the Government and especially the Member who so ably presented the comprehensive rationale for bringing this Bill to this Honourable House at this time.

It is, I observe a timely Bill, very comprehensive and in some respects it could be controversial because of course, any attempt to institute moratoriums on developments of this nature on a country where tourism is so important and a pillar of the economy, can be viewed controversially. I am happy to say in this case that the controversy is not so great, nor is it of such a magnitude that it will prevent passage of this Bill through this Honourable House.

The Member has quite ably dealt with the clauses and the ramifications and rationale, so I will in the interest of time, forego those aspects in my commentary. Suffice it to say that it is gratifying to see that at this time, with so many people voicing concern about overdevelopment, the fact that we have to import much of the labour needed to service these kinds of developments, that we have reached a point where some of us realise serious stock needs to be taken.

I am also happy with the flexibility allowed because one of the detrimental or negative things in moratoriums is if they are structured in such an inflexible way, they might do more harm than they do good. In this case, I am happy with the fact that the time period does not exceed five years and indeed, within that five years there is flexibility and scope extending from one year through to the five years. I am also happy and in agreement with the fact that it primarily limits this kind of development along the area popularly known as the Seven Mile Beach.

I would like to say that at the beginning I was very concerned because the constituency I represent, indeed the whole eastern district, suffers from underdevelopment of these kinds of projects. Even from the more limited condominium type projects, this Bill structured the way it is leaves scope and an opening for such development to be routed towards the eastern section of the Islands, so I am extremely happy and grateful that the Government, in its wisdom, saw fit to be so flexible.

I am also inclined to say in agreement again with the Honourable Member presenting it, yes, it is time that we in the Cayman Islands try to arrive at some sensible model, especially with regard to the number of tourists and visitors we can quite ably and feasibly accommodate, even in one year. I noticed that he said some time ago that we had 265,000. The facilities, the rooms we have, taking a total of hotel, condominium rooms and apartments in a formula he suggested, I would like to stretch a little further and say that if we could think in terms of 300,000 people visiting per year and setting a ceiling around that similar to the Bermuda model, we could quite conceivably in the near future develop comfortably as a tourist resort without sacrificing any of the comforts and social and cultural concerns, we so often hear voiced by our constituents and otherwise.

I am happy too with the attention paid to better planning and a more sensible distribution of hotel rooms.

In conclusion then, I may say that I have decided that this Bill will receive my total and undying support. And again I would like to congratulate the Member on what I think is a timely and sensible presentation.

MR. PRESIDENT: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON: Thank you, Mr. President.

I rise to offer my support to the Bill For A Law To Amend The Tourism Law, 1974.

I think this is a very timely amendment and from my contributions in the past, I support the idea of some measure of planned development. I feel this is a good area to start. That is, placing a moratorium on any major or large hotels, especially in the Seven Mile Beach area because of the labour requirements of projects of this magnitude.

I support the idea also that the moratorium for the time being should be restricted to the Seven Mile Beach area, which is now congested and in my opinion, where there is very little land left for development of this nature, especially on the beach side. I think we as legislators have to encourage expansion or economic activity in the other areas of our Islands, such as into West Bay itself, the eastern districts and also to the Lesser Islands. I trust that by taking this measure that this will be one of the

positive results that we will experience.

I also agree with the time period initially of three years because I think it would give us sufficient time to monitor what effect a decision of this measure will have on our economy and indeed, on the people of these Islands. I think that even though we are concerned and we have all expressed concern with regard to the rapid rate of development in this country, I think any attempt to control it must be gradual. I do not think it is something that should be put on all at once because we have to be very careful not to destroy what we have worked so hard to establish in this country; that being economic activity.

I think it makes sense for us to continue to arrive at a position, where we expand at a rate that can be comfortably accommodated by the people that we have here in this country.

I would like to congratulate the Member. I think it is a very positive move and I can assure him that he has my total support.

Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I support this Law. There has been much public concern as the previous speakers have stated, in relation to how fast or how slow the economy should go. An analytical approach was clearly set out in the Budget of the First Official Member and that is a very good basis upon which one can meditate in making decisions such as this.

While I will only be speaking briefly, I think this Law is probably one of the most serious Laws that we have had to deal with in some time. It is serious because the future of the Cayman Islands can depend on it. If the brake is pushed too hard, we face an economic recession. If the brake is not pushed hard enough we could have things getting out of control.

As to the decision specifically as to the extent to which the brakes can be put on, the Member for Tourism obviously has a lot of these facts within his Portfolio, within the Government and I am sure that he would have had a careful look at these prior to deciding to what extent to slow the economy down. I support this Bill on the basis, as the Member has stated, that he will be using the Order initially for a three year period on the Seven Mile Beach area. Perhaps sometimes I am overconservative, but it is much better to push easily and to begin the slowing process at a slower rate than to begin too quickly. Three years is a long time and we do not really know what lies ahead from the economic point of view for the Islands.

I am also happy to see that he will be using this to restrict it so that the districts, other than the Seven Mile Beach area, will be allowed to continue to build hotels. I remember back in the very early 1970s, at a time when I think I was acting Attorney General and the Government gave an undertaking for a moratorium, unfortunately, it was some 11 or 12 years later that we actually saw the first hotel going back down. Why I am saying this is because we have to draw on the past to really see the extent to which we should slow the economy.

The problem we have with hotels, is that a long period of time is taken for planning and putting together feasibility studies. Therefore, by the Member reducing this time to three years, he has come much nearer to what would be more satisfactory. It is always open at the end of the three years, if he so wishes to extend. However, I believe that if the longer period of five years were used and he took the option of revoking, that hotels would have already put in place their planning to deal with that five years. So I think it is wise on his part to restrict the period and to restrict the area.

All I can say is that I hope that he and the Financial Secretary will monitor very carefully the effects that this will have on the economy and hopefully will report to this Honourable House, in the future, if he sees anything going on other than what is ordinary and expected. The decision is not an easy one to make because we cannot, unfortunately, see into the future to any extent and we have to rely on factors which can affect the Islands' future or sometimes, for the economy's sake, we make the decision with other things being equal. On that basis, if they remain substantially equal, we get substantial results. But that is where the monitoring has to come in and, it has to be looked at carefully because I believe this country can far better sustain a slight bit of overgrowth than it can an economic recession. Once that comes upon us, we know that getting out takes twice the length of time.

However, I rely heavily on the judgement of the Member and of the Honourable Financial Secretary in that capacity to have weighed carefully all factors, including the factors which are unknown to myself and the other Backbenchers, and to regard this decision as a very serious one that can seriously affect our future. I would only ask that God's guidance be with them in dealing with this and hope that it is for the best of the Cayman Islands. It is the duty of every Member here to ensure that all measures or Laws before this House are in the best interests of the Cayman Islands as a whole.

Thank you.

MR. PRESIDENT: The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Mr. President, I would like to speak. I will be more than two minutes, I do not know if we should adjourn until tomorrow.

I rise to support the amendment to The Tourism Law, 1974 as has been presented by the Member responsible for Tourism. I think it is a very good, positive and timely response by the Member to the general call in the Caymanian society at this time, for a slowdown within the area of the hotel industry.

I think that he has selected the area of Seven Mile Beach as the

area on which to place a moratorium is also a wise move because it is in this particular area, this stretch of land on Grand Cayman, that there is the most development, both in hotels and in condominiums. It is in the hotel industry there, that most of the foreign labour is used in these Islands. The amendment which the Member proposes and which I feel sure will be passed, will allow the opportunity for the labour conditions to get a breather to perhaps, be able to take another look at it and deal with what is presently in place and try to straighten out hitches or problems which may exist therein.

It also provides an opportunity for hotels now in existence, to update their standards to a higher level as is necessary and reasonable because having quantity without quality does not truly help our situation. For us to maintain our position, we need to constantly look to every opportunity of improving our standards in quality.

The development in the Seven Mile Beach has, I suppose, in some ways been at the expense of the other districts and through a moratorium, as is proposed by this Bill, there is the added opportunity to attract hotel development in the outer districts. I believe there is quite a large amount of labour, if I may say, indigenous to the district, that is available for work at hotels, should hotels be built in the outer districts. Such labour, for various reasons, will not be found coming to George Town or the Seven Mile Beach. But, if there were hotels in the eastern districts, such labour could be utilised. I believe the homemaker would have the opportunity of going there and being back home in time to meet the children when they came back from school; and there are other types of labour that could be tapped also.

I believe to some extent that this would help the matter of traffic and transportation because there would be opportunity for people, rather then travelling into George Town, they could be travelling in an opposite direction, or not travelling by car. I think it has the potential of sparking new life in the districts that have never experienced it before and also, from this point of view, I think the move by the Member makes good sense.

The developers may turn their eyes to the outer districts as well and I do hope also to the Lesser Islands, where land can be found much cheaper than Seven Mile Beach and its general vicinity.

I further think that the idea proposed by the Member, to initially suggest a three year moratorium with the flexibility of changing that period of time if need be, indeed, is good management sense. I most highly commend it.

Generally speaking, I believe this is a good and positive move that answers to some extent, the many calls for doing something about slowing down the overheated situation, that stems largely out of the hotels, in terms of demand for labour. This amendment certainly has my full support.

Thank you.

MR. PRESIDENT: Would the Honourable First Official Member move the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the Adjournment of the House until 10 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do now adjourn until tomorrow morning at 10 o'clock. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The House is accordingly adjourned.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10 O'CLOCK, TUESDAY 20 FEBRUARY 1990.

TUESDAY
20TH FEBRUARY, 1990
10:12 A.M.

MR. PRESIDENT: Prayer by the First Elected Member for Lesser Islands.

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, 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 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 His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Proceedings of the House are resumed.

Questions, No. 13 please, 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. 13: Would the Honourable Member state what is the total client population of the Social Services Department?

ANSWER: The total client population as of 13 February 1990, was about 457 active cases.

The Cayman Brac population as of 16 February 1990, was about 66 active cases.

MR. PRESIDENT: Are there any supplementaries? In that case, question No. 14 please, 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. 14: Would the Honourable Member give a breakdown of the reasons that have caused children to be put in foster care services, giving ages and reasons for committal?

ANSWER: Children are placed in foster care if the Juvenile Court finds them to be in need of care and protection according to certain legal grounds. Basically, these fall into two categories - neglect and abuse.

The Department of Social Services reports that there are 30 children presently in foster care, 28 for having been neglected and 2 for having been abused.

Of those neglected, the following ages apply:

2 months	1
1 year	1
2 years	4

3 years	1
4 years	2
5 years	1
6 years	2
7 years	3
8 years	3
9 years	7
10 years	1
12 years	1
14 years	1

Of those abused, one is 14 years and the other is 2 years.
There are no children presently in foster care on Cayman Brac.

SUPPLEMENTARIES

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, can the Member say whether foster homes are readily available or whether there has been a problem finding them?

HON. D. EZZARD MILLER: Mr. President, presently there are eight foster homes available. The Portfolio is in the process of publishing the recently obtained criteria for foster homes from the Department of Social Services, in order to interest other people in providing foster care.

MR. PRESIDENT: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Mr. President.
Would the Member outline what the Government's financial arrangements are in keeping with the Foster Care Home Service?

HON. D. EZZARD MILLER: Mr. President, I do not have the information here, but I believe it is $75 per week for children and $100 per week for infants still in the diaper stage in other words.

MR. PRESIDENT: Question No. 16 please, 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. 15: Would the Honourable Member say how many elderly or handicapped persons receive services such as community care and financial services?

ANSWER: There are 40 elderly and/or handicapped people receiving community care and 223 receiving financial assistance in Grand Cayman.

On Cayman Brac there are 15 elderly and/or handicapped persons receiving community care and approximately 70 receiving financial assistance.

SUPPLEMENTARIES

MR. W. McKEEVA BUSH: Does the Member have the breakdown of those who are not handicapped?

HON. D. EZZARD MILLER: Of the 40 elderly and/or handicapped persons who have community care workers in the home; five are physically disabled, 19 are mentally disabled, 14 are elderly with physical and/or mental disabilities, and two are children with special needs. In Cayman Brac 15 are elderly and five are handicapped.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I would like to ask the Honourable Member whether the Meals On Wheels programme or a similar type of programme to bring hot meals to elderly people still exists and to what extent?

HON. D. EZZARD MILLER: To the best of my knowledge that programme has been discontinued.

MR. TRUMAN M. BODDEN: Do you know if anything has been substituted for it, to get hot

meals to shut-ins and people who cannot get out?

HON. D. EZZARD MILLER: I think that has been replaced largely by the home health care workers who actually live in the home and do additional services along with meals.

MR. TRUMAN M. BODDEN: Mr. President, could I ask the Member if he would undertake to investigate and check how many of the elderly are not subject to the programme of having a social worker in the home, who may be in need of at least one hot meal a day and also whether he would check to see if something could be done in relation to those?

HON. D. EZZARD MILLER: Mr. President, yes. In fact, the Portfolio has commissioned a study of all of the needs of the elderly. In fact it starts in Cayman Brac tomorrow morning and from that, we shall be able to ascertain all of this information which we do not have.

MR. PRESIDENT: We go on to question No. 16. The First Elected Member for Cayman Brac and Little Cayman.

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

NO. 16: Would the honourable Member state:

(a) What policy there is in regard to the employment in any part of the public service of the spouse of an Elected Member of the Legislative Assembly;

(b) whether such policy has changed since 1987; and

(c) who has the authority to decide on such matters?

ANSWER:

(a) There is no written policy governing the employment of spouses of Elected Members of the Legislative Assembly. However, sound management principles dictate that family, business or other possible conflicts be taken into account in placing officers in Government Departments;

(b) There has been no change of policy in this connection.

(c) The authority for posting of staff rests with the Administrative Secretary in the case of officers in the Administrative Service and with the Principal Secretary for Personnel in the case of officers in the clerical and executive grades. Technical and professional staff are transferred by the Governor on the advice of the Public Service Commission. All public officers are liable to transfer.

SUPPLEMENTARIES

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. In the case of a transfer, is the individual affected usually given notice?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, usually both the department that is giving up the officer and the department that is receiving the officer are generally consulted in advance and the officer concerned given reasonable notice.

CAPT. MABRY S. KIRKCONNELL: Supplementary, Mr. President. I wonder if the Member could explain what he means by reasonable notice?

HON. J. LEMUEL HURLSTON: Reasonable notice, Sir, means reasonable, in light of all the circumstances prevailing in that particular case.

MR. PRESIDENT: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Mr. President. Would one day's notice be considered reasonable in transferring an officer?

MR. PRESIDENT: I think that verges on being a hypothetical question, but the Member may wish to comment.

HON. J. LEMUEL HURLSTON: Mr. President, the reasonableness has to be looked at in light of the circumstances of each individual case.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Where is this rule relating to reasonable notice? Is it in the Regulations or is this what is common practice generally?

MR. J. LEMUEL HURLSTON: It is a common practice, Mr. President. The Regulations provide that all officers who join the public service upon accepting appointment, accept that they are liable to transfer wherever their employer requires their services.

MR. GILBERT A. McLEAN: Mr. President, would the Member say if the Regulations have changed, whereby an officer on the pensionable permanent establishment is not given three months notice regarding resignations and transfers and is one month not normally required in instances where a person is being transferred? Is there nothing written anymore in the Regulations about time notice on transfers?

HON. J. LEMUEL HURLSTON: Mr. President, with respect there was never anything written in the Regulations with regards to notice required upon transfers. The notice required for termination of employment is written into the letter of appointment and yes, three months notice in the case of a resignation is normally required, or one months salary in lieu of such notice. That is in the case of termination. There is no similar notice period required in the case of transfers.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. When transfers are considered, is any consideration given that the transfers are sort of on an equal basis, making sure that the person transferred will accept the type of work being offered?

HON. J. LEMUEL HURLSTON: Yes, Mr. President. As I indicated in answering an earlier supplementary, the department losing the officer and the department receiving the officer are both generally consulted in advance and if there is any difficulty, that matter is addressed according to the circumstances of the difficulty. The officer is not necessarily always consulted, but the head of the department losing the services of the officer is consulted and the head of the department who is receiving the officer is consulted.

CAPT. MABRY S. KIRKCONNELL: A supplementary, Mr. President. In a case where the transfer is to a department that does not function 12 months out of the year, are the other three months taken into consideration?

HON. J. LEMUEL HURLSTON: Yes, everything about an officer's terms and conditions of service have to be taken into consideration when dealing with a transfer.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.
Can the Honourable Member say why the departments involved know of the transfer but the officer who is to be transferred might not necessarily know? What is the rationale?

HON. J. LEMUEL HURLSTON: Mr. President, in the case of officers employed to do clerical work, for example, they could be required to do clerical work in any department and they do not have to be consulted as to whether they would like to do clerical work in department 'A' or clerical work in department 'B'. They are employed to do clerical work.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say whether the question of conflict is decided when a person goes into the post or some five or ten years later?

HON. J. LEMUEL HURLSTON: Wherever possible, conflicts should be determined prior to, but conflicts can arise even during a period of employment, so it has to be kept under regular review.

MR. PRESIDENT: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Thank you, Mr. President.
In the answer given by the Member, the question speaks of sound management principles. Would it not be in keeping with sound management principles and indeed, personnel management not to presume that an employee in the Government should be transferred summarily without them being questioned as to whether they wish to be transferred to a different department, whether they are doing the same work or not? Indeed, that person may wish to resign rather than be transferred. Could the Member explain, please?

MR. PRESIDENT: You may try but that is a very hypothetical question, indeed.

HON. J. LEMUEL HURLSTON: Mr. President, the conditions of employment prescribe that all public officers are liable for transfer. It does not say that they are liable to transfer after consultation. If consultation is deemed to be most suitable and appropriate in a particular set of circumstances, it is done. If the circumstances do not suggest that consultation is appropriate, consultation is not necessarily required. I only gave an example of a clerical worker. But there are other more complex cases involving officers on transfer and indeed, the more complex the case, the more consultation and consideration is given to it.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.
In cases where the transfer results from conflict, is there any practice now, whereby the transferee is told that the transfer is because of a result of that conflict and if not, would the Member give this Honourable House an undertaking that in such sensitive cases, the transferee could be diplomatically and politely told the reason for transfer?

HON. J. LEMUEL HURLSTON: Indeed, that sounds perfectly reasonable and I can give that undertaking, Sir.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Would the Honourable Member state if this only occurs to spouses of Members of the Legislative Assembly or are there other conflicts that may occur?

MR. PRESIDENT: That is going a long way beyond the original question, but again I think it is a matter of policy. You may answer.

HON. J. LEMUEL HURLSTON: Mr. President, conflicts are conflicts, whether they involve spouses of Members of the Legislative Assembly or any other conflict. A conflict is a conflict.

MR. PRESIDENT: Question No. 17 please, the First Elected Member for Cayman Brac and Little Cayman.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND NATURAL RESOURCES

NO. 17: Would the Honourable Member say when will street signs for roads that have been named in Cayman Brac and Little Cayman be installed, and when will roads not presently named be named?

ANSWER: Public Works Department has received a list of street names for Cayman Brac and Little Cayman and will be, as a priority, erecting signs on major roadways beginning in April 1990.

The Street Naming Committee is currently developing a system of street naming in respect of unnamed streets and their report will be available in July. Once the system is established, street naming will commence at this point.

SUPPLEMENTARIES

CAPT. MABRY S. KIRKCONNELL: Mr. President, would the Honourable Member state who is on the Street Naming Committee?

HON. LINFORD A. PIERSON: The members of the Street Naming Committee are the Director of Planning, the Director of Lands and Survey and the Registrar of Lands, the Chief Fire Officer, the Chief Roads Engineer PWD, Crown Council and the Assistant Secretary in the Portfolio of Communications Works and Natural Resources.

CAPT. MABRY S. KIRKCONNELL: Supplementary, Mr. President. In the case of Cayman Brac and Little Cayman is there any input from the people of those two Islands?

HON. LINFORD A. PIERSON: Mr. President, my understanding is that contact has been made with the district office and also letters were sent out to the two Members of the Legislative Assembly for the two islands two weeks ago.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say whether he would undertake to add elderly persons who have some knowledge of original names of streets to the Committee there, as well as for Grand Cayman?

HON. LINFORD A. PIERSON: Yes, Mr. President, we would be happy to give that undertaking.

MR. PRESIDENT: If there are no more supplementaries shall we go to No. 18? The Elected Member for East End, please.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS WORKS AND NATURAL RESOURCES

NO. 18: Can the Honourable Member say when will work re-commence on the cattle dips in East End and Lower Valley?

ANSWER: Working drawings for the cattle dips are complete and are being sent to the Central Planning Authority for approval. Cost estimates are being prepared by the Public Works Department for submission to the Portfolio during the second week of March. A re-vote of unspent funds from 1989, and if necessary supplementary funds, will be requested for the projects to proceed. Construction of the dips will commence within four weeks of these funds being released.

SUPPLEMENTARIES

MR. JOHN B. McLEAN: Mr. President, as in the case of the East End site, could work have continued on the grounds until the site plans were prepared.?

HON. LINFORD A. PIERSON: Mr. President, it was felt inappropriate to continue the work until all the designs had been properly completed.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. FRANKLIN R. SMITH: Mr. President, could the Honourable Member say whether these two projects will go to tender?

HON. LINFORD A. PIERSON: Mr. President, both sites will require rock excavation and possibly blasting. This work will have to be done by other private sector firms and in turn by contract. No decision has yet been made in respect of the construction, but it too, could be put out to bid.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say whether there were any earlier plans prepared for these dips and also would he let us know how long it has taken to prepare the present plans?

HON. LINFORD A. PIERSON: Mr. President, the answer is that there were initially some sketches done of the dips, but the finalised plans were only recently completed.

MR. PRESIDENT: Next question please, the First Elected Member for Bodden Town, No. 19.

THE FIRST ELECTED MEMBER FOR BODDEN TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 19: Would the Honourable Member say what is the total cost of health advertisements made for the Portfolio?

ANSWER: Mr. President, before giving the written answer to this, I would just like to clarify the answer in saying that I did confirm with the Member asking the question that it related to the recent advertisements about public meetings of the Health Plan. The answer, therefore, is the total cost of the health advertisements made for the Portfolio is $2,711.80.

SUPPLEMENTARIES

MR. PRESIDENT: Are there any supplementaries? The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, can the Member say whether the recent radio policy stating that advertisements or announcements for political meetings, other than those on the Bulletin Board, would have to be paid for by the politicians, and whether once that policy goes into force will he personally be paying for his political meeting announcements or not?

MR. PRESIDENT: That question is way outside the original question, but the Member seems to wish to answer it.

HON. D. EZZARD MILLER: Yes, Sir. The actual breakdown of that cost of $2,711.80 is as follows;

Cost to prepare the jingle 'Health for all Caymanians - All Caymanians for Health' -	$ 175.00
The radio spots production (the person who recorded the statement on the radio)	30.00
Preparation of flyers (artwork)	25.00
Printing of the flyers	355.00
Distribution of the flyers	250.00
Banner	13.80
Radio Time	1,863.00

Total cost for this was borne by yours truly, D. Ezzard Miller. The Cayman Islands Government did not contribute one cent to the cost of these advertisements.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.
May I ask the Honourable Member if the objective of the advertisements was purely informational, or was there a more significant objective and if so, could he tell the Honourable House what that objective was?

HON. D. EZZARD MILLER: The objective of the announcements was to entice people to the meetings which were held for informational purposes to explain the two health plans to the public.

MR. PRESIDENT: Question No. 20, please. 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. 20: Would the Honourable Member say what Regulations, (financial and otherwise), must visitors to these Islands comply with, in order to enter these Islands?

ANSWER: The requirements to be satisfied by visitors are laid down in Part V of the Caymanian Protection Law, 1984, as read with the Caymanian Protection Regulations, 1985.

To be brief, a visitor has to satisfy an Immigration Officer as to his identity, by producing a satisfactory travel document or acceptable identification and where prescribed, a visa. In addition, the visitor has to satisfy the officer as to his ability to maintain himself for the period of his visit and that he has the means to return to his country of origin at the end of his stay. The officer also has discretionary powers to demand evidence of good character and have the visitor medically examined.

SUPPLEMENTARIES

MR. ROY BODDEN: Thank you, Mr. President.
With respect to means of maintenance during the visit, may I respectfully ask the Honourable Member if it is a routine practice for some visitors to produce evidence of this means to the Immigration Officer?

HON. J. LEMUEL HURLSTON: Mr. President, the production of evidence of means is entirely at the discretion of the Immigration Officer. Whatever proof is required is laid down at the time of the entry at the port of arrival.

MR. ROY BODDEN: Thank you, Sir.
In cases where the Government of certain countries only allow visitors to take out the equivalent of US$50 in cash or money orders, how are these cases dealt with at our ports of entry? That is, visitors coming to our port of entry from these countries?

HON. J. LEMUEL HURLSTON: Persons coming with very limited financial resources sometimes have local contacts - relatives or friends - and these local contacts form the basis for the support during the visit of the visitor.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Supplementary, Mr. President. I wonder if the Member could say what happens in a case where there is no local contact?

HON. J. LEMUEL HURLSTON: The entry is denied, Sir.

MR. PRESIDENT: We move to the next question. No. 21 please, 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 NATURAL RESOURCES

NO. 21: Would the Honourable Member say:

(a) What is the estimated cost of repairing all the public roads in the electoral district of George Town; and

(b) approximately how long will such repairs take to complete?

ANSWER: An inspection of roads in the district of George Town in January 1990 identified approximately 40 roads requiring work of some form. Of these, about 20 would be considered as repairs, i.e. simply patching or other similar work. The remainder would be more appropriately considered as upgrading, i.e. surface treatment to hot mix, adding sidewalks, etc.

Cost estimates for all these projects are now being determined by the Public Works Department and can be made available to all Members of the House, by 5 March 1990.

West Bay and Bodden Town (the two largest appropriations), will be completed by the end of the week.

SUPPLEMENTARIES

MR. TRUMAN M. BODDEN: I guess really what I have here is an undertaking to get the balance of the answer. I had asked two things - how long the repairs would take and what would be the cost. It seems that those I will get in a written answer later on.

MR. PRESIDENT: Sorry, what is the question?

MR. TRUMAN M. BODDEN: I am asking you to give me a minute since the question has not really been answered. I would not have any supplementaries.

HON. LINFORD A. PIERSON: Mr. President, the Member in his question asked: "Would the Honourable Member say what is the estimated cost of repairing all public roads in the electoral district of George Town and approximately how long will such repairs take to complete?" I stated that the cost estimates of all these projects are now being determined and until these estimates are determined, it is going to be difficult to put an exact time as to when the repairs will be completed.

I would further state that the reason why it is taking some time to do these estimates is that each job has to be looked at separately and a simple plan, description of the work and cost estimates prepared. This is being done with the expectation that a good deal of this work will likely be let for tender. To rush ahead now and prepare rough estimates will not serve the ultimate purpose of enabling the Department to move ahead with the actual physical work either, through its own resources via competitive tender.

MR. PRESIDENT: I think we should put that down as a supplementary answer to the question that has not been asked yet.

MR. TRUMAN M. BODDEN: I will take that as an answer. I really would only just have one. Did the Finance Committee request and there was no objection, as I understood it, to asking that these be submitted as at the end of January, 1990?

HON. LINFORD A. PIERSON: Mr. President, I agree that I gave a supplementary answer without a question being asked. I was just trying to avoid the Member having to ask the question by providing the information. As the Member will recall, quite a lot of time was taken visiting the districts. As the Member responsible, I visited with each Member of the various districts to ascertain the needs of the particular district. Once this was done, it was collated and the engineers at the Public Works Department got together with the Chief Engineer and decided to do the costing on the various requests made by the Members. This, in fact, has taken some time. It was not possible from the number of requests that were made by the various Members to have had this information available by the end of January.

As stated in the supplementary answer which I gave, we intend to do this properly. To give a rough estimate at this point in time would serve very little purpose.

MR. PRESIDENT: Question No. 22, please. 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 NATURAL RESOURCES

NO. 22: What is the maximum number and approximate miles of road that could be repaired for CI$2.5 million?

ANSWER: The number of miles or road repaired depends upon the standard of surface selected. For CI$2.5 million:

With chip seal resurfacing	- 70 miles
With hot mix resurfacing	- 10.5 miles
With marl and surface treatment	- 42 miles

The number of roads repaired will depend upon the type of repair and length of road selected.

SUPPLEMENTARIES

MR. TRUMAN M. BODDEN: If the Member remembers this, it may be a bit wide but, was this not the approximate cost of the half mile or so of the Jennett 'T'?

HON. LINFORD A. PIERSON: Mr. President, I figured that the Member was asking this question to get to the Jennett 'T', so I have brought the answer for him.

MR. TRUMAN M. BODDEN: He has really done his homework today, Sir.

HON. LINFORD A. PIERSON: I try to do my homework every day that I am in this House. The cost of the Jennett 'T', as the Member is well aware, was estimated at $2,580,500. Of this amount $2,377,500 was in respect of property. I do have an itemised list of the properties, some 12 of them. I would be happy to read them if the Member so desires.

The estimated construction cost was $203,000. So I would repeat again that $2.3 million of the $2.5 million was in respect of the valuation placed on the land and $203,000 for the construction of this Jennett 'T' which is badly needed.

MR. TRUMAN M. BODDEN: Mr. President, a matter of clarification: was there not in the Budget, if you can remember $1 million to buy the land and another further balance of this, to do the roads?

MR. PRESIDENT: That appears to be questioning what the Honourable Member has said. Would you care to reply or reaffirm?

HON. LINFORD A. PIERSON: Mr. President, there was a total amount, as I can recall of $1,360,000 in respect of the Jennett 'T', of which $1 million was allocated for the purchase of land, at that point with the understanding, of course, that supplementary funds would have been required for the balance of the purchase of the land. At that point, I should stress that it was an estimate put forward in the Budget.

MR. PRESIDENT: I think if we go on to the next question we should just avoid suspending Standing Orders. No. 23, please, 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 NATURAL RESOURCES

NO. 23: Can the Honourable Member say how much money was spent on repairs of roads in the George Town electoral district in each of the years 1986 to 1989 inclusive?

ANSWER: No. Accounting systems did not record maintenance work for each district. However, for all of Grand Cayman the road maintenance costs were:

1986	-$240,600.00
1987	-$249,450.00
1988	-$500,050.00
1989	-$443,875.00.

SUPPLEMENTARIES

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. FRANKLIN R. SMITH: Mr. President, would the Honourable Member say why the cost of roads has doubled in 1988 and 1990?

HON. LINFORD A. PIERSON: Mr. President, the reason why it was so high in 1988 as compared with 1986 and 1987 was due to repairs associated with hurricane Gilbert. These were included in that figure. In 1989, it seems to have taken a similar trend.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, can the Honourable Member say, where the Government rates road repairs in its priority list of road projects?

HON. LINFORD A. PIERSON: Mr. President, I can only say that we rate repairs of roads fairly high in our priority list for road programmes. The Member could probably elaborate a bit in his question.

MR. TRUMAN M. BODDEN: Could the Member say whether he will complete the list of repairs that will come out for this year, during this year or not?

HON. LINFORD A. PIERSON: Mr. President, as the Member is aware, we have been given quite a long list of work for this year and the amount of work that will be carried out will depend on the ability of the private sector and the Public Works Department to complete that work. But every effort will be made to complete as much of the work as possible.

MR. PRESIDENT: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Is the Member saying, Mr. President, they will tender some of the work?

HON. LINFORD A. PIERSON: Yes, Mr. President. As much as possible will be tendered.

MR. PRESIDENT: We move to Item 3 on todays's Order Paper. Statements - the Honourable Member for Tourism.

STATEMENTS BY GOVERNMENT MEMBERS

HON. W. NORMAN BODDEN: This statement is being made with the view of informing Honourable Members of such progress as has been made regarding the Government's investigation of the means whereby an apprenticeship scheme could be established in the Cayman Islands.

The Portfolio of Tourism, Aviation and Trade requested the assistance of the Economic Development Unit in preparing a report on an apprenticeship scheme. The Unit has informed the Portfolio of actions taken in this regard and of the planned programme up to June, 1990.

It is the view, that in order to effectively formulate such a scheme, the relevant information will need to be collected. Some information is currently available, but this focuses mainly on historical conditions and does not deal with current and expected manpower demand. It is a major priority of the EDU this year to undertake an economy-wide manpower demand survey to determine and assess the current and future market demand for indigenous middle and upper-level managerial, professional, administrative, and technical skills, as well as for skilled and semi-skilled labour in the economy. The objective would be to use the information to formulate an informed and pragmatic manpower development policy with special emphasis on education and training in the above skill areas.

The Portfolio of Finance and Development will be using two regional consultants to carry out the manpower demand survey and, a consulting team visited here in January of this year. The Portfolio of Finance and Development is currently negotiating with the consultants and is in the process of finalising the terms of reference. It is expected that the results of the survey will be made available to the Unit in August of this year.

The Portfolio concurs with the approach being taken by the Economic Development Unit in this matter. It is accepted that there is a critical shortage of trained indigenous labour with professional skills. It is also accepted that it is absolutely necessary that the groundwork be completed first, and formulate the manpower development policy before implementing corrective measures, one of which could be an apprenticeship scheme. I will keep this honourable House informed of progress in this matter.

MR. PRESIDENT: We move on to Item 4, Government Business. Bills. The continuation of the debate on the Second Reading on the Tourism (Amendment) Bill, 1990. Does any Member wish to speak? The Elected Member for East End.

GOVERNMENT BUSINESS

BILLS

THE TOURISM (AMENDMENT) BILL, 1990
(Continuation of Second Reading)

MR. JOHN B. McLEAN: Mr. President, I rise to support the Bill, a Bill For A Law To

Amend The Tourism Law, 1974 which is presently before us. I would like to join with other Members in extending to the First Elected Member of Executive Council my congratulations on his presentation. I feel the short but important Bill is very timely because of the fact that tourism is one of the mainstays in our economy.

I initially had two concerns over the Bill. In the section dealing with the time of the moratorium and the way it was set out with regard to stating Grand Cayman, but I am pleased to say that after his presentation I have been relieved of the fear that I had earlier. I would also add that I was very pleased to know that he was most happy to meet with me and to discuss this. As he gave his word then, he has stated on the floor of the House the intentions of the Bill and for this reason, I have no problems with it. I feel it is a very good Bill. I believe it will allow other parts of Grand Cayman to receive what Seven Mile Beach has, but this time we have the experience and doubt we can have better plans arranged for the other areas of the Islands.

No doubt we need more hotels in other parts of the Islands which will assist the people out there with jobs. As has been stated on the floor of the House before, this would alleviate a lot of problems; problems with parents who have small children and have to come all the way to George Town to seek employment. It would also alleviate some of the problems with traffic congestion. It is my hope that the Member, in his usual way, will give this Law a watchful eye and that in a short time we will see some action from it. I give him the assurance that he has my full support on this Motion and I encourage other Members to do likewise.

MR. PRESIDENT: The First Elected Member for Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Thank you, Mr. President.

I rise to support a Bill For A Law To Amend The Tourism Law, 1974. First I would like to compliment the Honourable Member responsible for moving this Bill, for bringing this and for his presentation. I think he has eased the minds of many on this side of the House. Prior to coming to the House, he eased my mind when he agreed that Lesser Islands would not be included in this moratorium at this time, as we are all very aware that certain districts of this Island are still very undeveloped as far as tourism is concerned.

The Seven Mile Beach area being, in my opinion, almost to its capacity of being able to absorb large hotel developments, I think this is a timely amendment giving the Governor in Council the authority to establish a moratorium. I think his choosing or suggestion of a period of two years is timely, because I would caution all Members that it is not an easy job to revive a boom once it has slowed down.

I realise we must control our development and we must have a very cautious approach in this. I think this Bill reflects that this is the view of the our present Government; a cautious approach inasmuch as it can be rescinded if it is found that it is doing any damage.

I would like, at this time to say that we, the people of the Cayman Islands, have been extremely fortunate over the last decade to see development sort of fall at our feet. Prior to that, it took a considerable amount of inducement to get people to invest in our Islands.

We want to preserve our investor confidence in these Islands and to make them know that the steps which we are taking will benefit the investor, as well as the indigenous Caymanian. I think we will be able to provide better service to the visitors coming here and improve our reputation or at least preserve it. Therefore, it is commendable that the Member has brought this Bill at this time and I look forward as it is implemented, that it may be beneficial in seeing development take place in the other districts of Grand Cayman, Cayman Brac and Little Cayman. With these few words I support the Bill. Thank you, Mr. President.

MR. PRESIDENT: The Second Elected Member for Bodden Town.

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

I rise to give my support to a Bill For A Law To Amend The Tourism Law, 1974, and to congratulate the Honourable Member who moved the Bill, for taking the right step.

Last year we made an amendment that removed the duty for other districts pertaining to hotels. I hope the Honourable Member will do some follow-up on it, that he will in turn start some advertising to let investors be aware of what is taking place, because just having the Bill and no one knowing about it, will not be much help to investment.

I believe the outlying districts need more hotels - perhaps one in each district, or some other form of tourism related business. Perhaps this will help because I believe that the Seven Mile Beach is about filled. So with those few words I support the Bill.

MR. PRESIDENT: The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I will be very brief.

I too, would like to extend my appreciation for the manner in which the Bill came. The Member sat with us and we now have a clear understanding of what the Government's intentions are. I would have been perturbed if we had cut off the districts all together, knowing that West Bay offers great potential for Tourist Development in the Barkers area. And knowing especially that there are people who are now looking in that area.

I am happy with the Member's assurance of what will be the case as to the number of years. First of all, I thought that two years was quite enough. He says the Government's intention for the moratorium is three years. Let us see how that will work.

Mr. President, I support the Bill.

MR. PRESIDENT: Would the Mover wish to reply?

HON. W. NORMAN BODDEN: Yes, Mr. President.

I wish to sincerely thank all Members for their support for this Bill which is on the floor of this House. Members have all made valuable contributions to the debate and several important points have been brought out and are truly accepted in the spirit in which they were offered.

I can assure Members that it is absolutely in the best interest of these Islands that Government has decided to bring this amendment to the Tourism Law at this time, which would make it possible, through an order in council, to impose a moratorium on new hotel development. It is naturally fully appreciated that we cannot afford to take any measure that would cause or create a sharp downturn in our economy. Whatever is applied, has to be applied sparingly.

When many of the Members were speaking yesterday, especially the Third Elected Member for George Town, I was reminded of the days in this country when things were pretty bad economically. Not very many people had very much; there was a neighbour who was borrowing milk from next door to put in their coffee and it was loaned to them with the words, "You can have it but use it sparingly." So I understand that term very well.

Our heavy dependence on a strong economy, based on healthy tourism, finance and construction industries is readily recognised and acknowledged by Government. However, the price of rapid or accelerated growth and development has caused considerable concern, very rightly expressed by Members of this House and many others who care about the future of the Cayman Islands. I maintain, and repeat that if we are to do anything at all on balance this is the least that can be done.

As has been observed by the Members debating this Bill, there is built-in flexibility and while I must agree that any type of moratorium can be controversial, I believe that after all the arguments settle, we all must want basically what is best for the Cayman Islands. I also believe that this amendment will not produce any alarming slowdowns in the economy or create any hardships. If any slowdown does in fact happen, which would be most unfortunate, it will certainly have to be because of other reasons and factors, outside conditions, which influence results locally and over which, many times, we exercise very little control.

As I said in my presentation earlier, condominium development and extensions of existing hotels will not be affected, neither would hotels which have already received planning approval, so, I believe this action by the Government could bring a more orderly development of hotel projects. It could identify and encourage only the serious developer and might also serve to encourage hotel developers to look towards other areas of Grand Cayman, other than the Seven Mile Beach area because even if we must say so, we have beautiful Islands that offer many attractions and there are other areas which I am sure will prove attractive.

Let me take a moment to inform the House of the projects, which I understand are already in the pipeline and if they materialise would not be affected. However, I must also point out that if approval for the two new hotel projects lapses while the moratorium is in place, they will have to apply again after the time (in the first instance of three years), has expired or the moratorium has been rescinded.

We have one small hotel project of 120 rooms for the Seven Mile Beach area. Final approval was granted but the construction has not yet started. We have another small project for 107 suites in the Seven Mile Beach area. Approval in principle was granted but no application has been made for final approval. Maybe this will cause the developers to get going on these projects because the moratorium does not affect them.

Provisions have been made for two hotels to be constructed within two existing projects in the Seven Mile Beach area. However, no outlined planning or final approvals have been given in respect to these. At the present time there are no other applications pending or being processed by the Central Planning Authority for hotels.

Approvals for the expansion of two local hotels were also given. One hotel, I understand, has decided to postpone the extension for the time being. The other has final approval but has not yet started construction. As I said, none of these, in any case, would be affected by the moratorium but I only mention them in passing, to complete the picture of currently proposed hotel development and expansion.

I have taken note of what the Second Elected Member for Bodden Town had to say regarding more extensive promotion. The point is well taken, and I can assure the Member and the House that I will endeavour, through trade magazines or whatever other means are available to the Portfolio to try to promote this by advising the outside world of the incentives that we have in place, to encourage development in other areas of our Islands. I would have also hoped that when we made that adjustment on the Hotels Aid Law last year, that it would have also encouraged local developers to build hotels in areas other than the Seven Mile Beach.

I once again thank Members for their support and I trust that this small but important amendment will accomplish what it is intended to accomplish. I think the First Elected Member for Lesser Islands in his debate, made the point that we need to encourage development along the lines that we all desire and to protect the investments which outsiders have already made in the Cayman Islands.

Thank you very much, Mr. President.

MR. PRESIDENT: The question will now be put on the Second Reading of this Bill. Those in favour please say Aye...Those against No.

AYES.

AGREED. THE TOURISM (AMENDMENT) BILL, 1990 GIVEN A SECOND READING.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:30 A.M.

PROCEEDINGS RESUMED AT 2:15 P.M.

MR. PRESIDENT: Proceedings are resumed.

I apologise for the very long break from what was to have been the tea break, which became the lunch break this morning. I am sorry that Members were inconvenienced.

The House had in fact concluded the Second Reading of the Tourism (Amendment) Bill and we are about to go into Committee. The House will now go into Committee to study a Bill entitled The Animals (Amendment) Bill, 1990 and other Bills.

HOUSE IN COMMITTEE

COMMITTEE ON BILLS

MR. CHAIRMAN: The House is now in Committee.

With the leave of the Committee may I assume, that as usual, we authorise the Honourable Second Official Member to correct minor printing errors and the like, in these Bills.

Would the Clerk now state each Bill in turn and read the clauses in the usual way?

THE ANIMALS (AMENDMENT) BILL, 1990

CLERK: Clause 1 - Citation.

Clause 2 - Amendment of section 57 of Law 8 or 1976.

MR. CHAIRMAN: Does any Member wish to speak on the 2 clauses?

In that case, the question is that clauses 1 to 2 stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: The Ayes have it.

AGREED: CLAUSES 1 AND 2 PASSED.

CLERK: The Animals (Amendment) Bill, 1990.

MR. CHAIRMAN: The question is that the title stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: The Ayes have it.

AGREED: TITLE PASSED.

THE FRAUDULENT DISPOSITIONS (COMMENCEMENT) BILL, 1990

CLERK: Clause 1 - Short title.

Clause 2 - Commencement of Law Number Fifteen of 1989.

MR. CHAIRMAN: The question is that clauses 1 and 2 stand part of the Bill.

AYES.

MR. CHAIRMAN: Accordingly clauses 1 and 2 stand part of the bill.

AGREED: CLAUSES 1 AND 2 PASSED.

CLERK: A Bill For A Law To Set A Date Of Commencement For The Fraudulent Dispositions Law, 1989.

MR. CHAIRMAN: The question is that the title do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: The title do stand part of the bill.

AGREED: TITLE PASSED.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1990

CLERK: Clause 1 - Short title.

MR. CHAIRMAN: The question is that the Clause 1 do stand part of the Bill?

AGREED: CLAUSE 1 PASSED.

MR. CHAIRMAN: Clause 2, we have an amendment proposed by the Third Elected Member for George Town. Would you wish to speak to that?

MR. TRUMAN M. BODDEN: Mr. Chairman, I will be very brief. The reasons have already been set out for it and I feel that the amendment which deletes the sub-paragraph (a) in its entirety is something that we feel will be in the best interests of the Islands. I do not know if you want me to repeat that Motion, do you? I have given it in writing. Do you wish me to move it formally or not?

MR. CHAIRMAN: I do not think it is necessary. It has been tabled.

MR. TRUMAN M. BODDEN: Thank you, Sir.

MR. CHAIRMAN: Would any Member wish to speak? Sorry, had you finished? If no one wishes to speak further, I will put the question on the amendment.

The question is that the amendment as tabled stand part of the Bill. Those in favour please say Aye...Those against No.

AYES AND NOES.

DIVISION NO. 2/89

CLERK:

AYES: 7	**NOES: 8**
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson
Mr. John D. Jefferson, Jr.	Hon. Richard W. 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

MR. CHAIRMAN: The result of the Division is seven Ayes, eight Noes. The amendment is negatived.

NEGATIVED: AMENDMENT TO SECTION 2.

MR. CHAIRMAN: The question now is that Clause 2 do stand part of the Bill. That is clause 2 without the amendment. Those in favour please say Aye...Those against No.

AYES AND NOES.

AGREED: CLAUSE 2 PASSED BY MAJORITY.

MR. CHAIRMAN: Now this is the second amendment which is the insertion

immediately after clause 2 of a new clause 2A amendment to be moved by the First Elected Member for Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. Chairman, as was said in the Second Reading debate, I would like to move this amendment which would empower the Development Control Board with power to issue stop notices and enforcement notices and, to put into force sections which we are now adding into the Law that were not there before.

Should I read the amendment or not? It has been tabled.

MR. CHAIRMAN: I think we can take it as tabled, thank you. Does any other Member wish to speak?

HON. LINFORD A. PIERSON: Mr. Chairman, I think it is a very good amendment. It will allow, as I said in my debate, the opportunity for the Development Control Board to be able to be much more flexible on the question of enforcement notices and stop notices.

So this is a very good amendment which I feel all Members of this House should support.

MR. CHAIRMAN: I think the way to put this question is that the question is the amendment which would introduce a new clause 2A do stand part of a Bill.

Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: Clause 2A as amended passed.

AGREED: CLAUSE 2A PASSED.

CLERK: A new clause 2A, amendment of section 11 of the principal Law.

Clause 3 - Amendment of section 15(6) of the principal Law.

Clause 4 - Revocation of section 15(7), (8), and (9) of the principal Law.

Clause 5 - Insertion of new section 15A.

Clause 6 - Amendment to section 15(3) of the principal Law.

Clause 7 - Amendment to section 16 of the principal Law.

Clause 8 - Amendment to section 17(1) of the principal Law.

Clause 9 - Amendment to section 18(3) of the principal Law.

Clause 10- Insertion of new section 18(a) and 18(b) of the principal Law.

Clause 11 - Amendment of section 35(4) of the principal Law.

MR. CHAIRMAN: The question is that new clause 2A and clauses 3 through 11 do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: New clause 2A and clauses 3 through 11 passed.

AGREED: NEW CLAUSE 2A PASSED AND CLAUSES 3 THROUGH 11 PASSED.

CLERK: A Bill For A Law To Amend The Development And Planning Law, (Revised).

MR. CHAIRMAN: The question is that the title do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: The title do stand part of the bill.

AGREED: TITLE PASSED.

THE PUBLIC HEALTH (AMENDMENT) BILL, 1990

CLERK: Clause 1 - Short title,

Clause 2 - Amendment to section 2 of Law 6 of 1981,
Clause 3 - Insertion of new part to the principal Law.

MR. CHAIRMAN: The question is clauses 1 to 3 do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: Clauses 1 through 3 passed.

AGREED: CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill For A Law To Amend The Public Health Law, 1981.

MR. CHAIRMAN: The question is that the title do stand part of the Bill?

AYES.

MR. CHAIRMAN: The title passed.

AGREED: TITLE PASSED.

THE PARTNERSHIP (AMENDMENT) BILL, 1990

CLERK: Clause 1 - Citation.
Clause 2 - Amendment to section 47(2) of Law 26 of 1983.

MR. CHAIRMAN: The question is that Clauses 1 and 2 do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: The clauses passed.

AGREED: CLAUSES 1 AND 2 PASSED.

CLERK: A Bill For A Law To Amend The Partnership Law, 1983.

MR. CHAIRMAN: The question is that the title do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: The title passed.

AGREED: TITLE PASSED.

THE TOURISM (AMENDMENT) BILL, 1990

CLERK: Clause 1 - Short title.
Clause 2 - Amendment to section 8 of the Law number 10 of 1974.
Clause 3 - Insertion of new section of the principal Law.

MR. CHAIRMAN: The question is that clauses 1 to 3 do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: Clauses 1 through 3 passed.

AGREED: CLAUSES 1 THROUGH 3 PASSED.

CLERK: A Bill For A Law To Amend The Tourism Law, 1974.

MR. CHAIRMAN: The question is that the title do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: The title passed.

AGREED: TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee on a Bill entitled A Bill For A Law To Amend The Animals Law and other Bills.
The House will resume.

HOUSE RESUMED

REPORTS ON BILLS

MR. PRESIDENT: Please be seated. Proceedings are resumed. Bills, reports.
The Honourable Third Official Member.

THE ANIMALS (AMENDMENT) BILL, 1990

HON. J. LEMUEL HURLSTON: Mr. President, I have to report that a Bill entitled The Animals (Amendment) Law, 1990 was considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE FRAUDULENT DISPOSITIONS (COMMENCEMENT) BILL, 1990

MR. PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill, shortly entitled, The Fraudulent Disposition (Commencement) Bill, 1990 was considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1990

MR. PRESIDENT: The Honourable Member for Communication and Works.

HON. LINFORD A. PIERSON: Mr. President, I have to report that a Bill shortly entitled The Development and Planning (Amendment) Bill, 1990 was considered by a Committee of the Whole House and passed with one amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE PUBLIC HEALTH (AMENDMENT) BILL, 1990

MR. PRESIDENT: The Honourable Member for Health and Social Services.

HON. D. EZZARD MILLER: Mr. President, I have to report that a Bill shortly entitled A Bill For A Law To Amend The Public Health Law, 1981 was considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE PARTNERSHIP (AMENDMENT) BILL, 1990

MR. PRESIDENT: The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, I have to report that a Bill shortly entitled The Partnership (Amendment) Bill, 1990 was considered by a Committee of the Whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE TOURISM (AMENDMENT) BILL, 1990

MR. PRESIDENT: The Honourable Member for Tourism, Aviation and Trade.

HON. W. NORMAN BODDEN: Mr. President, I have to report that a Bill shortly entitled A Bill

For A Law To Amend The Tourism Law, 1974 was considered by a Committee of the whole House and passed without amendments.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading. Now my understanding is that we can proceed with the Third Reading because it will only make two readings in one day. Bills, Third Reading.

THIRD READINGS

THE ANIMALS (AMENDMENT) BILL, 1990

CLERK: The Animals (Amendment) Bill, 1990.

HON. J. LEMUEL HURLSTON: Mr. President, I beg to move that a Bill For A Law To Amend The Animals Law be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Animals (Amendment) Bill, 1990 be given its Third Reading and do pass. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Bill has been given a Third Reading and passed.

AGREED: THE ANIMALS (AMENDMENT) BILL, 1990 GIVEN A THIRD READING AND PASSED.

THE FRAUDULENT DISPOSITIONS (COMMENCEMENT) BILL, 1990

CLERK: The Fraudulent Disposition (Commencement) Bill, 1990.

HON. THOMAS C. JEFFERSON: Mr. President, I beg to move that a Bill shortly entitled The Fraudulent Dispositions (Commencement) Bill, 1990 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Fraudulent Dispositions (Commencement) Bill, 1990 be given a Third Reading and do pass. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The bill has been given a Third Reading and passed.

AGREED: THE FRAUDULENT DISPOSITIONS (COMMENCEMENT) BILL, 1990 GIVEN A THIRD READING AND PASSED.

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1990

CLERK: The Development and Planning (Amendment) Bill, 1990.

HON. LINFORD A. PIERSON: Mr. President, I beg to move that a Bill shortly entitled The Development and Planning (Amendment) Law, 1990 be given its Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Development and Planning (Amendment) Bill, 1990 be given a Third Reading and do pass. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Bill has been given a Third Reading and passed.

AGREED: THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1990 GIVEN A THIRD READING AND PASSED.

THE PUBLIC HEALTH (AMENDMENT) BILL, 1990

CLERK: The Public Health (Amendment) Bill, 1990.

HON. D. EZZARD MILLER: Mr. President, I beg to move that a Bill entitled A Bill For A Law To Amend The Public Health Law, 1981, be given its Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Public Health

(Amendment) Bill, 1990, be given its Third Reading and passed. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Bill has been read a third time and passed.

AYES.

MR. PRESIDENT: The Bill has been read a third time and passed.

AGREED: THE PUBLIC HEALTH (AMENDMENT) BILL, 1990 GIVEN THIRD READING AND PASSED.

THE PARTNERSHIP (AMENDMENT) BILL, 1990

CLERK: The Partnership (Amendment) Bill, 1990.

HON. THOMAS C. JEFFERSON: Mr. President, I move that a Bill shortly entitled The Partnership (Amendment) Bill, 1990 be given a Third Reading and passed.

MR. PRESIDENT: The question is that The Partnership (Amendment) Bill be given a Third Reading and passed.

AYES.

MR. PRESIDENT: The Bill has been read a third time and passed.

AGREED: THE PARTNERSHIP (AMENDMENT) BILL, 1990 GIVEN A THIRD READING AND PASSED.

THE TOURISM (AMENDMENT) BILL, 1990

CLERK: The Tourism (Amendment) Bill, 1990.

HON. W. NORMAN BODDEN: Mr. President, I beg to move that a Bill shortly entitled A Bill For A Law To Amend The Tourism Law, 1974 be given a Third Reading and passed.

MR. PRESIDENT: The question is that a Bill entitled The Tourism (Amendment) Bill, 1990 be given a Third Reading and do pass.

AYES.

MR. PRESIDENT: The Bill has been given a Third Reading and passed.

AGREED: THE TOURISM (AMENDMENT) BILL, 1990 GIVEN A THIRD READING AND PASSED.

MR. PRESIDENT: Government Business continuing. Government Motion No. 1/90, the Honourable Member for Communications and Works.

MOTIONS

GOVERNMENT MOTION NO.1/90
THE DEVELOPMENT AND PLANNING (AMENDMENT) REGULATIONS, 1990

HON. LINFORD A. PIERSON: Mr. President, the Draft Development and Planning (Amendment) Regulations, 1990, having been previously laid on the Table of this Honourable House, in accordance with section 35(3) of the Development and Planning Law, (Revised), I now beg to move Government Motion No. 1/90, which reads as follows:

> "**WHEREAS** by section 35(3) of the Development and Planning Law (Revised) it is provided that no regulations shall be made pursuant to the provisions of the Law unless a draft thereof has been laid before the Legislative Assembly and a resolution approving the draft has been passed by the said Assembly;
>
> **AND WHEREAS** pursuant to the said section 35(3) a draft of the Development and Planning (Amendment) Regulations, 1990 has been laid before this Honourable House;
>
> **BE IT RESOLVED** that this Honourable House do approve the said Development and Planning (Amendment) Regulations, 1990.".

MR. PRESIDENT: Government Motion No. 1/90 has been duly moved. Does the Mover wish to speak to it?

HON. LINFORD A. PIERSON: Very briefly, Mr. President. The substance of this Motion has already been covered extensively in the presentation and the debate on the Bill which is brought simultaneously with this Motion. However, I would briefly cover the contents of the Development and Planning (Amendment) Regulations, 1990 which reads as follows:

> "In exercise of the powers conferred upon the Governor in Council by subsection (1) of section 35 of the Development and Planning Law (Revised), the following Regulations are hereby made -
>
> Citation. 1. These regulations may be sited as Development and Planning (Amendment) Regulations, 1990.
>
> Amendment of Reg. 8. 2. Paragraph (2) of Regulation 8 of the Development and Planning Regulations, 1977 is amended by deletion of the words "development and agriculture" where they appear in the first line and the substitution of the following therefor -
>
> "...agricultural, religious, social and educational development (including recreational facilities and public and civic buildings),".

This Motion has been covered extensively in the presentation and debate of the Bill covering this same subject and I do not at this point intend to go into any further detail in the debate of this. Therefore, I recommend and commend this Motion to all Honourable Members of this House.

Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, this Motion which deals with Regulations covers in substance what was dealt with under the Development and Planning Law. I would just like to summarise that. First, it takes away the right of persons who live in the residential zone (that is, homeowners), to consent to having development within a 1,500-foot radius of their property. What it does, is to move it from where there must be normally a written agreement for a development to go down in a residential zone, which I will refer to here as besides peoples houses, to a category which they have a right to object but which has given the Central Planning Authority a much wider discretion, so that regardless of who objects to the bringing in of buildings of religious, social and educational development, including recreational facilities and public and civic buildings, the Central Planning Authority has a discretion. So no longer can a majority of people withhold their agreement from development being built in a residential zone. Now it will be up to the Central Planning Authority who will look at whatever protests are put in, but who will have an overriding discretion to grant these.

To me, that is a very serious removal of the rights of people and it affects mainly the people who live in the older areas and not those with subdivisions where there may be covenants. It is going to put them in a much worse position, where one day they could well find that they have a Town Hall or some other recreational facility beside them. The right has stood there since 1972, I would think, but I know definitely since 1977 and there have really been, as I understand it, only one or two instances in which people may have been hurt as a result of not constructing these buildings. They are quite free to put the religious, social, educational and recreational development buildings in other areas, such as commercial zones or other areas that would take them. But, this is dealing with residentially-zoned areas, where people are living in their own houses. It cannot be right to allow a recreational facility or a Town Hall or anything else that can create a lot of nuisance to a homeowner, to be built beside him.

That in summary is what I felt were the problems. I think it is better left the way it was, because it is bound to create problems in the future when you extend the CPA's authority to a stage where it can actually affect homeowners who are probably 60 or 70 per cent of the population. I have heard of the Community College, and the school but from what I understand, there have been any protests. It really takes it from a stage where if you are going to have loud music coming inside your house, you have a right not to agree to it, in other words you could object and keep it out. Now, the only thing you can do is object, and if the Central Planning Authority so wishes, then they can construct these types of buildings beside you. On that basis, I would not support this, as I did not support what I referred to as the two per cent of the last Bill.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? It seems that no other Member wishes to speak?

Would the mover wish to reply?

HON. LINFORD A. PIERSON: Mr. President, in moving this Motion I felt that since we had covered the same substance so extensively in the Bill that is being brought simultaneously with the Motion, that it would not be necessity to have it debated again. But since the question of advertising and polling in this Bill has again been brought to attention, I feel that I should comment briefly on the remarks made by the Third Elected

Member for George Town.

Just to reiterate, at the moment there is a discrepancy in the provisions for processing planning applications for community development in residential zones. This discrepancy is between the Law, the Regulations and the Development Plan. The Law and the Regulations require the applicant to advertise his or her proposal in the newspaper and carry out a poll among the owners and occupiers of premises within 1,500 feet of the site. The Development Plan instead, requires newspaper advertisements plus individual notification to adjoining landowners.

In both cases, the Central Planning Authority must have regard to any objections received. The difference is that where a poll has to be carried out, those in the area have a veto as to whether the development should proceed. The question is whether such a veto is appropriate in the case of community development in residential areas. I would like to just point out that in considering this question, there are three important points that we should bear in mind. I hope this will lay to rest any questions that may still be lingering on this matter.

Firstly, although as a matter of Law, the provisions in the Law and the Regulations take precedence over those of the Development Plan, it is the Development Plan that contains the policies that are the basis of the planning in the Cayman Islands.

Secondly, the Development Plan in section 301 specifically exempts community development, along with agricultural and commercial development from the needs to poll.

The amendment would remove the requirements to carry out a poll before submitting a plan for community development in a residential area. I hope this will clarify, somewhat, the question that is still being raised by the Third Elected Member for George Town. Similarly, section 304 of the Plan, and Regulation 12(1) of the Development and the Planning Regulations state that proposals for community development are permissible in any zone provided they meet the needs of the community.

It is also worth bearing in mind that under the Law and Regulations as they stand at the present time, planning applications for commercial development in residential areas are not subject to the polling requirements. These include gas stations, bars, grocery stores with their associated perishable garbage, dive shops etcetera. I cannot understand if bars, grocery stores, etcetera are permitted without the need to poll in a residential zone, why there is so much fuss about schools and churches locating in those areas without the need for polling.

I think this is a reasonable amendment and I would, again, thank the Member who spoke and all those, who by their silence have indicated their support for this Motion.

Thank you, Sir.

MR. PRESIDENT: The question will now be put on Government Motion No. 1/90. The question is that Government Motion 1/90 entitled the Development and Planning (Amendment) Regulations, 1990 be passed. Those in favour please say Aye...Those against No.

AYES AND NOES.

MR. PRESIDENT: The Ayes have it. The motion has been passed.

AGREED: GOVERNMENT MOTION NO.1/90 PASSED BY MAJORITY.

MR. PRESIDENT: We now move to item 5 on today's Business Paper. Private Members' Motions. Private Member's Motion No. 2/90. The First Elected Member for West Bay.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 2/90 - POST BOX RENTAL FEES

MR. W. McKEEVA BUSH: Mr. President, I beg to move Private Member's Motion No. 2/90 standing in my name, which reads as follows;

"**WHEREAS** the Governor in Council has by regulations recently increased the fees on post box rental;

AND WHEREAS there has been dissatisfaction expressed by some people over the increases;

BE IT THEREFORE RESOLVED that this Honourable House is of the opinion that the said increases on post box rentals should be revoked;

AND BE IT FURTHER RESOLVED that this Honourable House is of the opinion that a separate category of post boxes used commercially, with appropriate fees, should be created.".

MR. JOHN B. McLEAN: Mr. President, I beg to second the Motion.

MR. PRESIDENT: Private Member's Motion No. 2/90 has been duly moved and seconded. Would the mover now wish to speak to it?

MR. W. McKEEVA BUSH: Mr. President, the Motion is very straightforward. If the Motion is to pass a commitment, it is then given that Executive Council should reduce the post box rental fees, which they so drastically increased in December of last year.

It is very significant to note that those increases were introduced after the Executive Council produced their balanced Budget, with no significant revenue measures. These increases have given rise to widespread dissatisfaction from the public. So much so, that many gave up their boxes which they had had for many years.

I believe that the public would not have balked at an increase; but an increase from $12 to $50 (some 400 per cent) is just too much. I believe a move from $12 to even $25 is a fair fee for a small box and this is the amount a fair Government would have instituted. Certainly there are those of us who can afford to pay $50, but what about those people who have rented boxes over many years, people who do not have an income today, much less a fixed income. Fifty dollars can mean a lot. These fees must be reduced. No one knows what the future holds for this country. The Government has produced large schemes that will require tremendous expenditure, some 'pie-in-the-sky' dreams I should say. They might have to tax those same areas for revenue. If we leave it at $50 for a small box and from $15 to $75 in another case, what will be the next increase? I do not support the increase as is, and I trust that the Executive Council will do what the Motion says. I trust that the will of this Honourable House will be carried out and will not be thwarted.

This Motion is also asking that a separate category of post boxes used commercially be set up and a related rate of fees be fixed to that category.

As I said in the beginning, the Motion is very straightforward. It is very clear what we are seeking to do. And if the Government accepts this resolution, they are accepting the fact that they must revoke those drastic fees and nothing else.

Thank you, Mr. President.

MR. PRESIDENT: Does any Member wish to speak? The Second Elected Member for Bodden Town.

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

I rise to support Private Member's Motion No. 2/90 - post office box rental fees. I must say that when this fee structure to increase the post office box rental was brought to Finance Committee, it was not explained that fees for small boxes would be raised from $12 to $50. We were given a lump-sum of money that would be raised through the post office box rental fee. I have to admit, I guess, that I was misinformed when I supported it on the grounds that the sub-post office, which came into question, that caused the fees to be raised, was finally given approval by the Committee to go into an area from Merrens Supermarket back into George Town.

What took place there was to deal with the sub-post office that was proposed to go into the Westshore Centre along West Bay Road. Mr. President, I saw some letters in the paper but they were praising this. The problem is that the Member who brought that Motion to the Finance Committee had brought it here, the public would have cried shame on him for what he wanted to do. The public was not told the facts.

The aim was to have a sub-post office down there, so that businesses could profit from the presence of that post office. Sir, let me make it clear, I am not against a post office. I believe we have voted money for a general post office to be built, and the sooner the better. That will help to solve the problems when it is built. But you know, the one thing that I could not agree with was when the Member presenting it said, that the Government was going to pay $5,000 per month rent for the premises and the particular premises needed renovation to accommodate the post office and $165,000 was needed to renovate that building. He then proposed that the Government did not have $165,000 to spend on the post office and that the owner of the building had proposed to renovate the building...

MR. PRESIDENT: Sorry, I really must interrupt you. I have been waiting for you to show how the subject you are talking about relates to the Motion. I think you must try to stick to the Motion.

MR. FRANKLIN R. SMITH: Yes, Sir that is what I am coming to now. When $165,000 was needed and the Government had just approved a Budget of $110 million and had a surplus then, they could not find $165,000 but they were going to pay 12 per cent interest. I was opposed to the sub-post office going down in that building. The Member kept bringing it back and we finally agreed for a sub-post office to go anywhere in the George Town area, south of Merren's shopping complex to provide post office boxes for rentals.

By increasing rental fees for the old post office boxes and with the amount which would be generated from the new post office box rentals, they would nearly show a profit. I am not against the increase on post office box rentals, but let us be realistic. There are people out there who cannot afford to pay $50 per year. There are those who I have come in contact with who were saying, if the rental had been increased to $24 or $25 they would have been willing to pay. And next year if they were told it was going to increase again, they would be willing to pay for that too.

I am hoping that the Member will somehow work out a way. I understand that a great percentage have paid it, but they paid it unwillingly. They were forced to or they would lose that box. I am hoping that they could work out a formula where they may not have to return it this year, but they

could advise those people who have already paid their post office box fee, I am talking about the category of the $12 to $50 fees. I could not care less if they raised it 800 per cent on the commercial ones. They are capable of paying it. I am hoping that they can work out a scheme where if they have already paid, they can tell the persons who have paid to keep their receipts and next year they will not have to pay that increase. That is what I would like to see. So having said that, Sir, I will let others have their say.

Thank you.

MR. PRESIDENT: The First Elected Member for Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Thank you, Mr. President.

Private Member's Motion No. 2/90 - Post Box Rental Fees, is a Motion which gives me great concern. In this community, although many of us have been fortunate enough not to have to be too concerned about what we spend, there are still some in our community who are working and are on a fixed income - some a very low bracket at that.

When a substantial increase, such as was made on the post office box rental fees without any prior notice, has created, in my opinion, not a dissatisfaction. That is not what our people have been expressing. They have been expressing their grave concern that they are not financially able to support an increase of this amount. There are many people in my constituency who, because of not being physically able to go to the post offices at the hours that they are open have had boxes as a convenience so that they can get a friend to pick up the mail after hours.

I know mostly in the cities and other places, a post office box is for people who want to get their mail quickly and at all times of the day. It is somewhat of a luxury, but in areas where there is no house-to-house postal delivery as it is in the Cayman Islands, and you do not have your own transportation or you are not physically able to get to the post office during the hours it is opened then, you have to make other arrangements. So this has become a very necessary part of their lives. Many of them look forward to receiving subsistence from overseas to help them to pay their expenses. To have such a substantial increase placed on them without any notice, I as a representative has been taken to task. Why would we put such great expense on them knowing their circumstances? This is the only reply I had for them: "As your representative I had absolutely no prior knowledge of any revenue measures or intention of any revenue measures being enacted at this time." This was done by the Governor in Council by Regulations. That is perfectly legal. That is the way our Constitution says our Laws are passed. We pass the skeleton of the Law here, in this awesome Chamber and the Governor in Council makes the Regulations. The only one contrary to that, is what we have just seen, democracy in action here a few minutes ago when we approved the Regulation change to the Development and Planning Law, the only Law on our Statutes which requires that action.

What I am saying here this afternoon is that I think the way this was done, the amount of increase that was made, has created unrest in our community and hardships to people who cannot afford hardships. I feel that we should realise that many of our senior citizens in their productive years, did not have the opportunity to earn or save substantial wages for a rainy day or for their old age. Many of them are not equipped, and they neither have a social security system nor any pension arrangements if they were not civil servants. Many of them find themselves today living from day to day.

First you will say, give up your post box. I have tried to explain that it is not a luxury but a necessity. I would ask all Members of this House to turn their attention particularly to this category of people. That is what I am here pleading for today. Our senior citizens are our less fortunate people who are not financially able to pay this increase. If some other provision can be made whereby our senior citizens can be relieved of this increase, then I think this Honourable Chamber, the Members here, should give it serious consideration.

When we speak of the largest boxes that are rented, I have no concern of the increase on those. I feel those of us who are engaged in commercial activities here in the Cayman Islands, have been fortunate enough to have made profits that we can pay a substantial fee for our post box. Even if that were doubled again, it would not put any hardships on the average commercial venture. Therefore in the future when we are considering revenue measures we should give very careful attention as to who those revenue measures are going to affect. Are they going to benefit the country as a whole? Or are they going to be particularly damaging to a segment of our community who cannot afford to be hurt?

In conclusion, I support this Motion and I ask this Honourable House to seek some relief for the poorer people of our Islands, the people who need the boxes but who cannot afford to pay the rates that are now in existence.

Thank you, Mr. President.

PROCEEDINGS WERE SUSPENDED AT 3:21 P.M.

PROCEEDINGS RESUMED AT 3:43 P.M.

MR. PRESIDENT: Proceedings are resumed. The debate on Private Member's Motion No. 2/90. I think the First Elected Member for Bodden Town was about to speak when we took the break.

MR. ROY BODDEN: Mr. President, out of deference, I will give way to the Honourable Member for Health and Social Services.

MR. PRESIDENT: The Honourable Member for Health.

HON. D. EZZARD MILLER: Mr. President, I thank the First Elected Member for Bodden Town for giving way because I do have an urgent commitment in Cayman Brac at 5 o'clock. So I will have to leave early. I do apologise to the House for having to do so.

I rise to oppose this Motion before the House. I think the post office box fee increases are now where they might seem to be exorbitant when figured on a percentage rise. But that is because it has been so long since it has been done. Maybe there is a lesson to be learned in this, in that the Government might need to look at a Revenue Committee which would review fees on an annual basis rather than leaving them neglected for 10 or 12 or 14 years. However, the only complaints I have had in my community have been from retired people who are living in millionaires' houses in Cayman Kai and everyone of those boxes that their keys have been returned to the post office were rented to locals in the districts or to other people. This has been a god-send to the local people who were on the waiting list for post office boxes in my community.

The records that will be presented by the Member responsible, will indicate that most people have paid the fees. I believe that in cases of dire hardship, where it can be demonstrated, as is the case under the Education Law for school book rental and school fees and, under the Public Health Law for garbage fees, the Financial Secretary might waive part of all of a fee thereof, from those people who are indeed suffering from hardships, whether they are indigent or they are on a fixed income and paying this post box fee would, in fact, make them indigent.

I can neither support the introduction of new charges or increased charges for commercial ventures because I believe that is already in place, in that the large boxes are more expensive than the smaller boxes. It is usually the commercial people who rent the larger boxes. I believe to try and introduce a two-tiered system would be very difficult because it would be almost impossible for the Post Master General to tell me that I could not have my company's mail sent to my personal post office box. So I believe the system in place now, where the differentiation is brought on by the size rather than who is using it, is much more equitable.

I cannot support the Motion. As I said, I believe the post box fees are now set at a level which is much more near to what it is costing the Government. And we have to realise that all of these services cost and we cannot defer *ad infinitum* the equation of the cost of services that are being rendered. Mr. President, I do not support the Motion.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President.

I rise to support Private Member's Motion No. 2/90 - Post Box Rental Fees. In offering support I would like to say that if this is viewed constructively there are lessons to be learned. I believe that if the matter was approached in a different way it may have seemed more acceptable or a little more palatable. I have to give credit where credit is due and I understand and I believe wholeheartedly that the Member whose Portfolio this falls under, was well-intentioned and well-meaning in raising the fees. Where the breakdown came was as a result of consultation because I am reminded that often it is not what is done, but how it is done.

It is true that the percentage increase seems to be extraordinarily large and it is to many people, particularly those people on fixed incomes. I have had representation from many of my constituents who are living on fixed incomes, who have small post office boxes and have voiced their objections to me, of having their fees arbitrarily increased from $12 to $50.

If the increase was more gradual and had some notice been given, some justification, I believe the acceptance may have been wider. It bears repeating, the comment just expressed by the Honourable Member with responsibility for Health and Social Services, that in the interest of efficiency the Government should consider some kind of Revenue Committee to examine these issues so that in future when we have to raise fees on items such as post office boxes, we can do so in a systematic fashion rather than an ad hoc fashion.

The other thing I have to say is, that when the matter was discussed with us it was not my understanding that the fees would have been raised to such a drastic level. I was under the impression that the new structure would have been for new post office boxes. It is rather unfortunate and I sympathise, many people have told me that they have already paid their fees. I know it is rather difficult once money is paid into the Government coffers for it to be redeemed. I hope that we can work something out either by giving those people credit in the future or in some other amicable way, so that the account of the Government is not inconvenienced in any way.

The lesson to be learned, however, is that in the future when we are undertaking things of such a sensitive nature, it is incumbent upon the parties concerned to make consultation as widely as possible. I have to say that we, as the Backbenchers, should be the first sounding board used because we have wide contact with the people on the street, especially the little people. I am not suggesting that the Members of the Executive Council do not have such contacts, but I am saying together we can get a more accurate sounding. That is the first lesson to be learned.

The second is that we have entered an era in the Cayman Islands where the post office box is a necessity. It is no longer a luxury and we have to realise that although there are many automobiles in the Cayman Islands, not everyone has access to one. The convenience of having a post office box is that one can choose the hours in which to collect one's mail. If the box is an inside box, the limitations need not be as extensive. So that we must also consider those people who have boxes, who do not have access to automobiles.

The third thing I would like to draw to the attention of

Honourable Members, is that sometime ago the Post Mistress General voiced concern about people collecting mail and registered letters without proper identification and it is falling into the hands of unauthorised people. We have to consider issues like that. Mail even sometimes commercial mail, is of a sensitive and confidential nature. So we cannot easily dismiss the arguments by saying that a post office box is a luxury. These people will have access to the General Delivery if they do not wish to pay the $50 or they do not wish to go along with the increase.

The fourth point is (and this is very important, because of the scarcity of post office boxes), ownership of post office boxes by some Caymanian people now has a political connotation. I had to dissuade some people in my constituency that it was not a ploy to take the boxes from Caymanians and put them into the hands of foreign nationals. That is also a sensitive issue. I tried hard to convince some people that was not the objective of the exercise; that was a false interpretation of the whole point.

We cannot lose sight of the sensitivity of issues such as this. I would also hope that the Government does not try to thwart the principles which the Backbenchers from this side of the House are bringing to their attention on this sensitive issue. I am sorry that it has come to this. I have to support the Motion because I think it is well-meaning and while I agree that there may have been a necessity to raise the fees, I do not think that the necessity to raise them to such a high level really exists.

Thank you.

MR. PRESIDENT: Does any other Member wish to speak? The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President.

I rise to support the Motion before the House with regards to post boxes and the rates thereon. I quite understand the necessity of increasing rates as has been put forward by the Government and the general talk from the Government is that rates had fallen behind and that it is necessary to increase them and to bring them to where they should be; it had to be a pronounced increase.

What that has precipitated is a reaction in the public. I have had representations both from persons who are in the lower income brackets with restricted income as well as from a gentleman in Cayman Brac who is a well-known merchant over there. He told me that he turned in the key for his post office box not because he could not pay the fee, but he refused to pay on the grounds of principle. The argument he put forward to me (and I think he was quite convinced about it), was that it is wrong for the Government to increase taxes to the extent as was done in the case of the rental for post office boxes.

Post office boxes do provide a convenience to the public. Particularly at a time when most people are working and they cannot necessarily get to their post office boxes during opening hours. Outside boxes particularly are of great value to persons who are working. Again, the idea of general delivery being available to persons who might not want to have post office boxes, presupposes that people will be available to go to the post office during opening hours.

I believe the increase in fees of these post office boxes has created a stir to the extent that it is advisable that the Government should look at whatever means it chooses to use to reduce the amounts that have been put in place. Whether that is to certain categories of people, but I do believe that it is a sensitive enough matter, that for the good will within the community the Government would be advised to have another look at the situation.

I must say that I had no knowledge of an increase on the rates of post office boxes until I heard it, as did the rest of the public. I am mindful at this time that the Government had said that there would be no new revenue measures this year, indeed that is very inconsistent with what was stated at the time of the Budget presentation.

I believe that I represent the general feeling from my district and also from the public, as a whole, when I said to the Government that I believed it would be good to review the rates that have been put in place and reduce them in the anyway that they may consider prudent and reasonable. I do believe also that is the general wish of the country at this time on this particular matter. In closing, Mr. President, I would like to say that I support the Motion before the House.

MR. PRESIDENT: The Honourable Member for Communications and Works.

HON. LINFORD A. PIERSON: Mr. President, Private Member's Motion No. 2/90 - Post Box Rental Fees before us is one which I feel is unnecessary at this time. It is one which I feel had to be brought to support political stances taken recently by certain Members of the Backbench. I accept that there are the haves and the have-nots within our society. I think that during my time in this House I have stood up for the little man as much, if not more, than most Members of this House. So an appointment to Executive Council has not changed that. I believe that most Members of the House are well aware of this.

This Motion seeks to divide the category of rental into a two-tiered system. The situation which I feel is untenable within our society. I do not feel that it would be wise for this Government to agree on a two-tiered system where we impose one system on the rich, it would be difficult to determine those people and, another one on the poor. We would then treading on very serious grounds.

The Mover of this Motion (the First Elected Member for West Bay), did not in his presentation of the Motion give sufficient justification for the resolution which he is seeking or for the result he is seeking to accomplish in the resolution. I believe that he is keeping that for his reply, but it would have helped if I heard all the details of justification behind this Motion.

The First Elected Member for the Lesser Islands expressed his concern for senior citizens and those people on fixed incomes. This concern is well taken because it is also a

concern of Members of this Government. It is not unusual that the Government has taken into account cases where Caymanians were unable to meet certain financial commitments. Provisions have already been made under existing Laws where the Government has given the Financial Secretary the authority, where necessary, to waive certain financial commitments for those in need. This is the case in respect to the garbage fees and also in respect to school fees and there may be others. This is exactly the position that will be taken. I wish to make this quite clear because the First Elected Member for the Lesser Islands did raise this point that a paper would be taken to Council to deal with this particular matter. At present, the Post Master General is in the process of identifying all those individuals who may have made any complaints about the increase in post box rentals.

Section 4 of the Third Schedule to the Education Law, 1983, which is Law 35 of 83, reads as follows:

> "Provided that the Financial Secretary may, where he is satisfied, that in the particular circumstances it is just as equitable so to do, abate, either wholly or partially, fees which would be otherwise chargeable in respect of any child or children in accordance with paragraph (1) hereof.".

The Law relating to garbage fees has a similar stipulation.

We were not, in the Portfolio and the Postal Department, unmindful of the effect that increases could have had on the public. This is why we have started the process of attempting to identify all those people who are genuinely in need. Just as we would not accept every householder who comes to the Financial Secretary and says that he/she would like to have his/her garbage fees waived. We would not be able to accept every individual who come and asked to have their post box rental waived. Each individual case would have to be accepted on its own merits.

I heard a statement made that many individuals have given up their post boxes. I have yet to hear the supporting statistics of how many people and from where. I would like to hear that when the Mover of the Motion is summing up. Perhaps he could enlighten this Honourable House...

MR. W. McKEEVA BUSH: .....I wonder if the Member would give way, Mr. President.

HON. LINFORD A. PIERSON: I would be happy to, Sir.

MR. W. McKEEVA BUSH: Mr. President, statistics could be easily gotten by the Member. He is the Member responsible.

HON. LINFORD A. PIERSON: Mr. President, with respect to the Member from West Bay (and I do not want this to be a mud-slinging match) he is the Member bringing the Motion. So I thought he would have done his homework and would have had all this information brought in this Motion or at least in the presentation of his Motion. But be that as it may, I have some statistics here and I will read them out. It is interesting to note that the box rental collected for 1989 was in the amount of $36,656. To date the rental collected is $104,190. In comparison, it is interesting to note that the cost per annum to employ clerical officers to put mail in the boxes is $242,119. So against $36,656 that we were receiving under the old rates we were paying people almost $243,000 to put the mail in the boxes.

I would like to divide the statistics into the number of boxes that have been paid for and the percentage of boxes not paid for. In George Town: the total number of boxes is 2,202; the number of boxes paid for is 1,909; therefore the percentage not paid for is 13 per cent. The Post Mistress-General gave me a note saying that boxes not paid for in George Town represent the same people who, every year, are late in paying box rentals. That lateness would not seems to be as a result in the increase of the box rental. In West Bay: the total number of boxes is 271; the total number of boxes paid for is 209; therefore the percentage not paid is 22 per cent. The Honourable Member states that includes him. I will not say which one. In North Side...

POINT OF ORDER

MR. W. McKEEVA BUSH: On a Point of Order, Mr. President, which Member said that his post office box was not paid for?

HON. LINFORD A. PIERSON: Mr. President, with respect, what is the Point of Order?

MR. W. McKEEVA BUSH: I am asking, if you are making an accusation. I would like to know. You have three Members from West Bay, four including the Financial Secretary. I would like to hear which Member. If it is your Member on Council, please say that.

MR. PRESIDENT: Now wait a minute. The Point of Order is, I think, a point of information. I think you should reply to it. If you have the information you should reply to it.

HON. LINFORD A. PIERSON: Oh yes, Mr. President. I would be happy to. I hope this will help the First Elected Member for West Bay. It was the Honourable Member for Education, Recreation and Culture. I am sure he would be able to defend his position.

Location	No. of boxes	No. of boxes paid for	No. of boxes not paid	percentage not paid
North Side	94	76	18	19
East End	96	54	42	43
Bodden Town	128	80	48	37
Savannah	99	73	26	25

This is not an alarming percentage at this time. It cannot support the Motion before this House.

It is also interesting to note that most of the small boxes have been paid for. Further, as I stated, this Motion in my opinion is more political than substantive. But I wish to say the Post Mistress-General has received no formal complaints from customers about the increase in post office box rentals.

If the Members who are bringing and supporting this Motion felt so strongly about it, one would have thought that they would have contacted the Post Mistress-General and complained about this matter. The Post Master General also stated in a note that she sent to me, that it should be noted that no sooner than notices were sent to post office boxes the customers were coming in to make payments.

It will be interesting in the coming months in this Legislative Assembly to see exactly how Members will deal with any form of revenue increases as brought to this House. Then they will have an opportunity to go to the public and explain to them why they supported those revenue increases.

In the United States today the post office box rates range anywhere from $28 to $200. On top of this they have to pay taxes. It is a known fact that the cost to mail a letter from the United States to Grand Cayman is higher than from Grand Cayman to the United States. But lest I omit to reiterate our position as a Government, we definitely intend to make a provision in the Regulations to exempt those to whom the increase would prove a hardship. This was a point that the Member raised. This was his concern and we would like to give that assurance that this will be done.

I do not want to say very much about this because I think it was irrelevant to the debate, but it was mentioned so I think I should clear it up. One Member indicated that the increases were accepted in Finance Committee. What was accepted was that the location for the sub-post office should have been anywhere below H.O. Merren and Company. That would suggest to me that the only problem that Member had in Finance Committee was that he did not want to see the sub-post office located in the West Shore Centre, which belongs to Mr. Norberg Thompson. I will have no further comments on that particular point. That Member also suggested that perhaps we should consider an increase of some 800 per cent on commercial post office boxes. I could not support that. We have to be fair to all categories be they commercial or private post office boxes.

It is interesting to note the 1982 Regulation which prescribed the rental rates which were effective up to the recent change; the small inside boxes were $6 per annum. We could divide that by 12 months and see how ridiculous that is. That large inside boxes were $12 per annum. The small outside box was $12 per annum ($1 per month), and I already showed where the salaries alone for Clerical Officers to put the mail into the post office boxes were around 8 times that amount. The medium outside box was $15 per annum...

MR. FRANKLIN R. SMITH: Mr. President, if the Member would give way please? The Member has said that the salaries paid are just to put the mail into the boxes. Is it a general overall payment to the whole Post Office staff?

HON. LINFORD A. PIERSON: Mr. President, I hope this does not turn into a question and answer session. In the Budget it can easily be seen that the total cost per annum to put mail (and I thought I had said this quite clearly) into the boxes in all districts was $242,119.

The medium outside box, as I stated, was $15 per annum. The large outside box was $24 per annum. Out of this we were getting $36,000 per annum, in comparison to paying almost $243,000 in salaries. Now I am not going to stand here and say that the percentage increases on these rentals were not high. They were relatively high. When we look at the quantum if we had increased a small outside post office box fee from $6 per annum to $12 per annum, that would have represented a 100 per cent increase. So when we start playing around with increases, we have to also state the quantum of what we are dealing with. Not just the increases because that can give the wrong impression to the listening public.

I will not deny other speakers their chance to debate this. I would like to give the assurance again that it is the Government's intention to make a provision to exempt all those that can be identified who are in hardship or in need, so that they will be relieved from the increases in the post box rental. Mr. President, I am unable to support this Motion. Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I have seconded the Motion which is before us. I feel it is a good Motion. It is asking for two things. That the increase on post box rentals be removed and a separate category of post boxes be used commercially.

My contention with this Motion came as a result of many complaints which I have received. I am pleased to know that from the statistics which the Member read awhile ago,

in my district it shows that there is a higher figure than in other areas. I have found throughout the Island that there has been much dissatisfaction created as a result of this Motion. It has created an added financial burden and as has been said by a previous speaker, it has created hardships. It is of no use for Government to try to defend the action which was taken here. We have an increase of approximately 400 per cent; twelve dollars to $50 for a lot of people in these islands is a large sum and we cannot, in any way, defend this action.

What really concerns me is that all of us were assembled here at the last Sitting. I heard nothing of such a raise being anticipated. It comes as a shock to most of us on this side when we started to receive telephone calls and we saw the release in the newspaper. What was discussed in the Finance Committee had nothing to do with what took place shortly afterwards. As one Member mentioned we were discussing something totally different. It did deal with post boxes and a sub-post office, but nothing of the sort that was brought shortly after we left here in the last Sitting. I think that it would be wise for the Government to take a second look at this. I took note from one Member of Executive Council who happily stated that he had no complaints in his district. I am glad to hear this, but I can hardly believe that there are no people who have been affected by this increase.

The Member with responsibility has made a point that his Portfolio will be looking after, what I guess could be called, compassionate relief. I believe it would have been much better if a release to this effect had been made prior to the announcement of the increase in rates because regardless of what statistics are read out in this House, the fact remains that we as sensible men, know that if these fees were not paid by now many individuals would not have a post box. So it was not paid out of choice. It was paid because the individuals had to.

MR. PRESIDENT: ....Could I just interrupt you for a moment. How much more time do you think you need?

MR. JOHN B. McLEAN: Mr. President, I am going to come to an end because...

MR. W. McKEEVA BUSH: ....I wonder, Mr. President, if we could not finish this item tomorrow, seeing as a Motion was moved to go on with the Throne Speech. This item should not carry on that much longer. I think we should carry on.

MR. PRESIDENT: Could Members give an indication of who else has not spoken and who would wish to speak?

HON. W. NORMAN BODDEN: Mr. President, I am not rising to speak on this Motion, but we have two Members who have other appointments this afternoon and have to leave early. I also have a meeting at 4:45 myself and I believe that it might be best (and I am only expressing my view), that we adjourn at the usual time and continue tomorrow.

MR. PRESIDENT: In other words continue the debate on this Motion tomorrow before going on with the debate on the Throne Speech?

MR. W. McKEEVA BUSH: Mr. President, that would entail doing something with the Standing Orders, since the House was adjourned on Friday, to begin the debate of the Throne Speech on Wednesday.

MR. PRESIDENT: I think the Motion for deferring the debate on the Throne Speech sets the day and not the time.

HON. THOMAS C. JEFFERSON: It said Wednesday.

MR. PRESIDENT: I think that would be all right.

In any case if the House is agreeable, the House can agree to its own procedures. Perhaps the Elected Member for East End would like to finish this evening or would he like to carry on tomorrow?

MR. JOHN B. McLEAN: Mr. President, I will agree with the First Elected Member of Executive Council, if they have prior commitments I will wait until tomorrow to go on.

ADJOURNMENT

MR. PRESIDENT: The Honourable First Official Member would you move the adjournment.

HON. THOMAS C. JEFFERSON: Mr. President, I move the Adjournment of this Honourable House until 10 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do now adjourn until 10 o'clock

tomorrow morning. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The House is accordingly adjourned until Wednesday morning at 10 o'clock.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10 O'CLOCK, WEDNESDAY, 21ST FEBRUARY, 1990.

WEDNESDAY
21ST FEBRUARY, 1990
10.07 A.M.

MR. PRESIDENT: Prayer by the Second Official Member for Legal Administration.

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, 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 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 His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Proceedings of the House are resumed.

Papers - the Honourable Third Official Member.

PRESENTATION OF PAPERS AND OF REPORTS

1989 ANNUAL REPORT OF THE ROYAL CAYMAN ISLANDS POLICE

HON. J. LEMUEL HURLSTON: Mr. President, in accordance with the provision of Standing Order 18(1), I beg to lay on the Table of this Honourable House the Annual Report of the Royal Cayman Islands Police, for the year 1989.

MR. PRESIDENT: So ordered.

Questions. No. 24 standing in the name of the First Elected Member for West Bay, please.

QUESTIONS TO HONOURABLE MEMBERS

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 24: Can the honourable Member say why consultants were not sought from such organisations as the United Nations, the Pan American Health Organisation or the British Executive Services Overseas, to make recommendations for the proposed 96 room hospital and other proposed health services?

ANSWER: The previous Government contracted the Pan American Health Organisation to provide a Health Planner in 1985. This individual spent two months on the Island working with hospital staff in formulating a framework for a National Health Plan.

When I took over the Portfolio in November 1988, one of the first things I questioned was the status of the National Health Plan. I found that only one of the proposed twelve chapters had been drafted. It was obvious that the scope of the plan was too large to expect the staff to write it, in addition to their regular duties and responsibilities.

The Government took the decision to employ outside consultants to develop a National Health Plan with full input from and consultation with the Health Services and Portfolio staff.

Under the terms of the contract the consultants were given a deadline with penalties for

non-compliance. The contract included two interim reports as well as monthly progress reports.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, the question asked why consultants were not sought from such organisations as the United Nations. The Member speaks of the Pan American Health Organisation. What about the other two - the United Nations and the British Executive Services Overseas and even World Health Organisation that we deal with?

HON. D. EZZARD MILLER: Mr. President, the Pan American Health Organisation and the World Health Organisation operate joint offices in this region. When an application is made it is consulted by both.

As far as the British Executive Services Overseas and the United Nations were concerned it was the opinion of the Government that it was better to go to a private firm than to go to these in order to get the time constraints, etcetera that we wanted, rather than going to these organisations.

MR. W. McKEEVA BUSH: Mr. President, the Member speaks of some Health Plan. That has not been laid on the table of the House. Therefore, Members do not know what it contains. I do not recall it being laid on the table. I am wondering whether the Member can say whether it was laid, or if it has not been laid when he would give an undertaking to send it to Members.

HON. D. EZZARD MILLER: Mr. President, the answer says that Government contracted with Pan American Health Organisation to provide a Health Planner in 1985. When I took the office in 1988, out of 12 chapters, only one had been drafted. No health plan was therefore, prepared in that three year interim period. Therefore, no health plan could have been laid on the table because the job was not done.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say whether he only went to one private consultant to get this done?

HON. D. EZZARD MILLER: Mr. President, I think that is the subject of the very next question on the Order Paper. But the answer is yes, we only went to one private consultant.

MR. TRUMAN M. BODDEN: Whose duty was it during the previous four years, before you took office, to get on with the health plan?

HON. D. EZZARD MILLER: Mr. President, anything I say on that would be an opinion because I really would not be able to provide, on an accurate basis, who's the responsibility was and I really do not think I can answer that question. It is asking for an expression of an opinion on my part.

MR. TRUMAN M. BODDEN: Mr. President, with respect, that is a question of fact, not a question of opinion. Someone must have been responsible for preparing the Plan.

MR. PRESIDENT: If I may intervene, it is a convention that a successor Government is not responsible for the work or duties of a predecessor Government, so it would be a matter of opinion.

HON. D. EZZARD MILLER: Out of interest, Sir, the former Member has told me that his recollection was, that it was the Chief Medical Officer.

MR. TRUMAN M. BODDEN: Once again (and this may fall into that category that you mentioned earlier), do we know why no one got on with this in the three years?

HON. D. EZZARD MILLER: Mr. President, I think the answer indicates that the exercise of health planning is not a simple exercise and to ask staff who are most times overworked (if one looks at the statistics and the number of patients and services that they are doing), to provide this kind of exercise as an extra-curricular activity while doing their regular duties and responsibilities and doubling up on shifts and all that sort of thing, I think is an almost impossible staff task.

MR. PRESIDENT: The Second Elected Member for Cayman Brac and Little Cayman.

MR. GILBERT A. McLEAN: Mr. President, I wonder if the Member would clarify the situation as given here in the question? It says that the Government contracted with Pan American Health Organisation to provide a health planner in 1985, but he is also saying that it fell to the duty of the doctors apparently to write this plan. Could he clarify exactly what the situation is?

HON. D. EZZARD MILLER: I do not have the five-year-old files in front of me, but in my

reviewing of the files in 1988, I believe that the Pan American Health Organisation said that all they could provide was somebody who would help them draft a guide. They had no real expertise to send here on a full-time basis to do the health plan. Therefore, they left it to the management of the hospital to do the actual planning.

MR. W. McKEEVA BUSH: Supplementary, Mr. President. Did Pan American Health Organisation Planner provide proposals?

HON. D. EZZARD MILLER: Mr. President, I believe that I have said that the Pan American Health Organisation Plan was never completed, so therefore it did not have any proposals. In three years their staff only managed, with the assistance of this planner, to draft the first draft, of the first of 12 chapters.

MR. W. McKEEVA BUSH: Well, I am trying to find out whether this was some sort of proposal?

MR. PRESIDENT: I think the answer has been given. As I understand it, the Member has said that the plan was by no means completed so, therefore, there we no proposals. Perhaps you could rephrase it.

MR. W. McKEEVA BUSH: Is the Member saying there was a plan?

HON. D. EZZARD MILLER: No, Mr. President, there was no plan produced. Government contracted with one of these organisations, to produce a plan but the plan was not produced. Of course none of that would have been necessary, if the 15-year plan developed in 1976 had not been scrapped.

MR. W. McKEEVA BUSH: Mr. President, did he make a proposal for an envisioned plan of some sort?

HON. D. EZZARD MILLER: Mr. President, I repeat, Government contracted the Pan American Health Organisation to develop
a national health plan. Right? To assist in developing a national health plan. I do not have the details of the contract before me. When I took over the Portfolio in November 1988, all that had been done was the outline that said it had to have 12 chapters and a draft for the first chapter. So therefore, there are no proposals as to what should be done about anything, because no plan was produced.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Did you know that there were medical policies in place prior to 1984?

MR. PRESIDENT: I really think that is going way beyond the original question.

MR. TRUMAN M. BODDEN: If I may just explain.

MR. PRESIDENT: The Third Elected Member for George Town, yes.

MR. TRUMAN M. BODDEN: If I may just explain. The policies and the plan to me are fairly synonymous. The outline of where we were going and I was just asking whether...

MR. PRESIDENT: I still think that is outside the original question.
The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, let me see if I can get this clear. The Member is saying, that in three years the former Member for Health got nothing done. All that was done was one chapter.

MR. PRESIDENT: I think that should be rephrased as 'is the Member saying'.

HON. D. EZZARD MILLER: No, Sir. I am not saying that that is all that the former Member did. I think the former Member took over in November of 1984 and contracted with Pan American Health Organisation to do the plan in 1985. What I am saying is that all the Pan American Health Organisation succeeded in doing in that period was a draft, an outline, for how many chapters you needed and a draft of the first chapter.

MR. W. McKEEVA BUSH: Therefore, Mr. President, the Member now has some sort of a proposal, whether it was one chapter, two or ten. I am asking whether the Members of this House, since we are dealing with this 96-bed hospital, can see what was proposed as far as that one chapter? And it is obvious too that somebody did nothing in three years.

HON. D. EZZARD MILLER: Mr. President, I do not have a copy of the draft chapter and it was not finalised, so we do not have that chapter to circulate. It was just a draft, a three or four page document. So there are no real proposals from it.

If the Members are complaining about inaction on one hand, and then action on the other hand, I really cannot be caught between the two.

MR. GILBERT A. McLEAN: Mr. President, a supplementary. The Member referred to a 15-year projected plan for the hospital that was done in 1976, that was not implemented. Could the Member say why he has not implemented that plan since he has taken office?

MR. PRESIDENT: No, I think that is going way beyond the original question, similar to the Third Elected Member for George Town.

MR. GILBERT A. McLEAN: Mr. President, I only raised it because he said that is the reason why services had not been put in place.

MR. PRESIDENT: Sorry, I think unless there are further supplementaries directly related, we should move on.

The next question - the Third 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. 25: Can the Honourable Member state whether the services, for which International Health Care Corporation have been paid, were put out for competitive bid?

ANSWER: No, the contract which was awarded to International Health Care Corporation was not put out to tender.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, can the Member say why?

HON. D. EZZARD MILLER: Yes, I will give as detailed an account as possible, as to why it was not done. On 3 February 1989, IHC personnel presented final proposals to hospital staff and the Portfolio of Health and Social Services to provide a plan to develop the health services systems and the Health Facilities Plan for the Cayman Islands. This proposal was the result of correspondence going as far back as 5 March 1986, and I would like to read a letter from Dr. Frank Ellingham, dated 16 February 1987:

> "Mr. James M. Conti
> Ambulatory Health Care Corporation
>
> Thank you for your visit to the Cayman Islands. I hope that your meeting with Mr. Benson will prove fruitful. Certainly I enjoyed the opportunity to discuss with you, some of the plans and aspirations we have at the George Town Hospital for the next few years.
>
> We discussed briefly the question of Blue Cross participation by the hospital. It would be of great value to me, if you were able to provide a format or specific current fee schedule, that one of your hospitals provide to such an insurance agency. I would expect to pay any cost incurred in providing such to me.
>
> I found your enthusiasm toward our challenges exciting and in the event that your company is successful in being commissioned to work on the project, I feel confident that an excellent relationship would result.
>
> I look forward to meeting with you on your next visit.".

I will quote from Mr. Conti's reply of 4 March 1987:

> "Mr. Frank Ellingham
> Hospital Administrator
>
> Dear Mr. Ellingham,
>
> International Ambulatory Health Care Corporation is desirous of working with your Government and the administration of George Town Hospital, to assist in the development and organisation of either the existing facilities, or appropriate new facilities.
>
> Furthermore, we would assist the hospital administration in establishing policies and procedures, and revenue and expense control, which would be acceptable to the governing Board. This would assure your patients of high quality and cost effective health care.

It is my understanding, as you stated, that within the next few months you will submit the Terms of Reference document to us for our use in drafting up proposals for review and approval by your Minister of Health. Our organisation will work closely with you in order to meet those terms.".

The correspondence continues and it is my understanding that Dr. Ellingham selected IHC from a number of professional health consultancy organisations that he had contacted. To give a sequence of events that lead up to the granting of the IHC contract:

3 February 1989: We received their final proposal. They had made proposals as early as February, 1988.

7 February 1989: Executive Council Paper 170/89, entitled Physical Development Plan Health Services was presented to the Executive Council and was approved. The recommendations as approved read as follows:

> "It is recommended that honourable Members of Executive Council advise His Excellency the Governor to approve that IHC is contracted to provide the afore mentioned study.".

16 February 1989: Executive Council Minutes Item No. 297 states:

> "Council provides that approval should be given for International Ambulatory Health Care Corporation to be contracted to provide the study for the physical development plan for health services in the Cayman Islands, as detailed in the Paper.".

This contract was awarded under the same procedure as many other such contracts have been awarded, by a decision taken collectively in Executive Council after due consideration of all matters. That is why it was not put out to tender.

MR. W. McKEEVA BUSH: Mr. President, the Member refers to Mr. Ellingham, who is no longer here to defend himself. Is there any document to substantiate that Mr. Ellingham chose International Health Care Corporation from some long list of professional consultants?

HON. D. EZZARD MILLER: Mr. President, I do not have such a document in my hands. I have not conducted a search for such a document and I cannot say what process Dr. Ellingham went through to select these people.

MR. W. McKEEVA BUSH: Mr. President, the Member told the House that Mr. Ellingham chose International Health Care Corporation from some long list of professional consultants. Why is he now contradicting himself?

HON. D. EZZARD MILLER: Mr. President, I did not say that. I said it was my understanding that he had picked these people through a process of elimination and that verbal understanding comes from the present hospital administrator, who was the assistant hospital administrator at that time. I am not contradicting myself.

MR. W. McKEEVA BUSH: Mr. President, the procedure contradicts a Financial and Stores Regulation. If the Member is coming into the House to reply that these people were chosen by somebody else, who is not even on the Island to give account for themselves, and he cannot produce any document, can he say why the Financial and Stores Regulation has not been followed in this instance?

HON. D. EZZARD MILLER: Mr. President, let me make it quite clear that the present Executive Council and I accept full responsibility for the award of the contract. What I said was that Dr. Ellingham invited Ambulatory Care Corporation to make a proposal. The present Executive Council, nobody else, made the decision based on the proposal which was put to the Government, to award the contract to IHC. It is my advice in Council and private legal advice that that is possible and that is proper for Executive Council to do. It has done so in the past, and it has done it since the IHC contract was awarded.

MR. W. McKEEVA BUSH: Mr. President, is the Member saying that the procedure was the right one?

HON. D. EZZARD MILLER: Yes, Mr. President.

MR. W. McKEEVA BUSH: Mr. President, the Financial and Stores Regulations say that contracts estimated to cost more than $100,000 should be handled by a Central Tenders Committee comprised of the Deputy Financial Secretary as Chairman, and such other persons as may be appointed by the Financial

Secretary. This is what the Financial and Stores Regulations say. He still has not told the House why that has not been followed.

Further to that, the Member should tell the House who instructed Mr. Ellingham. Mr. Ellingham could not, on his own, take that decision and if the former Member...

MR. PRESIDENT: No, No, there are two questions so far. I think we should take those two, then the next.

HON. D. EZZARD MILLER: Mr. President, sitting in Executive Council, the Government has a legal advisor and a financial advisor. Nothing unusual in my estimation was done in Executive Council in the case of IHC or any of the other cases.

In fact, it is only in the last two or three years, that the Public Tenders Committee awarded any kind of contracts. Prior to that, all the Public Tenders Committee was allowed to do was to make a recommendation to the Executive Council which could have been accepted or rejected. It is only since the 1985-86 Public Audit and Finance Law that the Public Tenders Committee now awards, and departments which are affected are bound by the recommendations of the Public Tenders Committee.

It is my advice from the people who know the Law, who know the Financial Stores Regulations, that Executive Council has that authority, has used it in the past and it will probably use it in the future. Nothing unusual, nothing wrong. Executive Council made an informed and correct decision in this case, as it has made in all other cases where contracts were not the subject of Public Tender.

MR. PRESIDENT: The other part of that question related to the authority, if I understand the purpose of it. Was it appropriate for Dr. Ellingham to make that decision, if he did make it?

HON. D. EZZARD MILLER: Yes, Sir. I feel it is in the prerogative of the hospital Administrator to select from a group of people or company who he thinks is most able and willing to make a proposal. What we are now talking about is to make a proposal to provide services, not a decision as to the provision of the services. But, to invite a company to make proposals. I think that is in the prerogative of any head of department in the Government.

MR. W. McKEEVA BUSH: Mr. President, the Member says that the Financial and Stores Regulations speaks of a local contract services and works. Can he tell me where in the Financial Stores that is found?

HON. D. EZZARD MILLER: Mr. President, I do not have my copy here but I believe, if memory serves me, it is in the last few sentences of 8(1). I think the Attorney General has a copy.

MR. W. McKEEVA BUSH: Mr. President, this is a very important question and I wonder if you could give us time to look at it.

MR. PRESIDENT: The Member has a copy, I think he will now refer to it.

HON. D. EZZARD MILLER: Mr. President, Chapter 8 - Tenders Contracts and Local and Overseas Purchases. and I am quoting from the Financial and Stores Regulations as issued on the 4th of July, 1986 by the Financial Secretary:

> "8.1 The principle governing the purchase of goods, works and services for Government departments and offices is that they must be acquired by the most economical means commensurate with quality and efficiency, so as to obtain the maximum value for the public moneys expended.
>
> Indeed under Section 38(2)(e) of the Public Finance and Audit Law, 1985, the Auditor General has a duty so far as is practicable to satisfy himself that this is so. Moreover goods, works and services must be obtained openly and competitively so that not only do all potential suppliers of the goods, works and services have an equal opportunity to bid for public contracts, but the award of such contracts is seen by the community at large to be fair and equitable. To this extend, except for purchases not exceeding $10,000 in value, all goods, works and services required locally by the Government will be obtained by contract after pubic tender. In no circumstances may a purchase or project be broken down into smaller components for the purpose of evading tender or contract requirements."

That is where the word locally comes from, Sir.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, a question to the Member. Does he regard himself as being bound by the Financial and Stores Regulations, 1986 that he just read?

HON. D. EZZARD MILLER: Yes, Mr. President, I am bound by the Financial and Stores

Regulations, but I think that they are administrative in nature. I think the Executive Council has the ultimate authority to override the financial and administrative regulations.

MR. TRUMAN M. BODDEN: Mr. President, in relation to the question of local, can you tell me whether IHC is a local company registered in the Cayman Islands?

HON. D. EZZARD MILLER: IHC is a local company registered in the Cayman Islands, but the services are purchased from the Ambulatory Health Care Corporation, registered in Youngstown, Ohio.

MR. TRUMAN M. BODDEN: With whom is your contract? Is it the local company or is it the United States company?

HON. D. EZZARD MILLER: The present contract is with IHC, the local company, Sir.

MR. TRUMAN M. BODDEN: Where is the hospital situated? Is it local or is it abroad? I am sorry, is the hospital local or is it foreign?

HON. D. EZZARD MILLER: Mr. President, to the best of my knowledge the hospital is located about three miles to the south of here. It is located right next to MRCU, located next to the Adventist Church. It is at the end of Hospital Road which passes by the Government Administration Road, in an area known as Cane Piece. It has been there since 1952. It is on the island of Grand Cayman, which is part of the Cayman Islands which is part of the Caribbean, which is part of western Hemisphere, which is part of the world in general, which is part of the universe created by the good Lord. In my judgement, I would say that it will have to be considered to be local, irrespective of the Members confusion of whether it is foreign or local.

MR. TRUMAN M. BODDEN: Mr. President, my next question then is not the works, the services, the company, the hospital, everything local?

HON. D. EZZARD MILLER: Yes.

MR. TRUMAN M. BODDEN: Mr. President, my next question then is: Do you then regard this contract as falling within the Financial and Stores Regulations, 1986? Just yes or no.

MR. PRESIDENT: You may choose to answer to that but shortly I am going to intervene.

HON. D. EZZARD MILLER: Yes, because the contract with IHC does, in itself, stipulate that the services must be purchased by its sister corporation, under the same ownership of Ambulatory Health Care Corporation, which is an overseas organisation. That is stipulated in the contract.

MR. TRUMAN M. BODDEN: Back to my question, Sir. Does he regard that here you have local works and local services for a local hospital by a local company?

HON. D. EZZARD MILLER: Being purchased from an overseas company, Sir. I agree with that.

MR. PRESIDENT: I realise that Members become a little restless if the Chair intervenes, but I think we have quite well covered the subject. I would like to make one observation which has come up in the course of the questions and answers. These regulations, as has been stated, well it has not been precisely stated, they do not have a legal binding or constitutional position. They are regulations made for guidance by the Financial Secretary. The constitutional position must remain. The Governor-in-Council does have the overriding authority in that case.

Supplementaries.

MR. W. McKEEVA BUSH: Mr. President, are you saying (and I have to ask this because of your explanation) that the Executive Council in this country has the power to override - let me make myself clear - has the power to override the Financial and Stores Regulations, made, I presume, under the Finance and Audit Law to give out a contract that is in the region of $311,000 and not follow this to override it? Am I clear, is that what you are saying?

MR. PRESIDENT: I will repeat what I said, the Attorney General may wish to put it in more legal language. It might be convenient.

HON. RICHARD W. GROUND: Perhaps, if I might just read out the sections of the Public Finance and Audit Law, not of the regulations but of the Law under which they are made so that Members might appreciate their status and also what the Law says about the position of the Governor. Section 10 of the Law says:

> "The Financial Secretary shall, subject to this and any other Law, have the management of the finances of the Government and the supervision, control and direction of all matters

relating to the financial affairs of the Government.".

The Law then goes on in section 11 and says:

> (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 monies and public property."

If I might just pause there a minute and I will go on and read a final section, but at this stage it is plain that the Regulations that are made under the Law are not what we often think of as Regulations - those things made by Executive Council which are gazetted under a Law. They are a slightly different creature, which this Law describes as administrative regulations. If one reads on the reference to directions and instructions assist in the nature of those administrative regulations. They are the Financial Secretaries directions as to how financial business should be conducted. They are not Executive Council and they are not this Assemblys' - they are the Financial Secretaries.

Now the power of the Governor under the Law is set out in section 56 - The power of the Governor to give directions. It reads:

> "The Governor may give to the Financial Secretary, Accountant General and all public officers, other than the Auditor General, such directions as he thinks fit with respect to the exercise or performance of their respective powers, functions and duties under this Law either generally or in any particular case."

In this case, as the Member has explained to you, the ultimate selection in this particular case was approved by the Governor acting on the advice of Council, in Council duly recorded in the minutes of Council and I think if you look at that section 56, the reference to any particular case empowers the Governor to give directions in any particular case, makes it plain that it is lawful for the body - Executive Council - to intervene in that way.

MR. PRESIDENT: Could I add one thing to that. I appreciate that there is a difficulty here and it illustrates well the problems of the Governor as Speaker of the House. When I spoke a moment ago I was trying to speak in the way that I think a Speaker would speak, talking about the privileges and duties of the Crown, the Government, Ministers in another context. I am not speaking as Governor, I know it is hard to believe that, but please believe it.

MR. W. McKEEVA BUSH: Mr. President, I appreciate your patience in this instance. One question. Is the Executive Council of this country questioning the authority and knowledge of the Auditor General?

MR. PRESIDENT: I am not sure who should answer that question but I think I can answer you Constitutionally that the Auditor General's position is quite separate and I do not think it should not arise that the Executive Council should question his functions. I think it is quite proper for the Government to state its position, but that is another matter. I fear I am getting too involved in this, even though I am trying to be Speaker.

MR. W. McKEEVA BUSH: Well, Mr. President, I think you are doing a pretty good job. They are hiding pretty good under this Law, but not good enough. Thank you.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I do not want to get into too much of the legal side of this but I just mentioned to the Second Official Member that the Governor is not defined in the Law. So it seems to me that that power vests in you, specifically, if you wish to take the advice, then so be it, but I do not think that matters.

My question is this. What is the use of hundreds of pages of documents or regulations which are dealing with protecting the public's money, as he read for getting value for money under this, if these appear to be continuously not followed in certain areas? I would like an answer to that but I guess I should ask why have they been made? Who follows them?

MR. PRESIDENT: Perhaps the Attorney General seems willing to take this one on.

HON. RICHARD W. GROUND: I am not taking the big question. I would simply like to address the Government point, the other question with respect to the Member asking it is a debating point rather than a question.

But he is right that the Governor is not defined in the Law and it does enable the Governor without seeking the advice of Council to exercise that function. But the Governor has sought the advice of Council is not disqualified from exercising that function.

MR. PRESIDENT: Since we are getting deeply into this, I might add that under the Constitution, even in regard to the reserve to powers, the Governor is under a duty to consult the Executive Council with regard to any matter with financial or economic implications and consequences. So I do not think you could envisage the Governor acting on his own in a matter like this.

MR. TRUMAN M. BODDEN: If I may now go back, if you do not mind, to the other question. Let me just ask then the Member for Health if he can tell me who he regards in his Portfolio that chapter 8, which deals with putting contracts out to tender, who does it bind, if anyone to follow this?

HON. D. EZZARD MILLER: I think it binds the controlling officer, who was appointed under the Public and Finance Audit Law, who is the Principal Secretary.

I would just like to add, in response to a comment made earlier on, that somebody is hiding something. I have nothing to hide. The Auditor General is doing his investigation. My only request is that as the announcement of investigation was made in the press, my only request of the Auditor General, and I have no power to make him do it, is that he release his findings as soon as he has completed it and not leave it until September. That is all I ask. I have nothing to hide.

MR. W. McKEEVA BUSH: Did he not ask the Auditor General for an apology and the Financial Secretary?

HON. D. EZZARD MILLER: No, I wrote a letter to the Governor which contained certain information. One asked the Governor to call a meeting of the Executive Council to discuss it because I felt I deserved an apology from the Auditor General in terms of him going public with the statement and I did not ask for an apology from the Financial Secretary, I asked for a statement from the Financial Secretary stating the facts that would exonerate me and my Portfolio staff. The reason for that is because my information and the information of my Portfolio is that the announcement was made in the press by the Auditor General before the investigation had been started.

MR. W. McKEEVA BUSH: One more question, Mr. President, International Health Care Corporation is said to be a local company, can the Member state when that company was registered locally, where it is locally registered and which district Post Office it gives its local address?

HON. D. EZZARD MILLER: Mr. President, it is public knowledge, I have read affidavits here, which state the ownership of the company and I would not guess at the exact date for fear of trying to be impeached tomorrow because I was one day off. But, it was registered in early 1989. It is registered at the firm of Ritch and Connolly and I think the Post Box is a West Bay Post Box.

MR. W. McKEEVA BUSH: Mr. President, West Bay Post Box 383. Would the Member say when the contracts were signed?

HON. D. EZZARD MILLER: The contract with IHC to provide the study for health services and a health facilities plan was signed on the 6th of April, 1989.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, hopefully this is the last, but would the Member please tell me why the controlling officer then did not comply with the Stores Regulations?

HON. D. EZZARD MILLER: Because the decision had already been taken in the normal route of going through Executive Council and the decision being taken there.

MR. PRESIDENT: You did say the last one, please. I think that must be something of a record. We are only on the second question on the Order Paper. If Members would wish to continue with the questions could we move the suspension.

SUSPENSION OF STANDING ORDER 23(7) AND (8)
11:00 A.M.

HON. THOMAS C. JEFFERSON: Mr. President, under Standing Order 83, I move the suspension of Standing Order 23(7) and (8) in order to allow the other questions to be taken. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: Standing Orders are suspended.

AGREED: STANDING ORDER 23(7) & (8) SUSPENDED.

THE FIRST ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 26: The Honourable Member has said that mandatory health insurance will be instituted. Can he say:

(a) How much the plan will cover;

(b) Whether any studies have been conducted to determine what the cost will be to an individual or per family;

(c) Whether any studies have been conducted to establish what amount of citizens will be able to afford health insurance; and

(d) Whether it has been established how many persons will not be able to qualify medically for health insurance?

ANSWER: I have not said that mandatory health insurance will be instituted. I have said that mandatory health insurance is under active consideration. Executive Council has recently approved the appointment of a Committee to study the feasibility of National Health Insurance.

SUPPLEMENTARIES:

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, can the Member say whether in relation to your active consideration, if you can answer the questions a, b, c and d?

HON. D. EZZARD MILLER: No, Sir. These will be questions that can be answered after the Committee completed their deliberations.

MR. W. McKEEVA BUSH: The Member has stated that this is one of the possibilities in order for the hospital to be funded. Since he expects the hospital to be funded by these 300 per cent or 400 per cent increase in fees, can he say why he did not take the time to conduct such a study to arrive at that decision?

HON. D. EZZARD MILLER: Mr. President, in spite of all the things that we have achieved in my Portfolio in 14 months, I am not superhuman and I do not purport to be able to do these things overnight. I have said that National Health Insurance of a mandatory scheme is one way of ensuring and assuring funding for the new hospital. That is why we have set up a Committee of people from the insurance industry, the Government's insurance department to come up with these answers and feasibility. I do not have unlimited time. I am working on the average of 16 to 18 hours a day to accomplish what has been done.

MR. PRESIDENT: If there are no more supplementaries we will move to number 27. The Elected Member for East End, please.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND NATURAL RESOURCES

NO. 27: Can the Honourable Member say whether the Public Works Department has completed a list of projects it will be able to complete in 1990 and those to be sub-contracted, which was requested by the Standing Finance Committee and which should have been completed by the end of January, 1990?

ANSWER: No. The capital programme for 1990 has not been finalised, but is continuing to receive priority and should be finalised by the end of March.

The primary reason for this schedule relates to the number of new projects introduced during the 1989 Budget session or as in the case of roads, identified during the January district visits and which now require clear defining before the Department can properly assign them to the private sector.

The Department remains committed to letting its larger (generally in excess of $100,000) building contracts to competitive tender and anticipates letting approximately $0.5 million of road work in 1990 as well.

Nevertheless, it is of paramount importance that all such work is adequately defined and specified to ensure that any contract entered into is a reasonable sum and to avoid contractual disagreements.

MR. PRESIDENT: There appear to be no supplementaries.
Question number 28, then please. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND NATURAL RESOURCES

NO. 28: Can the Honourable Member say whether there are any applications to Government for a dredging licence to remove fill from the sea bed?

ANSWER: Two applications to dredge marl in the North Sound are currently being reviewed. They are listed as follows:

(1) Vernon Berry - request for 3 million cubic yards, block 19E, parcels 40, 41, 42, 43, 105, 106 and 122 - George Town Bacadere area;

(2) Melbourne Watler - request for 3 million cubic yards, block 24D, parcel 2 - Omega Bay Estates area.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, I took note from the answer that there are two applications currently being reviewed. Is the Member saying that there have only been two applications to the Government?

HON. LINFORD A. PIERSON: No, Mr. President, there have been a number of applications for dredging but these have been disposed of in one way or the other.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could collaborate a little more on what he means 'disposal of the applications'?

HON. LINFORD A. PIERSON: Mr. President, I believe that the Member is trying to solicit information as to whether any other applications may have been submitted and whether they were approved or how they were dealt with. The answer would be that there have been other applications that were not approved for the following reasons:

1. Mr. Ernest Jackson - submitted an application during 1989 but was incomplete. Therefore withdrawn.

2. Hurlstone Construction - made an application for a dredging project off shore from North Sound Estates area, but due to its location in a Marine replenishment zone, that bordered on an Environmental Zone and the historically significant craning place, it was withdrawn.

MR. PRESIDENT: No further supplementaries. Question 29, please. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND NATURAL RESOURCES

NO. 29: Can the honourable Member say how soon the Public Works Department will establish caution signs in the Lower Valley-Savannah area to warn motorists with regard to cattle movement on the public road?

ANSWER: Cattle warning signs are currently being erected in the following areas:

(1) junction of Spotts-Newlands/Bodden Town;
(2) on the main road across from the cattle dip at Savannah;
(3) in Lower Valley on the corner of Breadfruit Walk;
(4) at Pedro near the Beach Bay Road;
(5) by the Cable and Wireless exchange in Bodden Town.

The sign used is the one stipulated as number 23 in the Traffic Law (Law 16 of 1973).

MR. PRESIDENT: We will go on to question number 30, please. The Third Elected Member for George Town.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATION WORKS AND NATURAL RESOURCES

NO. 30: Can the honourable Member say what is the total length of all the roads, including feeder roads, under the Master Ground Transportation Plan and the George Town Technical Advisory's road; how many miles of such roads will be over swamp; and what is the length of the proposed Jennett 'T' road?

ANSWER: The Master Ground Transportation Plan (MGTP) designated roads as primary arterial (125 ft. wide, restricted access), secondary arterial roads (80-100 ft. wide, unrestricted access) and access or collector roads (50 ft. wide, unrestricted access).

The proposed total lengths of each designation and portion passing over swamp was as follows:

	TOTAL LENGTH	PORTION OVER SWAMP
PRIMARY ARTERIAL	17.6 MILES	5.8 MILES
SECONDARY ARTERIAL	4.1 MILES	0.6 MILES
ACCESS/COLLECTOR	4.0 MILES	1.4 MILES

The Technical Advisory Committee (TAC) proposed two substantial sections of new road, similar in type to the access/collector roads. Their total length would be 0.5 miles, none of which would be over swamp.

The proposed Jennett 'T' would be of a secondary arterial designation; it would be 0.2 miles long, none of which would be over swamp.

The total length of all MGTP and TAC roads is 25.7 miles with 7.8 miles over swamp.

SUPPLEMENTARIES:

MR. TRUMAN M. BODDEN: Mr. President, would the Member say then that the access collector roads then would only have covered a small portion of the length of the roads named in the MGTP. Is that correct?

HON. LINFORD A. PIERSON: Mr. President, the total length of the access collector roads is 4 miles, of which 1.4 miles would be over swamp.

MR. PRESIDENT: I am not sure whether you were putting a question or making an observation. Were you asking the Member to agree with your views that it was a small proportion only? I think this was the question, does the Member agree with the access collector roads represent a small portion only, I think.

MR. TRUMAN M. BODDEN: Yes, Mr. President, let me then follow up on that. Is it not a fact that on the 17.6 miles of primary arterial roads, that access to that road would only be every several miles and it would therefore be necessary to have access collector roads build either by the Government or private people to get onto this primary arterial road?

MR. PRESIDENT: I do think that is going beyond the original question more than somewhat. I leave it to the Member.

MR. TRUMAN M. BODDEN: I could tell you my reason if you wish.

MR. PRESIDENT: Fine let us see if the Member will take it. I want to try to be as flexible as we can about questions.

HON. LINFORD A. PIERSON: Mr. President, I will try to be as helpful as possible.
It is my understanding that the Member is correct that the distance quoted by him would apply to one side of the road.

MR. TRUMAN M. BODDEN: Mr. President, a follow up on that. Will it be necessary to have access collector roads running substantially the full length of the primary arterial roads so that you can get onto those roads because there is no other way to get onto them?

MR. PRESIDENT: I think you are getting into the whole theory of the MGTP, and this really is outside the original question. Perhaps you could discuss that with the Member separately.
Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:16 A.M.

PROCEEDINGS RESUMED AT 11:43 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. Questions continuing. Number 31. The Third Elected Member for George Town, please.

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

NO. 31: Would the honourable Member say what is Government's policy on the grant and/or lending of funds to private schools for capital expenditure on new buildings and equipment in the event that Government has to school the children as at the last time that full statistics for private school children were taken, having regard inter alia to the high cost to Government under its compulsory school policy for the attendance of children and young persons?

ANSWER: Government has never set explicit policies pertaining to the grant and/or lending of funds to private schools for capital expenditure on new buildings and equipment.

However, over the years public funds have been made available for this purpose on request with the approval of the Finance Committee.

This continues to be Government's practice.

SUPPLEMENTARY:

MR. TRUMAN M. BODDEN: Mr. president, would the Member say whether the Government would continue to consider applications from private schools for Capital Expenditure?

HON. BENSON O. EBANKS: Mr. President, the answer states specifically that, that this continues to be the Government's practice.

MR. PRESIDENT: Number 32, please. The Third Elected Member for George Town.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 32: Would the honourable Member say whether Government will consider amending the Law to impose a penalty for a breach of section 12(D) of the Broadcasting Law, 1977, which provides that it shall be the duty of a licensee to ensure that the programmes broadcast by him include no discussions or debates where a person taking part expresses opinions or puts forward arguments of a political character which are not properly balanced by other opinions?

ANSWER: Government does not presently consider it appropriate or desirable to impose a penalty, as the matter is not regarded as a criminal breach.

SUPPLEMENTARIES:

MR. TRUMAN M. BODDEN: Mr. President, would the Member say how he deals with breaches of that section?

HON. J. LEMUEL HURLSTON: Breaches under that section are dealt with administratively between the Broadcasting Advisory Committee, the Portfolio and the Director of Broadcasting.

MR. TRUMAN M. BODDEN: As with the Stores Regulations, does Executive Council have an overriding power in relation to that?

HON. J. LEMUEL HURLSTON: Mr. President, perhaps it does. But it has never yet been exercised to my knowledge.

MR. TRUMAN M. BODDEN: Would the Member give an undertaking where he could attempt to set up some mechanisms to see that this important democratic section of the Law is properly adhered to?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, everything that can be done will continue to be done in that regard.

MR. PRESIDENT: We move to question number 33 please, the Second Elected Member for the Lesser Islands.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 33: Would the honourable Member say what is the criteria being used for deciding staff cuts in Cayman Airways Limited at this time?

ANSWER: Managers and supervisors have been instructed to closely examine their departments with a view to determining if efficiency can be maintained with less staff.

If it is found that they can then reductions should be effected by:

(a) terminating any members of staff still on probation;

(b) terminating any members of staff with poor performance records; and

(c) terminating any other members of staff who may be considered excessive.

Preference is to be given to Caymanians wherever possible.

SUPPLEMENTARIES:

MR. GILBERT A. McLEAN: Thank you, Mr. President.
Would the Member say how it is possible for the managers and supervisors who have been in-house with the present situations that exists all of this time, now in the same situations, examine the efficiency of the staff with the view of cutting them where necessary without some particular basis or outside assistance?

HON. W. NORMAN BODDEN: Mr. President, I believe that the department of any company (even in any Government for that matter), when faced with strong competition and survival scrutinises very closely, their particular operation in their area of responsibility and take measures to reduce staff, if that is found to be the case based on the criteria that I have reported to the House. If a company is faced with this situation and there is need to take those measures, I am sure that any department in any company can identify those employees who work under their supervision as to what level of performance they have.

MR. GILBERT A. McLEAN: Would the Member say if in this exercise any members of the staff have been terminated and if any, perhaps have been rehired?

HON. W. NORMAN BODDEN: Mr. President, I believe that is the subject of a substantive question that has been put down to come later on. Probably tomorrow.

MR. GILBERT A. McLEAN: Has any been rehired, Sir? I do not think that is part of that question.

HON. W. NORMAN BODDEN: To the best of my knowledge, I know of one case where the individual has been rehired.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say when these staff cuts began and when does he expect them to end?

HON. W. NORMAN BODDEN: The exercise began in early January and the action that was taken regarding staff cuts would probably become effective on the 1st of February.

MR. PRESIDENT: The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON: Thank you, Mr. President.
Can the Member say how many members of staff have been cut and what is the dollar value saved?

MR. PRESIDENT: I think that is the subject of a later question on the Order Paper.
There are no more supplementaries? Question number 34 please, the Second Elected Member for the Lesser Islands.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 34: Would the honourable Member say if there are any specific areas of financial losses identified in the operation of Cayman Airways Limited to date?

ANSWER: Cayman Airways has experienced substantial financial losses in the area of passenger revenue.

SUPPLEMENTARIES:

MR. GILBERT A. McLEAN: Could the Member say if this passenger revenue has been on any particular route flown by Cayman Airways?

HON. W. NORMAN BODDEN: Mr. President, the loss in passenger revenue has been mainly on the Miami route. Not only on Miami but on other routes as well.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say by what percentage the estimated Budget for the present financial year exceeds the previous Budget?

HON. W. NORMAN BODDEN: Mr. President, I would not want to be held to percentages because I do not have the qualifications of the Member asking the questions. I do not have one of those degrees but I would say that the Budget as proposed for the Company, to the best of my recollection was something like 17 per cent, I believe. I would not want to be held to that as I said because I do not have those figures available with me. About 17 per cent above the previous Budget.

MR. GILBERT A. McLEAN: Mr. President, would the Member say if there is any corrective action that could be taken by the management to deal with the problem of loss of passenger revenue?

HON. W. NORMAN BODDEN: In order to increase or try to offset some of the losses in passenger revenue that has and is being experienced by the company, management has taken action to increase their advertising and sales activities to try to generate more business from the local market. As well as to enter into discussions for "sharing agreements" with other major U.S. carriers, other than those who operate to Grand Cayman. They have also introduced more competitive fare structures in order to endeavour to attract a greater share of the market and to help to stem the competition that the company is receiving.

MR. TRUMAN M. BODDEN: Mr. President, could the Member say whether the passenger revenue is above or below the previous year in comparison?

HON. W. NORMAN BODDEN: Mr. President, I have a few months for comparison for revenue, for October, November and December. January is only estimated so maybe I should not quote that. But maybe I could give the Member and the House the comparison for October, November and December, 1989.

October, 1989	2,416,631 actual revenue
October, 1988	2,386,653 actual revenue
November, 1989	2,830,599 actual revenue
November, 1988	2,887,052 actual revenue
December, 1989	3,453,555 actual revenue
December, 1988	3,584,198 actual revenue
January, 1990	3,230,145 estimated revenue
January, 1989	3,547,076 actual revenue

So I think that those figures bear out that in most months, in comparison to the same month a year ago, there was a drop.

MR. TRUMAN M. BODDEN: If the Member could answer this. I appreciate that he might not necessarily have this information, but can you say whether these slight drops in some years follow substantially drops in tourism generally?

HON. W. NORMAN BODDEN: It could be in the case of October, but certainly December and January are good months for tourism and the difference there has been considerable for December 1989 and January 1990.

MR. PRESIDENT: The last question please. The Second Elected Member for the Lesser Islands.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 35: Would the honourable Member say what steps are being taken to improve the regularity of scheduled air service on the inter-island route by commuter aircraft and by jet?

ANSWER: Details are still being finalised on a new and improved schedule for the inter-island route utilising commuter and jet aircraft. The new schedule is due to become effective on 1st April, 1990.

SUPPLEMENTARIES:

MR. GILBERT A. McLEAN: Thank you, Mr. President.
Would the Member say if the study is visualising any change in the present commuter aircraft being used on the route?

HON. W. NORMAN BODDEN: Mr. President, it might be a bit premature because the matter is still being dealt with by management. The Board and the Chairman will then make a recommendation to the Portfolio. Perhaps I could take this opportunity to acquaint the House with what the company is proposing at the present time which might answer the supplementary being asked by the Member.
The Company is at this time proposing to operate two daily shuttle jet flights to Cayman Brac. They are proposing a flight that would leave here around 7:00 A.M. and operate Grand Cayman/Cayman Brac/Grand Cayman and go on to Miami. And then late in the evening, I think, around 8:30 P.M. they are also proposing to operate another shuttle Grand Cayman/Cayman Brac/Grand Cayman. So that would be two shuttles a day, except for a Saturday morning at the request of the hoteliers in Cayman Brac. The flight would operate Grand Cayman/Cayman Brac/Miami direct, because Saturday is a high volume traffic day and high in demand.
The rest of the Inter-Islands service to Little Cayman, Cayman Airways would operate that as a sub-service through an arrangement with Island Air which would operate Grand Cayman/Little Cayman/Cayman Brac-Little Cayman/Grand Cayman. In addition to that, Island Air also holds charter rights Grand Cayman to Cayman Brac or Grand Cayman to Little Cayman for any members of the travelling public who might want to travel at times other than those that are offered by Cayman Airways.

MR. GILBERT A. McLEAN: It would seem somewhat excessive to use the jets as just a shuttle from Grand Cayman to Cayman Brac and back to Grand Cayman. Has any thought been given to including that in a flight originating in Cayman passing through and going onto Miami/Cayman Brac/Grand Cayman? Can the Member say if any thought has been given to that?

HON. W. NORMAN BODDEN: Mr. President, various combinations have been looked at but I believe that with the exception of the one I pointed out for Saturday, which is Grand Cayman/Cayman Brac/Miami, I think it would provide almost a daily connection Cayman Brac/Grand Cayman to Miami. There are some disadvantages regarding very close connecting times. In other words, it is possible that until those passengers who are already booked have their reservations worked out of the system that you might have some people with longer layovers at Grand Cayman.
But in examining the proposal the Company feels and I also share that view, that while it might seem too much service for the size of the market because of the good operating costs of the 737's the company is able to provide that service that I have just outlined for at a less cost than the service which is being provided by the Shorts.
The offering of jet service, I feel, will do several things. It will enable Cayman Airways to develop to a greater extent their one day excursion visits to Cayman Brac which will give Cayman Brac better exposure and probably be a very good advertising tool from a tourism point of view. I believe that many of the local people will travel to Cayman Brac for a day many times, if there was a jet service. It will give the business man from Cayman Brac the advantage of coming to Grand Cayman early in the day, conducting his business and going back that evening. It will eliminate many of the problems that I think have been giving the company a very bad reputation. The dependability of the service is one thing. It would also enable larger groups to travel on one flight together. It will enable the company to transport the baggage on the same flight with the passengers and to accommodate whatever cargo needs to be transported.
So there are some disadvantages, but I think on balance, once the cost is justified and as I said based on preliminary investigations of this proposal, it seems they can operate that jet service for equal or less money than Shorts is costing.

MR. PRESIDENT: The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Thank you, Mr. President.
Would the Honourable Member confirm if in the reservations system the 158 seats will be listed for Cayman Brac as Grand Cayman once the Shorts or the commuter type is removed?

HON. W. NORMAN BODDEN: That is correct, Mr. President. The reservations will be put on a free sale basis and we would eliminate the other problem that is created now by a commuter type aircraft if you have a request of a group of 40, for example, you can only accommodate them on two flights. In this case those 40 can be accommodated on one flight and the reservation records would be adjusted accordingly.

MR. GILBERT A. McLEAN: Mr. President, the reasons for the idea of the shuttle the Member has given are very positive and convincing. I have no argument with them whatever. I would only want to inquire if having in place such a schedule has thought then been given of disposing of the Shorts 330?

HON. W. NORMAN BODDEN: Obviously, Mr. President, that is part of the proposal. There will be no need for us to keep the Shorts Aircraft. Part of the idea is to eliminate that aircraft and sell it along with whatever spares we have. I know that for 36 years that service has been operated with a commuter type aircraft and in the Companies research, the conclusion has been reached and I support that, that almost any type of commuter type aircraft that is used for that service will pose similar problems to the Shorts Aircraft. Any one commuter type operation will have similar problems.

CAPT. MABRY S. KIRKCONNELL: Thank you, Mr. President.

Can the Honourable Member guarantee that since the commuter type will be discontinued that this service will be on a 365 day a year basis, rather than changed as it is now, every couple of months?

HON. W. NORMAN BODDEN: What the Company is attempting to do is to eliminate the frequent schedule changes that have been experienced in the past. It is true that many times a company makes its plans on certain assumptions and projections and there are occasions when it is necessary, absolutely necessary, for an airline to change the schedule. But what is being proposed here is to put the schedule into effect April the 1st and take it through September so that, I believe, there would be a maximum of only three schedule changes a year, two of which would be due to the U.S. going on daylight savings time. As far as the Cayman Brac operation is concerned, I believe the idea of a daily shuttle will remain.

MR. PRESIDENT: The House will move to item 4 on the Order Paper. Other Business. Suspension of Standing Orders.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

SUSPENSION OF STANDING ORDER 14(2)

HON. THOMAS C. JEFFERSON: Mr. President, under Standing Order 83, I move the suspension of Standing Order 14(2), as was agreed yesterday afternoon that the debate on the Private Member's Motion should continue and be completed before we begin the exercise of debating the Throne Speech.

MR. PRESIDENT: The question is that Standing Orders be suspended to allow the debate to continue on Private Member's Motion 2/90. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: Standing Orders are suspended.

AGREED: STANDING ORDER 14(2) SUSPENDED.

PRIVATE MEMBER'S MOTION NO. 2/90

POST BOX RENTAL FEES

MR. PRESIDENT: We now resume the Debate on Private Members Motion No. 2/90. The Elected Member for East End continuing.

MR. JOHN B. McLEAN: Thank you, Mr. President. Before continuing my contribution I would like to clarify what might have been a misunderstanding when I referred to the people not being pleased with the Motion. I was not referring to the Motion which we are discussing. I was referring to the action taken with regard to the change of the fees in question.

When we took the break yesterday evening, I was referring to what the Third Elected Member of Executive Council had said in regards to not having any complaints from his district regarding post office box rental fees. On second thought, what he said was correct. But I would like to inform him that I, like other Backbenchers have received complaints and concerns expressed by several prominent individuals from his district, with regard to box post rentals. I would further state that these individuals were not the retired rich persons in Cayman Kai, but rather our own Caymanians.

Regardless of whether it is our Caymanians or the retirees in the Cayman Kai area, I would say that we should give an ear to all voices and not a selected few. Over the years we have encouraged rich retirees to our Islands and we should, in every way, do whatever possible to encourage them. I also listened with interest to remarks made by another Member from Executive Council on a matter which was revived - that of the sub-post office. I am referring to the Second for Bodden Town who spoke on it. I would like to say that that Member in no way mentioned Mr. Thompson's name and as I recall quite well in Finance Committee his decision on the matter of the sub-post office was like all Backbenchers, strictly on the issue and not the individual.

I also took note of what was said on the two tier system. I cannot appreciate the remarks that were made on this because as far as I am concerned it is already in place in Government. We have it in the Licensing Department - the different licensing categories. We also have it with regard to the Trade and Business Licenses and I can see no reason why this could not be introduced as suggested in the Motion.

HON. LINFORD A. PIERSON: Mr. President, if the Member would give way.

MR. PRESIDENT: Your voices are so alike that I did not hear the difference. Sorry.

HON. LINFORD A. PIERSON: Both of us are from East End, Sir.

I would just like to clarify that in Mr. Thompson's name was mentioned in Finance Committee; there is no question about that. Members felt that because Mr. Thompson had approached them about the possibility of locating the sub-post office in the West Shore Centre they regarded that as somewhat irregular and it was for that reason, among others they refused to have the sub-post office located in the West Shore Centre.

MR. JOHN B. McLEAN: Mr. President, I do not wish to continue on this point, but the point that I just made was that the Member for Bodden Town did not mention Mr. Thompson's name yesterday. As far as what the Member has just revived, in Finance Committee, I did not say that Mr. Thompson's name did not come out. I said that the decision was taken strictly on the issue, not the individual. Mr. Thompson name came after the fact. I would like to continue on the matter of post office box rental fees. We as Legislators know that Caymanians are people with great pride. It is my belief that many would make sacrifices to pay the rental rather than humble themselves to the Government as was suggested. Again, the saying 'the little people' was brought out and much was said about what has been done for them. Maybe much was done for them, but the record will also show that in many instances much has been done against them. With regard to the statement which was made by the fourth Elected Member of Executive Council as to the reason why this Motion was brought, to me it is totally unfounded. My connection with this Motion is simply because of the way in which the box rental fees were brought and my concern for the hardships it has created for many in these Islands.

I would further state that it is not my style to be tied or dictated to by any one group or sector. I try to listen to as many as possible from all over these Islands and I am a believer that what is good for one is fair for all. I would just like to repeat what was said by the First Elected Member for the Lesser Islands with regard to post boxes and his words were 'many need a post box not as a luxury but indeed, as a necessity.' We should not forget that. I suppose the people of this country are in for another shock because as we sat here yesterday we heard a word of warning that there will be more revenue measures coming in the near future.

This was also heard by the people of this country and I am sure it is seen to be handled in the same way as that of the increased measures on the post office boxes.

HON. LINFORD A. PIERSON: Mr. President, if the Member would give way.

I wish to make it quite clear that my mention to any possible increases in the future of revenues was not the first time it was heard in this House during this first meeting of this Session. As a matter of fact it was raised...

MR. PRESIDENT: I do not think he said that. I do not think he said it was the first. If that is the point you are taking.

HON. LINFORD A. PIERSON: The point I am making is that it was raised in your Throne Speech so it was not the first time it was being heard in this House, during this Meeting.

MR. JOHN B. McLEAN: With due respect, Sir, I did not say that it was the first time. I just referred to what the Member said yesterday. I am sorry if he misunderstood. As Members of this Assembly, it is my opinion that we should have been properly apprised of what was going to take place with regard to the post box rental fees.

As the First Elected Member for the Lesser Islands mentioned yesterday, it would have given us an opportunity to be able to answer questions when they were thrown at us and of course to apprise our constituents on the matter. However, I have to make the point that during the Budget Address we were told the exact opposite. We were told there would be no new measures and that the Government was also putting forward a balanced Budget without the new measures. It is my opinion that the public and this House were given, at that time, a false impression. For this, I feel the Government should feel obliged to revoke the increase on the post box rental fees and offer the general public an apology.

Thank you, Sir.

MR. PRESIDENT: The Honourable Member for Education.

HON. BENSON O. EBANKS: Only to reply to the last point made by the Member. It is my understanding that these fees were introduced not as a part of the Budget, but after in order to finance an expanded service to the Postal Service, that is the Sub-post Office along the West Bay Road. It was not a part of the Budget as such, so no false impression was given.

MR. PRESIDENT: I was pointing out to the Honourable Member that he cannot speak twice. Does any other Member wish to speak? The Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON JR.: Thank you, Mr. President.

I rise to support Private Members' Motion No. 2/90, entitled Post Box Rental Fees. I would like to make it perfectly clear that we were not told about the increase in any quarters - be it Finance Committee or anywhere else. For anybody to give the public the impression that this was done with our consent, it would be totally incorrect.

We did not give any approval for any increase. I feel that the fees as they now stand, since the increase for private boxes are too high. I support the resolution in the Motion which calls for a two tier system. That being private boxes as compared with commercial boxes. It is done, like another Member said, in other areas of the service. I see no reason why it cannot be done here.

I personally do recall as well that during the Budget Address that the Government did indicate that there were no new tax measures necessary and that they were presenting a balanced Budget. I am a Member here and my views are shared by Members of the Backbench, at least, that we are here to protect the interests especially of the small man. To a lot of us $50 a year does not seem like a lot of money. But when you are on a fixed income that sum can be substantial.

To come to the conclusion that because the fees were paid indicated the general public's acceptance of the increase is wrong. I think if the fees had been raised to a $100 per box, that 95 per cent of the box holders would have paid the fee because in this country today owning a post office box is a very valuable asset.

I do agree with the resolution calling for the increase to be revoked. I think it is a step in the right direction and I trust that the Government, if this Motion passes and I have no doubt it will, will carry out the wishes of the majority of the Members of this House. With those few words I support the Motion.

MR. PRESIDENT: Does any other Member wish to speak? (pause) It appears not. Would the Mover wish...I am sorry. I beg your pardon.

MR. TRUMAN M. BODDEN: I am sorry, Sir, I normally stick my hand up rather than...

MR. PRESIDENT: I am sorry I missed it. I see you have not spoken. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: I think I have to be a bit quicker there, at times, Sir. I support this Motion. I would like to reiterate what the First Elected Member for the Lesser Islands has said about the post office box being a basic necessity in this day and age. We do not have a postal delivery service, therefore it is necessary for people to have postal boxes. The alternative is the general delivery and that is one which takes time, not only for the person who goes in there but also the people who work there.

The alternative given by the Government for compassionate relief is not good enough. We know at the present time the difficulty the Government has in dealing with relieve to the poorer people, so I do not regard that as the answer to this. People have stated that the rental is very high and we have to accept that there are some people who have a very tight budget and have to live within those means, which occasionally in this House I wonder if the Government adheres to that principle. Nevertheless, we have had a request and we feel that the majority of the people affected do wish to have a reduction.

The Member for Communications and Works mentioned about not wanting a two tier system. That already exists as the Member for East End mentioned in that the little business pays less than the big business. If you have a store, for example, with over 2,000 square feet, you pay one very high price. If it is under 800 square feet you pay less. The categories there bear out very clearly that some people do pay more because of having larger businesses and thus, presumed income than other do.

The Government's duty is to raise revenue in areas where it does not hurt people or put another way, it should be raised in such a way that it hurt as few people as possible in the Cayman Islands. I know that we have to be very sensitive to increases in revenue where it affects people from abroad, such as the offshore company - banking, insurance, financial industry. Especially sensitive have to be the raising of revenue measures locally that affect the little people. It is under that statement that was mentioned by the Member for Communications and Works. It is a fact that this increase in the post office box fees does hurt the senior citizens and the little man a lot more than it does the big man. While it is all well and good for us to attempt to regard equality as universal, income wise, it is a harsh reality of life that all people do not have equal income.

I have tried, throughout my political career, to be the same as far as I can both during the time of an Election as well as during the time when I am in this House and I am not

worried about running for election. So my basic principle is that I have always tried to assist the little man. I have not stood here and beat my chest the way some have, but I am not going to stand here and be hypocritical of myself by saying that this does not affect them. I believe that the duty of a good government, like that of a good parent, is to attempt to protect the people who are most unable to protect or exists themselves.

On that principle I have been returned to this House where I feel the Backbenchers have a duty to protect the people of the Cayman Islands against taxes or revenue measures, I should say, which are not going to hurt them unnecessarily. I realise that there has to be revenue measures from time to time but I believe that our duty here is to, where ever possible, protect and see that the impact of those revenue measures does not unduly hurt the public as a whole.

The example that was given of showing that the cost to put mail in post office boxes of $243,000 compared to the revenue of $30,000 is, in my view, playing with a limited set of figures. Because I looked up in the Budget for this year and the postal revenue together with its total revenue which were taken from three different heads, comes out to $1,450,000 and the expenditure that was paid out for salaries and expenses generally, came to $803,287 which shows that the Postal Department, at least on the quick flipping through of the Budget that I did, is making a profit of $646,000. So where we may lose a little bit in relation to post office boxes, the people who use those boxes also use the post office services generally. They buy stamps and they get the other services which are there.

I do not believe that we can take the Department as a whole and try to make every single area of it into a profitable one. There are some that may be less profitable or there may be some that incur losses but if overall the Department is making a profit, then I believe as a public service, things such as post office boxes should be allowed to remain at a reasonable figure.

Moving to the area of complaints. I know the Member for Health mentioned words to the effect that he had not had any complaints. All I can say on that is that if his soundings were taken from public meetings where I understand the majority of the meetings were attended by less than 20 people, then soundings are not a broad base of the public.

I also note (and I say this more in a jokingly way), that the Member for Education does not seem to have much regard for the Member for Communications increases in post office boxes either. I say that comically, as he has not paid his yet.

There have been no complaints to the Postmistress General, but we come to what is really the important part of this. The Postmistress General is not the person who increased the taxes. It was the Executive Council. That is why complaints have moved into Members of the Legislative Assembly because there is rightly where those complaints should go.

I do not want to go too far into this about words to the effect of what the Backbench might do when the revenue measures come up in the future. That is a hurdle that we will have to look at that time. One thing, I think, the public needs to understand clearly is that that sounding as well as the increase now (in fact I think there was also an increase in water rates which would have been through the Water Authority somewhat earlier), seem to me especially with the reference to the new revenue measures to come up, to a road that is at least the implied position, that I heard and got the impression from the Budget was we are balancing the Budget and we are keeping away from taxing the people.

In fact, the last I will say on this is that revenue measures should be dealt with in the Budget as they traditionally are, and that is the best place to deal with them. And whether or not they are such as this one, revenue measures by Executive Council alone, I believe that grouping them altogether at one time, regardless of whether approval has to be given here or approval given in Executive Council is the proper way to go.

The Member for Health in his short contribution mentioned that the increases were only for the West Bay Sub-post Office (or words to that effect). You did. No, I am sorry, the Member for Education. I keep thinking of him sometimes as holding both of these Portfolios as he did in the past. But what I would mention to the Member for Education is the revenue increases are revenue increases and a rose by any other name is still as sweet a rose. In this case not quite as sweet a rose because it is taxes.

Finally, in summary I regard the increases that have been put on (some of these fees going up to 400 per cent, I understand) as being excessive. I also believe that the duty of the Backbenchers in a good democratic process is to be the protectors of the public and to see that whatever taxes or revenue measures are proposed that they are fair and reasonable. In that respect, when we find that something has been done by the Executive Council in this instance which is going to hurt a substantial amount of people in the public, then our duty is very clearly to take steps to reverse that hurt out. To that extent and as a protector of the public, I will be supporting this to reduce the increase in rentals of the post office boxes. Thank you.

MR. PRESIDENT: Would we like to take one more Member before we suspend for lunch?

The Honourable Member for Tourism.

HON. W. NORMAN BODDEN: Mr. President, I rise to make a very short contribution to the debate on Private Member's Motion No. 2/90 dealing with post box rental fees.

I should say first of all that I had not planned to speak to this Motion, but in view of the fact that there has been considerable discussion this morning, centering around the Finance and Stores Regulations.

Secondly, centering around the increase in post box rental fees and who approved them and who did not, I feel that it is incumbent on me as a representative of the little man too, to make my short contribution.

In regards to the provisions that are made for the Government to recover at least the cost of providing a service to the public, there is a responsibility clearly set out in 2.5 of Finance and Stores Regulations which I would like to draw to the attention of the House. It reads:

> "Although perhaps not quite so clearly defined, the Public Revenue is nevertheless also subject to controls by Legislative authority. The revenues from duties, licenses, taxes, etcetera and the circumstances in which they are required to be paid, are controlled by the Legislature by the enactment of the relevant Laws and Regulations, etcetera...."

I think this is the important part of the section:

> "In the case of charges for Government services they should be costed on the basic principal that excess where otherwise authorised by the Legislature, the cost of the services should be covered by the revenue obtained from the charges raised. If this is not achieved, the services are in effect being given a hidden subsidy from public monies and control of expenditure by the Legislature is thereby improperly avoided.".

So this tells me in layman's language that there is a responsibility on the Government to at least recover its cost for services provided.

In regards to who approved and who did not approve or agree to these increases in the post office box rental fees, in reading from page 12 of the Standing Finance Committee Report in dealing with the Appropriation 1990 Bill, dealing with the Budget, under revenue it says that the question was put and agreed that Head 36, include new revenue from postal services of $279,700. The amount collected for 1989 was only $39,000 collected from this source. This proves, in my line of thinking, that Finance Committee, in dealing with the Budget, did approve this revenue measure. This is my interpretation here, Sir, and I think in the interests of a fair and reasonable presentation that point should be made.

Thank you, Sir.

MR. TRUMAN M. BODDEN: Mr. President, could I just ask the Member what he was re...

MR. PRESIDENT: You are asking him to clarify something?

MR. TRUMAN M. BODDEN: What he was reading from, and if he can show a resolution where it was approved. What were you reading from there?

HON. W. NORMAN BODDEN: From the minutes of the Finance Committee Report.

MR. TRUMAN M. BODDEN: From when?

HON. W. NORMAN BODDEN: December, 1989 dealing with the Appropriations Bill, 1990.

MR. TRUMAN M. BODDEN: And is there a Motion approving the revenue increase?

HON. W. NORMAN BODDEN: Mr. President, on page 12 what I was reading was headed - Revenue and it says: "QUESTION PUT: AGREED THAT HEAD 36 INCLUDE NEW REVENUE FROM POSTAL SERVICES OF $279,700", which I take included the revenue that would be earned from the increases which would be coming into effect in 1990.

MR. PRESIDENT: I think he has clarified the point. The point has been clarified. Are you asking for further clarification? Fine.

Proceedings are suspended until 2:15 P.M.

PROCEEDINGS SUSPENDED AT 12:53 P.M.

PROCEEDINGS RESUMED AT 2:23 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. Continuation of the debate on Private Member's Motion No. 2/90. I think the House had reached the point where the Mover is to be invited to reply. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I wish to thank all Members who spoke in support of the resolution under discussion. Certainly all Members who were in support except the Members in Executive Council. Seeing as everybody has had their say, I guess I can wind up in peace. Peace and satisfaction that is. I felt that we in this House had really gotten off to a good start on Monday and yesterday. I even felt that I had done well and kept clear of any note outside of the Motion itself that could be considered belligerent in the introduction of the Motion. But the debate of the two Members of the Executive Council (who are the two main culprits for most of our problems) was very provocative and unwise.

The Member for Social Services said everything was all right in

his district of North Side; only the millionaires were complaining. Nobody else said anything to him. I do not think that North Side has too many millionaires but I would point out to him that the reason nobody went to him is because most people do not support him. But there are people in North Side who are dissatisfied with the increases.

The same Member and the Member responsible for the drastic increases, the Member for Communications and Works, both talked about the Financial Secretary taking care of the indigent. By what method would the honourable Financial Secretary determine who is indigent. Would it be a means test? Or would we have to depend on a representative coming into his office and saying; Mr. Jones is an indigent. I would like his fees waived? I suggest that that situation is not the answer. I would be deluged with requests. I dare say that other Members would be the same. The answer is a fair fee of $24 and not $50 for a small box. That is the answer and that is what the Government should have done.

The other point that the two Members raised was that they thought it a crime for us to suggest that a different category be set for commercial use. What is so strange or abnormal about a category for commercial use for post boxes? Do we not pay a different fee for different kinds of motor vehicles? Do we not pay a commercial and private fee under the Planning Law? And certainly, there is already a category existing in post box fees if only by size, so why not by use? All kinds of fees are paid by categories to the Government by Government regulations. So their arguments are shallow and unfounded.

The Member for Communications said that we should have gone to the Postmaster General. It was the Member for Communications and his colleague in Executive Council who increased the fees, not the Postmaster General. So what would be the use of us going to her and complaining.

The Member for Communications made a further point that the Postmaster had told him all the small boxes were paid for. Well, I suggest that there is a good reason for that. That is because these are the older long time holders of the boxes and they were sent a notice saying it must be paid by January 31st. And in my opinion that situation goes back to the argument of the First Elected Member for the Lesser Islands that the boxes are not a luxury and the First Elected Member for Bodden Town made the same point.

The Member for Communications has a bad habit of giving us names. He likes to call us single entry bookkeepers. Well, a good example of that was his attempt to tell this Honourable House that the country was paying over $200,000 to clerical officers just to stuff envelopes in post boxes when, in fact, that figure is what is paid for the whole country. And certainly officers in the districts do not stand all day long and stuff post boxes. They have other duties as well. But that was just, in my opinion, a lame attempt to mislead the country and the House until he was exposed.

The same Member got into another of his tirades about his concern for the have-nots in the country. I am happy that he realised there are have-nots. Because it certainly did not seem so with the increase that he put on the post boxes. But I do not know why this facade does not stop. I wonder if they could get up and say what they are doing so much for the little man. I wonder whether they could tell this House about how much they are doing for the little man. It seems to me he is standing on the little man with this increase. I remember a preacher saying 'not everyone who cries Lord, Lord is a Christian'.

The same Member made a remark about taxes being raised and whether when we supported it what we were going to tell the country. Who told him that we intend to support their whims and fancies on raising money? They want money for their grandiose schemes they must get somewhere else. You heard yesterday about the Jennett 'T' would cost more than $3 million. Does he believe that we are going to allow them to raise taxes on our people to pay for those sorts of schemes? They have another guess coming. He had better wake up to reality.

I do not know what they are getting at about this raise in taxes. They know well my position on taxes and they are not looking for any new areas and there are new areas they could tax that would not hurt the people too much, but they still go back to the same old areas - motor vehicles, post boxes, land, banks. Where is all this know how and knowledge and managerial abilities that we heard so much about last year, from district to district. Where is it? Where is it, Mr. President? They are not doing anything new when it comes to that. They had better watch out that they do not put us in the position where we are not competitive.

The Motion is cut and dried. Members of this side support it and they will have to carry out the will of this Honourable House. I said yesterday and I say again today, they must not thwart the will of this House. That is a Constitutional duty and I have seen it happen in the past. I remember on one occasion the Finance Committee voted to name the Museum the Ira Thompson Museum. They paid no attention to what we voted in majority. I moved it and the Member for Tourism seconded it. It has been called something else. They must stop thwarting the Constitutional votes taken in this Parliament of this country.

As I said, if they want to do it, they have to come back through that route and show where their position is the best one and convince Members to vote for them. After a vote is taken they cannot go and do something contrary to the vote. That is what is causing the problems in the country. Anyway, it looks like I have to deal mostly with the remarks made by the Member for Communications, the Member who is responsible for these drastic increases in post boxes.

The Member went on, in a tirade, about the Motion that was brought to support political stances taken recently. I would want him to tell this Honourable House which political stances he is talking about. I would like for him to get up and I will give way, to tell the House which political stance he is talking about. Does he mean the political stance I have taken to expose the mismanagement of the country's affairs by them in cases like the International Health Care Corporation contract and the Motorola contract? Let us not forget that one. Is that what he is talking about, the political stance? Does he mean the stance I have taken to

expose corruption where it exists? and to rid our country of the kind which is eating away at the strong foundations which existed? If he is talking about that kind of stance, this Motion has nothing to do with that. That will be dealt with at a later date.

This Motion is trying to correct a very unfair set of fees. He knows that. They all know it. But with all the problems we are facing, they cannot admit they made a mistake and they only go and compound it. I want to deal now with the issue of the Sub-post Office in the West Shore Centre and the person whose name was raised by the Member of Communications and Works. Let me point out that I do not vote on an issue on the basis of who is involved or who is getting something out of it. I never have and I never will. Maybe that is why McKeeva Bush is not liked. That is why I am not liked because I cater to no one's needs, but for what is done in the best interests of this country. My mouth speaks accordingly.

This question of a sub-post office to be put in the West Shore Centre was sprung on us in Finance Committee in December of last year. The Member for Communications and Works came into the Finance Committee at one point that day - the 13th of December - and sought leave of the Chairman to raise the issue of the sub-post office. This is the little piece of paper he pulled out of his pocket and brought into the Finance Committee and this is what it says:

> "There is presently a waiting period of four to five years for individuals and businesses to obtain a post office box in the Cayman Islands.
>
> Within the last six months the Postmaster General has been approached by investors, both local and foreign, who have been seeking permission to establish a mail box only operation to disperse Cayman Islands mail to the public. It apparently has been recognised that the post office in general, and the mail handling operation in particular, is a profit making venture."

You note what they said, 'it was a profit making venture'. That would kill any argument that he tried to bring here that they were losing money so they had to increase the fee. I am going to quote;

> "After considerable discussion with the Postmaster General, and with Member of the Portfolio for Communications, Works and Natural Resources it has been decided that the entire mail handling operation should remain with the post office.
>
> In light of the above and the fact that construction of a new main post office will take at least two years, it was decided to investigate the possibility of Government establishing a sub-post office on West Bay Road.
>
> An opportunity has arisen whereby a 3,000 square foot building in the West Shore Centre is available for lease. And consideration is being given to putting a sub-post office there. The facility should provide;
>
> 1. A total of 2,000 boxes. The highest box should be 6 feet from the floor and lowest 1 foot. All mailboxes will be internal.
> 2. Three slots for mailing letters - foreign, local and printed papers.
> 3. A safe in the back for storage of stamps, daily cash and registered mail.
> 4. A bathroom.
> 5. A break room, canteen area.
>
> A facsimile service for customers and possibly and pay telephone service.
>
> Additionally the floor space will be divided in such a way as to allow the public access to their mailboxes, even when the post office is closed.
>
> It is envisioned that the facility will require a staff of 4. There will be a net profit of $29,000 per year, based on income from 2,000 mail box rental alone. Additionally, there would be revenue from general stamp sales, other stamp sales and the Fax service.
>
> Mr. Norberg Thompson of West Shore Centre has confirmed that he will finance the cost of setting up the post office in the amount of CI$164,602.34. The monthly repayments for this amount over a five year period at 12 per cent interest would be $3,661.49 per month. Rental of that building would be CI$5,000 per month, giving a total month payment of CI$8,661.49 per month.
>
> There is also a proposed increase in the post office box rental fees which is being presented to the Executive Council as a separate issue. This matter has been discussed with the

honourable Financial Secretary and he has no objections.".

That is the end of the letter. That is the whole document that the Member brought into the Finance Committee. He wanted the sub-post office to be put in West Shore Plaza.

The First Elected Member for the Lesser Islands then suggested that the Member for Communications withdraw his request and deal with it at a later date when he could provide more information. The Member for Social Services, as usual, prodded the Member for Communications and Works to put the request to the vote there and then. It was there and then also that the Honourable Financial Secretary also suggested that the Member for Communications and Works withdraw the request until he could provide us with more information as we had barely none.

The Member for Communications, on the advice of the Member for North Side, forced the vote and it was voted down. At which time the Member for Communications and Works then took a turn at the Financial Secretary, blaming the Financial Secretary for him losing the vote, saying the Financial Secretary did nothing to help him, as if the honourable Financial Secretary was supposed to.

The Member for Communications, however, was not to be outdone in this matter. He brought it back at a later date, when he again presented information in a little more detail. It was basically the same as the first day, except that he elaborated more, telling us that the Government could not finance the building, the capital expenditure, because it was not included in the Estimates we were then pondering over. But, he said the owner as was indicated in the letter was prepared to do the financing and do the construction and necessary changes to the building up to the amount, as I said, of $164,602.34 which he had proposed to let the Government pay him back per month, over a 5 year period, at 12 per cent interest, which would come up to the $3,661.49 and the rental which would have been $5,000 per month, making a monthly repayment, as I said before, of over $8,000 for a five year period which would have cost our Government, our country, in one year $103,937.88 and over a five year period some $519,689.40.

We took strong objection to that. Again the majority of us found this condition to be totally unsatisfactory, abnormal and highly unusual. We, of course, thought it could have been precedence setting. Therefore it was rejected also on the grounds that if we placed a sub-post office box on Seven Mile Beach in the West Shore Centre, you would be killing the West Bay post office that we were putting money into, which money was then provided in the Estimates at that time.

The Member was very persevering. He brought it back a third time and there were some particular developments by that time: (1) the fact that the owner (the same person that Member for Communications and Works mentioned today and yesterday), had directly lobbied some Members of Finance Committee to get their support for the sub-post office in his plaza; and (2) there were also those of us who were told by various persons who had intentions of setting up business in the West Shore Plaza that they had been told prior to all this that the sub-post office would be put in West Shore Plaza and there going there depended on whether the sub-post office was placed there in that plaza.

The other new development was the Member for Communications was prepared to split the Seven Mile Beach into two sections. From Beach Club north would be West Bay for the purpose of the sub-post office and south of Beach Club would be George Town for the purpose for the said sub-post office. The intention was the same. The sub-post office was to go in West Shore Plaza.

Those recommendations were rejected soundly with Members pointing out to the Member most strongly that the whole proposal had become a very serious ethical question and we wanted to hear more of it. We heard no more except a very good supporter of the Member for Communications and Works wrote a letter in the press about the same post office and about why we did not support it. We did not hear anymore until yesterday when the matter was raised again with the Member accusing us of not supporting the sub-post office because of the owner of West Shore plaza.

I want to assure you and the country that I have no axes to grind with any person. When an issue comes before me and I think I can speak for all of us on this side of the House in this matter, we vote according to our conscience. One thing my conscience does not allow and that is any support for wrong doing and maybe that is why I am finding myself kicked and talked about so often.

Let me state again that there is too much unethicalness existing. It is going to destroy this country. Too much greed has destroyed many Governments. This one is well on the road to the route.

With regards to the sub-post office. If the Member for Communications and Works and his colleagues on the Executive Council desire to alleviate any problem with the need for post boxes in George Town, I suggest they find a place in George Town where all and sundry can be served. Not in some out of the way place where a few business interests can be served. That would do two things. Help their constituents and at least, make it more palatable as far as ethicalness is concerned.

I hate nobody and I do not vote that way. The Motion before this House has been brought for one ulterior motive - to do right by our people. That is why we, on this side, put that Motion forward. This is what our people sent us here to do. It is here also for two other reasons: (1) fees are definitely too high and (2) fees were increased only because the Member for Communications and Works needed to facilitate the proposition in West Shore Plaza as the Honourable Member for Education said, which I say is altogether wrong and our people should not be made to pay just because somebody needs business. We on this side of the House take our responsibility seriously when it comes to these matters. If they have not learned that, I do not know when they are going to learn. I believe the Member gave an indication that there are some 178 not yet paid for. Do not tell me that this does not have some bearing on the facts of the increase. It has to, Mr. President.

There is just one more matter to raise and that is, about the Financial and Stores Regulations. In the debate by the Honourable Member for Tourism he plainly contradicted

the debate of his colleague the Member for Education. Is it not funny how the Financial and Stores Regulations can mean one thing to us, but another thing to that group over there especially when we are dealing with $311,000; contracts of over $2 million that should not have gone out the way they did. I want to put this House on notice that that matter has not been finished because it is an abrogation of responsibility to the people of this country and under the Constitution where we are responsible for monies.

The situation is bad! It is getting worse and I say that it is time that the Governor take notice of that aspect. Those two contracts are a disgrace to good financial management and the Government must bear responsibility. If it had been the Parliament in any other country, they would pay. I know how collective responsibility works and no legal interpretation can make that right with what happened with the Motorola contract and the International Health Care Corporation contract. That is a disgrace to this country! It must be exposed in this House further than it was done today and it will be. Again, I say it is funny how the Financial and Stores Regulations can relate to us on one aspect and we are told that the Constitutional duty of the Executive Council is to do what they please with it. It is a funny position, but one that has to be cleared up. There is no grey area in the world that could make that right. That has to be cleared up. Just as a matter of principle.

I want to assure the House again that the Motion that the Member for East End and I tabled, was done to better facilitate our people because they are finding it hard to pay these fees. The Executive Council, and I say this in closing, must not thwart the will of this House if this resolution is passed in the affirmative. We have set out, we are passing it. No Constitutional duty can make it otherwise, so I hope the will of this House is not thwarted in this aspect.

I think enough has been said on this Motion which I thought was not going to get very much debate. I do hope (as they say in the Prayer meetings in some Churches), that everyone's conscience is clear.

MR. PRESIDENT: The question will be put on Private Member's Motion No. 2/90. Those in favour say aye...Those against No.

AYES AND NOES.

MR. PRESIDENT: Would you take a division, please, Clerk?

DIVISION NO. 3/90

AYES: 8	**NOES: 7**
Mr. W. McKeeva Bush	Hon. Thomas C. Jefferson
Mr. John D. Jefferson, Jr.	Hon. Richard W. 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	

MR. PRESIDENT: The result of the Division is eight Ayes and seven Noes. The motion is duly passed.

AGREED: PRIVATE MEMBER'S MOTION NO. 2/90 PASSED.

MR. PRESIDENT: We proceed now to Item 5 on the Order Paper. Government Business. The continuation of the debate on the Throne Address which was deferred some days ago. Does any Member wish to speak? The Second Elected Member for Bodden Town.

GOVERNMENT BUSINESS

COMMENCEMENT OF DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 16TH FEBRUARY, 1990

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

I would like to take this opportunity to congratulate you for the way in which the Throne Speech was presented. Although, there was an embargo (and that was a complete change from the usual way of what took place in the past with the Throne Speech and the Budget Address) I must say in the least I was not surprised nor shocked at what took place. In the past even if we were not given a copy of the Budget Address or the Throne Speech before the meeting started, at least it was given to us by the time the speech begun.

I must say that I found it very helpful at the time the speech was being delivered to be able to have my quick reference marker handy so I could follow what was going on and mark specific areas or points that were of interest to me. I guess you could say that you gave me a run for my money this time and that maybe what took place was the right way. Maybe the next time we may not be that lucky to even

get a copy after what took place this time. I, nevertheless, will try to debate it to the best of my ability.

The Governor said: "1990 opened with the affairs of the Islands in general satisfactory condition.". I am of a mixed opinion with regards to that. I will reserve my opinions until after the 30th of June. I have read in the newspaper where the Member for Health said that by the end of June there will be 11 good people with backbones who are not afraid to stand up for what they believe in and that they are going to save this country from these seven or eight or nine renegades. If my arithmetic is correct there are only eight Backbenchers, as they call us on this side. I am wondering which of the other three Executive Council Members are going to leave that side and come over here so we can make up nine because we cannot get nine out of eight. We can get seven out of eight but enough said.

Further in your Throne Speech as Governor you went on to say:

> "The economy continued to be strong... continuing economic development depends largely upon external investments and the tourist industry and continuance of these in turn depend upon stability and social equity. It is of course entirely a matter for Caymanians themselves to decide which direction to take.".

I agree with you, but we need to take a serious look at what is happening to the present communist countries in Europe. The only place having any hope of retaining their policy is Cuba, according to the President for that country. My only hope is that he can live up to it. Having said that, I would like to sound a warning to all Honourable Members of this House that we should all try to work together for the betterment of our Islands and our people. Cayman would not have reached where it has today if it was not for the direction that Cuba and, a few more of our neighbouring Caribbean countries took and the problems they experienced over the years when investors fled those countries wanting a more stable economy. I believe that Cayman was very lucky. We were offering that service and that is why we have developed to this stage today.

I heard during a news broadcast over Radio Cayman about three weeks ago that the Bahamas was introducing new legislation to try to attract new businesses to that country. I do not know what is contained in the legislation, but I do hope that somehow the right authorities in the Government would try to find out because there are other areas in the Caribbean that are starting to develop and we need to be as competitive as we can.

Mr. President, you mentioned in your Throne Speech that new revenue measures will be introduced at this present meeting. I know you stated why they will be introduced and I am not disagreeing with you. I am wondering however, after hearing yesterday from the Member for Communications and Works what the Backbenchers are going to do in a few months time when new revenue measures are introduced. I am wondering now whether we are going to have two sets of new revenue measures introduced. One this meeting and one in two or three months time because I do not believe this meeting is going to last into two or three months'. I doubt that this meeting is going to last two or three months. I hope that we will get one new revenue measure now and in two or three months time we will get the second one. What I am going to say now is merely my suggestion and opinion. It does not have to be accepted by anyone in Government. I just thought it would be food for thought. As I mentioned before the Bahamas is introducing new legislation to attract new businesses to their shores. I am wondering if our Government could not introduce some new legislations that would perhaps turn new business to Cayman Brac and help that Sister Island. I believe it needs to be looked after. New businesses going there could perhaps be given new incentives that would certainly help. I believe that Cayman Brac is well on the way to developing. If some measures were taken to help maybe it would succeed because it now has a new international airport. I believe it would be fair to say that it has a fairly reliable supply of electricity. It has a fair number of hotels and condominiums and private beds to offer the tourist industry. According to a news release and in your Throne Speech you said that Cayman Brac will soon have a desal water plant which will help to provide water for that Island which I agree is badly needed. They have fairly good supermarkets. They have a District Administration there. I believe that according to your Throne Speech in the near future they will have a good fuel storage facility, if everything works out. The roads are fairly good. I believe we have perhaps almost all of the necessary infrastructure there. But they need some sort of encouragement. I believe that in the future if new businesses like banks and trust companies, lawyers, accountants, and companies like those, if it was advertised specifically and a special rate was given to new business going to Cayman Brac for the first time, it may start a new era in the development of Cayman Brac. I would hope that some thought could be given to what I have said.

MR. PRESIDENT: Would it be convenient to take the break for you there?

MR. FRANKLIN R. SMITH: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:20 P.M.

PROCEEDINGS RESUMED AT 3:45 P.M.

MR. PRESIDENT: Proceedings are resumed.
The Second Elected Member for Bodden Town, continuing.

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

Before we took the break I was dealing with Cayman Brac. I would like to continue there for a moment because I believe according to the information that the Honourable Member for Tourism, Aviation and Trade said today, that a new schedule with the Cayman Airways jet service to Cayman Brac will be a God-send to the Lesser Islands, especially Cayman Brac. While I did not ask any supplementary questions this morning, it is never too late to congratulate the Member for having looked after such a plan.

Yesterday, we dealt with the moratorium on hotels on the Seven Mile Beach and again I believe that the 2.5 per cent duty was removed last year. I see that (if it is widely advertised to investors), as helping Cayman Brac. I believe that one of the ways of helping to advertise that would be also through Cayman Airways because we could develop a film and Cayman Airways already has in-flight television projection equipment. That could act as a ways and means and, perhaps, create revenue for Cayman Airways. Also, passengers flying on Cayman Airways could be told very quickly about the incentives for investment in the Lesser Islands.

I am not saying now that we must not advertise in the local paper and magazines and abroad. Yes, that is all needed. But I believe while I am on the issue of advertising I will deal with Cayman Airways. But I believe that system for the television equipment on board could help Cayman Airways earn revenue; there may be passengers coming to Grand Cayman who may want to know if a particular business is in Cayman and where it is located. I believe there could be enough revenue generated through advertising from all the businesses here to make a very profitable situation for Cayman Airways. The television screen would possibly be the answer. I believe if a move was taken to encourage businesses to advertise on Cayman Airways then it could generate some revenue for the airline.

The Cayman Brac area I know is limited at the present time and in the very near future they will have two flights daily to Cayman Brac by jet which could serve those Islands and start the development that they really need because they have good diving facilities there. I think the Honourable Member said that when they have large groups instead of them going on two planes or two different flights and their luggage having to go on another one, this would alleviate all of that problem. Once the tourists that are coming here know in advance that they have good air service it could increase visitors to the Lesser Islands. I believe they have some good sight-scenes and tours on the Islands. The thing to do is to specifically advertise Cayman Brac. Attention should be focused on that Island. That could be the future competitor with the other Caribbean Islands. There is room for expansion there.

Mr. President, you said: **"The community has long been well served by voluntary associations, the Churches and many individuals.... The co-operation of Government and all these groups and individuals is a marked feature of our society and I hope that it will continue."**. You also said, Sir: **"Notwithstanding the almost inevitable tendency for the Government to be called upon to do more and more, subject to available resources."** Yes, that is true. Every year the Government is called on to do more and more. But that comes with progress. We cannot leave that behind. But we have to be prepared to look forward in the future to those needs.

I will deal now with what has been outlined in the Throne Speech and I will start with the Judiciary. You said: **"Civil litigation and criminal cases together with the number of appeals to the Court of Appeal have continued to grow. There is thus great pressure on court accommodation."** I agree with that but as far as I understood it, that there is planned expansion at the Court. That is good; it is needed.

I am also happy to know that a Committee is working to help set up an office for those people who cannot afford to pay the high cost of lawyer fees (the needy). I hope that will come about in the near future. I do hope as was brought some time ago, by the Members for West Bay in a Private Member's Motion, that certain cases when it comes to traffic tickets will not be forced inside a Court. You could pay those fines and that would certainly free some of the time inside the Court, unless that person has a grievance and he feels like taking it through the Court. I believe it will cut down on the work load of the Court.

I am also happy to know that in 1990 verbatim Court Recording System which has just begun using the latest stenotype system will be extended.

Public Service Commission: **"The Commission continues its important task of filling posts in the civil service with Caymanian candidates and ensuring that qualified Caymanians receive promotions as quickly as possible."** I would hope that a little more efficiency could be taken because according to what I hear it takes a long time before a post can be filled because of the (I would guess), legal aspects of those applicants and the time frame it takes to sign a contract and get them on the job. The hardship comes when it takes so long because contracts of this and contracts of that take so long to reach the candidates.

You went on to say: **"However, the facts must be faced: the rapid growth of the private and the public sectors in the last decade and the relatively low birth rate among Caymanians mean that (unless there is a recession and hence a significant reduction in the demand in the labour force) some years must elapse before the proportion of Caymanians can increase significantly."** My feelings are to that that even though these earlier days Caymanians were poor, they could still afford to raise a large family. These days they are even poorer. That is why they have had to cut back. They cannot afford, even though there is more money circulating, to raise large families anymore. I do not know how you will ever get families with Caymanian origins now to increase the family production unless you are prepared to pay them to do it.

ANNOUNCEMENT BY THE PRESIDENT

MR. PRESIDENT: That might be the moment to interrupt you briefly? I would draw the attention of the House that in the Gallery we have in the very distinguished visitor, Sir Fredrick Bennett, who was, for 36 years, a Member of the House of Commons and is a Privy Councillor. In fact, he has a very long

association with this House. He came out here with the delegation as Chairman of the Executive Committee of the Commonwealth Parliamentary Association for the opening of this House bringing certain gifts including, I think, the first or at least an up-to-date copy of *Erskine May*. So may I welcome Sir Fredrick's presence here today.

Thank you for letting me interrupt you.

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

I believe I can take this opportunity to thank him, on behalf of all the Members of this House. Thank you.

The Portfolio of Finance and Development. I can say, with all honesty that I believe that that Portfolio is headed by a well learned and seasoned gentleman, the honourable Financial Secretary, Mr. Jefferson. I believe that this country will push ahead under his good guidance and policies that he should be carrying out since he took office. I believe the country is well run under his leadership.

The National Development Planning Committee is constituted of a wide membership under the chairmanship of the Financial Secretary. I believe there could be no better person. I believe that with his guidance the Committee will (if not 100 per cent, 99.9 per cent) formulate proposals which will benefit this country.

Agriculture and Industrial Development Board (AIDB). **"The Board will in 1990 expand its activities in providing loan funds for Caymanians, wishing to undertake training courses to upgrade their skills and qualify themselves for higher appointments. The Board will also increase its activities in the development of the agricultural sector."**

I am happy to know that there are loans available to Caymanians wishing to undertake training. I support that, but unfortunately, I do not support the Deputy Manager of the AIDB. I believe that it is time that Caymanians be given the opportunity to be trained to fill that post. There are Caymanians capable of filling that post. Unfortunately I had some questions then but they did not come up in time which would have given me some idea of what really took place. I will not beat behind the bush and hide. That is my personal opinion from experiences that I have had and that many other Caymanians have had in that Department.

I know that there were qualified Caymanians who applied for the position of Deputy Manager. No one will make me believe that we do not have a qualified Caymanian to fill that position. I understand that gentleman was turned down because he did not have evaluation experience. That same gentleman has had training through the Overseas Students Association. I would have thought that since he was lacking in that, and since the Public Service Commission does its job, some recommendations should have been made for that gentleman (that young Caymanian), to be sent back for training in that specific area if that was all that he was lacking. Until, and I repeat, until we face the facts in this country and are prepared to give Caymanians the training they need, we are going to be out numbered. This is the way in which we are out numbered. Not through the lack of production on the Caymanian part.

My question was unable to be answered this time or I would have had some more to debate on it. I fully believe that there are Caymanians out there who can fill the position of Deputy Manager of the Housing Corporation. If they are not capable yet, then it is time for us to look at training them, giving them the incentive to start training from now. Yes, we keep hearing that there is no one qualified and we will continue to hear that as long as nothing is done about it. I cannot agree with that policy. When the proper manpower survey is done (and that should have been done years ago) it would have told you of the position that is being held now by other nationalities and to start preparing our own Caymanians to fill those positions. If it is five years or ten years down the line they should start preparing now. Give them the chance now.

I will now go to banking. "The banking industry continues in good health." That is all well and good, Sir, and I heard sometime ago that there were no banks from South Africa. I saw an advertisement in the newspaper this week asking for a manager for a South African bank. How did that show up now? I believe this is not right. While some steps have been taken they have proven themselves more, in disbanding the apartheid system of Government that exists in that country.

While I believe what I heard on the news this morning that the European community has not supported Great Britain to continue those sanctions, I do not think we should do business with them either. We are all human beings. Those people that are hurt over there, we are hurting over here too. Flesh and blood.

I am glad that the Banks and Trust Companies Law, 1989 came into effect. To hear that the banking industry, both in Cayman and overseas, have welcomed this legislation since it will bring together one change since the 1966 Banking Law. I do hope that we will be watchful and mindful of what we do in the future. I am also happy to know that in 1990 Cayman will host the 8th Annual Meeting of the Caribbean Bank Supervisors. I believe it will give this Island a fair amount of exposure.

You said the Currency Board would issue a $5 silver crown size coin to mark the occasion of Her Majesty the Queen Mother's 90th birthday during the year. I support that. I believe it is good for the Islands and it will also show our honour and respect for the Queen and her mother and the country as a whole.

The Customs Department. I believe 1989 brought a record year for revenue collections. The Department will continue preparations for computerising controls and records. That is good, Sir.

On the drug front, the pursuit boat is now operational. That, again, is very good. Two new specially trained dogs will improve the capacity of customs and drug interdiction. I have said before and I will say it again that according to information that was given in the Finance Committee at a meeting, we were told that one dog only has a percentage of hours that it is capable of working, then it has to be

taken back in and given a rest. I support that. They need another handler to come in with another dog.

We must do everything that we can and be prepared to spend money where it will help this country. If we can keep the drugs away from our young boys and girls and men and women we might not have to spend that money to rehabilitate them. We must work to stop drugs from coming into our country.

You also said: "It is pleasing to note that the 13th Caribbean Customs Law Enforcement Conference will be held in Cayman in 1990." That is very good news, too. I believe that more and more they have been doing it and I support that having our Customs Officers, we give them more training in different areas. That can serve no other purpose but to help our Customs Officers when we give them training. That is needed. I support that.

I move on now to the Legislative Assembly. The department that serves this Assembly can look forward to another busy year. I for one offer my sympathy to the Clerks who are burdened with the amount of work that will be on them. One of the extra burdens will be work for the seminar on Parliamentary procedures in April. I have always heard the saying that sympathy without relief does not help. I sympathise with them all the same.

Marine Survey Department....

MR. PRESIDENT: Would you like to finish the section that you are on?

MR. FRANKLIN R. SMITH: No, I do not think I can do it, Sir.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do now adjourn until tomorrow morning. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The House is accordingly adjourned until Thursday morning at 10 o'clock.

AT 4:28 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10 O'CLOCK, THURSDAY, 22ND FEBRUARY, 1990.

THURSDAY
22ND FEBRUARY, 1990
10:10 A.M.

MR. PRESIDENT: Prayer 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, 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 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 His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Proceedings of the House are resumed.

Item 2 on today's Order Paper. Presentation of Papers and Reports. The Honourable Member for Health.

PRESENTATION OF PAPERS AND REPORTS

HEALTH DELIVERY SYSTEMS PLAN AND HEALTH FACILITIES PLAN FOR THE CAYMAN ISLANDS - DECEMBER, 1989

HON. D. EZZARD MILLER: Mr. President, I beg to lay on the Table of this Honourable House the Health Delivery Systems Plan and the Health Facilities Plan for the Cayman Islands.

MR. PRESIDENT: So ordered.

HON. D. EZZARD MILLER: Mr. President, the Plan now being laid on the Table of parliament and its recommendations have now been accepted by Executive Council. It is a result of nine months of extensive work by all of the various health professionals at the hospital in collaboration, in consultation and, in co-operation with the firm of Health Care Consultants which were contracted by Government to produce this Plan. Therefore the plan is a result of the combined efforts of these two parties, the people who are actually working in the field of health care delivery, in particular those employed in the Government's Health Services, and also a lot of input from those involved in the private sector who could be reached and cared to give their input. As a result of consultations with several of the other professional organisations within the community the plan contains several recommendations. I would like to speak to these recommendations very briefly.

The Government believes, as do the staff and the Management Committee of the Health Services Department, that of the recommendations made by the consultants the single most important recommendation is the re-organisation of the Health Services. That recommendation says that the Health Services should be re-organised under a Board of Management reporting to the Portfolio and should allow for total integration of physicians. That is the physicians having their own medical staff organisation, electing a chief of staff who sits on the Board as an advisor on medical matters.

The three biggest changes in the re-organisation are: (1) the removal of the Health Services from the centralised Civil Service structure; (2) setting it up through legislative authority as a public owned corporation similar to the Port Authority and the Airport Authority. In terms of the organisational structure the two single important changes is the changing role of the Chief Medical Officer who will become a clinical supervisor rather than an Administrative Officer (which presently he has the role of both) and a Hospital Administrator who has the managerial training expertise capability to do the management. The fact that all physicians will be privileged and credentialed by the medical staff who have its own process, this we believe will lend itself to many improvements in the managerial structure. A more cost-effective operation allows us to make the quantum leap from the high quality of care that we are now offering to an even higher quality and expanded service.

Another recommendation is the development and expansion of our specialised clinics, both in medicine, surgery, pediatrics, obstetrics, gynaecology, nursery, Level I and Level II psychiatry, alcohol and drug detoxification and critical care. We know and the consultants have confirmed this, that we have staff at the hospital who are capable of doing much more intensive and critical care in these areas except where limited by physical restraints and in some cases equipment. It will be cheaper to expand those services and provide them locally rather than sending them overseas. Added to that is the additional recommendation of expanding these specialised areas into secondary and tertiary care. Right now we are doing a very good job in primary and the first level of secondary care.

Some of the medical specialty capability areas that we need to expand in are heart diseases, cancer, infectious diseases, trauma, mental health, lung diseases, diseases of the aged, extended long-term care for the aged and other permanently injured and disabled persons, critical care, diseases of the stomach and urology. They have also recommended that in the combination we should look at expanding our ambulatory capability into ambulatory surgery, dialysis, urgent and non-urgent care; further expansion of our home health care; further expansion of our diagnostic services, primary care, physiotherapy and mental health services in order to be more cost effective and efficiently deliver these expanded services. These are areas that can be expanded into basically a 9 to 5 operation. There are two good reasons for this: it is confirmed worldwide in the leading age of improvements in health technology and health care management worldwide that it is cheaper to do a lot of this service on an ambulatory basis; it provides better care, less chance for cross-infections, more convenient, less frightening, less threatening to the patient and, we believe it is a step in the right direction.

They have also recommended a development of a formalised referral and continuation of care for all levels of care which cannot be delivered in the Cayman Islands as well as that, which is delivered in the Cayman Islands. Part of this re-organisation in management structure will allow better dove-tailing of all the district clinics the development of Cayman Brac Hospital, the George Town Hospital, the Ambulatory Centre which the present facility would be converted to and, the new In-Patient facility. Included in that is the identification of a centralised overseas referral system. Government has completed the negotiations for a contractual arrangement with the Cleveland Clinic. We believe that instead of the myriad of activities that occurred before then (at one time we had heart surgery at Baptist Heart Surgery, heart surgery at Cedars of Lebanon, heart surgery at Tampa General, kidney transplants in Toronto and heart and lung in PAHO all going on at the same time) all of these things can now be done and co-ordinated through one service. We do not have to find a doctor to admit someone to the hospital in Miami (out of a list of thirty that we maintain) at seven o'clock at night. We simply call up the Administrative Officer on duty, he finds a physician, we call the ambulance and turn the person loose. They meet the person in Miami and take care of them, including accommodations if it is ambulatory, if it is an in-patient and their family needs accommodations they will make those arrangements. Plus we will get continuative education for all the health professionals.

All the physicians in the Cayman Islands now have an opportunity to become affiliate physicians of the Cleveland Clinic. They also recommended further expansion and development of the district clinics into health centres, mainly by the addition of services which are not now provided. Some of these services would be the addition of the drug counselling and mental health services which we have added to one district in January 1990. Improvements in our home health care, the addition of Social Workers in the area, Environmental Health Officers, or a Health Education Officer would visit these clinics and have a broader continuum of care and we have also accepted that. Now all these managerial improvements and additional services will be applied to the Faith Hospital in Cayman Brac, granted on a smaller scale. The Government is in the process of negotiating with the owners of the Faith Hospital (which is not owned by the Cayman Islands Government), the people of Cayman Brac represented by a Committee which presently has a lease with Government.

The Portfolio has had two meetings, the last meeting being at 5:30 on Tuesday afternoon and they have been productive meetings, pleasant meetings. They have concerns about the development of a facility to meet their needs and it looks like Government will be able to get an extended lease and involve that Management Committee in the development of their facility. All of these services would be implemented over there, like I said, on a much smaller scale.

Now as a result of all of these recommendations and these expanded services, the consultants have also recommended the building of a new 96-bed in-patient facility in order to better render the services and expand the capability. With regard to the facilities side of the plan, they have recommended the review of the district clinics (when we have completed the management side of it as to what services we are going to put there), to look at the problematic, demographic and frequency of use of all these services and to re-design and re-work it. In some cases, I would suspect that at this stage the addition of these services is probably going to be more cost effective to build a new clinic in some districts. As far as the 96-bed hospital itself is concerned, the consultants have recommended the building of a 96-bed in-patient facility which will cater to all these specialised services that I mentioned earlier: medicine, surgery, pediatrics, obstetrics, gynaeology, psychiatry, drug and alcohol, critical care and all of the other specialized services. They have also recommended the conversion of the present hospital into a comprehensive ambulatory care and diagnostic centre.

Government has accepted these two options. They feel (and it is the Governments position at this point in time), that this is by far the most economical option. They have also made recommendations that adaptations need to be made to the present facility this year in order to facilitate services because it will take time to build a new 96-bed hospital. The adaptations and the best way to do it in terms of a Master Development Plan are under active consideration. There is still hope (although we are now subject to a two month delay), to implement it and try to get it done by the 31st December of this year.

I have no hesitation in recommending this report and as I said

Government has accepted it as policy for the foreseeable future. At least for as long as I am the Member responsible for Health, I will endeavour to carry out these long-term recommendations and I cannot mandate any future Government's decision. I think it is a right direction to go and I recommend this Plan.

SHORT QUESTIONS

MR. W. McKEEVA BUSH: One short question for clarity, Mr. President.

MR. PRESIDENT: I will permit it, although strictly speaking as you know, it is not permitted.

MR. W. McKEEVA BUSH: I understand the Standing Order. The Honourable Member says he is recommending it to the House. Is he moving a motion to that extent or how do we accept it?

MR. PRESIDENT: I do not think there is a motion made, otherwise it would have to be put in that form. I do not believe that is what was intended?

HON. D. EZZARD MILLER: No, Sir.

MR. PRESIDENT: Thank you.
Papers. The Honourable First Official Member.

REPORT OF THE STANDING FINANCE COMMITTEE
(Meetings held 5th and 11th January, 1990)

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Report of the Standing Finance Committee for the meetings held on the 5th and 11th of January, 1990.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, the Committee as I indicated earlier, met twice on the 5th and 11th of January and the Committee requested certain officers to attend those meetings beginning with the Honourable Administrative Secretary, the Chief Medical Officer, Hospital Administrator, the Chief Environmental Health Officer, the Manager of the Central Funding Scheme, the Collector of Customs, the Director of Lands and Survey and the Director of Mosquito Research and Control Unit.

In those two meetings the Committee approved a total supplementary of CI$1,061,735.00. The majority of it is for the year 1989, and is broken down as follows:

HEAD 1	HIS EXCELLENCY THE GOVERNOR	$ 1,097.00
HEAD 4	FINANCE AND DEVELOPMENT	9,886.00
HEAD 6	CUSTOMS	15,476.00
HEAD 8	LEGISLATIVE ASSEMBLY	1,190.00
HEAD 9	MARINE SURVEY	527.00
HEAD 15	INTERNAL & EXTERNAL AFFAIRS	35,908.00
HEAD 18	POLICE DEPARTMENT	11,105.00
HEAD 19	PRISONS	97,000.00
HEAD 27	EDUCATION	289,425.00
HEAD 29	MEDICAL HEALTH SERVICES	187,000.00
HEAD 30	SOCIAL SERVICES	31,105.00

HEAD 31	COMMUNICATIONS, WORKS & NATURAL RESOURCES	184,018.00
HEAD 32	AGRICULTURE DEPT.	23,398.00
HEAD 34	LANDS & SURVEY	10,000.00
HEAD 36	POST OFFICE	164,600.00

There were two particular supplementary expenditures that were deferred one dealing with the Police, sub-head 07 062 entitled Investigations and Post Mortems. Supplementary requests were for $225,435.00 to allow certain advance accounts to be charged off against expenditure dealing with a long time Scotland Yard investigation.

The other was Head 31 - Communication, Works and Natural Resources, supplementary sum of $18,750.00 and these were funds related to the purchase of a house for the National Trust which were deferred for additional information to be supplied to Members. I think we could talk a long time about these Minutes, they are quite voluminous and I would add to what I have said, the Minutes are attached to the Reports which are available to the public.

Thank you, Sir.

MR. PRESIDENT: Thank you. Let us move to Item 3. Questions. 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. 36: The Honourable Member has said that equipment for the proposed new hospital will cost $4.5 million. Can he say what studies have been undertaken to determine what equipment is necessary and whether the amount is enough to purchase the equipment?

ANSWER: No detailed study to determine what equipment is necessary for the new hospital has been, or can be made, because funds for this study were not approved in Finance Committee.

As part of the interim study on Inventory Control all equipment at the hospital has been inventoried and a report made on its age and condition, e.g., whether and how often such equipment was serviced.

The amount of money required to purchase new equipment for the hospital is an estimate based on the age and condition of present equipment and a projection of additional equipment needs for a 96 bed facility and other related facilities.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President, I have a question. I will preface it with a statement by saying we were not requested to fund any such study, therefore that is why he did not get it. Would the Member say that he has been talking to any company or individual about the purchase of any hospital equipment?

MR. PRESIDENT: Before you reply, could I just say something?

There were eyebrows raised at what was in fact a statement that you made. You could in fact have put that as a question, I think it would be more helpful and it will avoid me having to interrupt.

MR. W. McKEEVA BUSH: Why I did not put it because he is continuously denying it.

MR. PRESIDENT: But it is still the form, if you do not mind.

HON. D. EZZARD MILLER: Mr. President, I do not know how often one has to repeat something. Most of us understand through repetition $800,000 was placed...

MR. W. McKEEVA BUSH: Mr. President on a Point of Order. We passed from that to a supplementary, I did not ask the question. You said I could ask it, but I did not.

MR. PRESIDENT: Please, I said the form would be that it should have been phrased as a question instead of a statement. I think it is reasonable for the Member to reply to it on the basis that

it is taken as a question, otherwise it has to be struck out of the record all-together.

MR. W. McKEEVA BUSH: That is all right with me, Sir.
I think we went through it quite enough yesterday.

MR. PRESIDENT: Well in that case, it is to be taken out of the record?

HON. D. EZZARD MILLER: All right, Sir, the radio audience can not be struck from that record. But I will find a way to, I think the record itself will bear it out. Suffice it to say that the $800,000.00 was cut in half and left for management studies.

The other questions as to whether I have contracted with any company to do such a study. It is public knowledge, it is available from the Hansards of the House that Finance Committee approved way back in June of 1986, ten interim projects to be done by International Health Care Corporation. One of those was the implementation of a proper inventory control. Part of that was a detailed inventory of all the equipment in this hospital, all the clinics, Cayman Brac, even the Little Cayman Clinic was inventoried, and every piece of equipment has been graded as to what condition it is in and whether it is in a proper state of maintenance.

MR. W. McKEEVA BUSH: Mr. President, I appreciate that explanation, but the Member did not answer the question. I asked him whether he has been talking to any company or individual about the purchase of hospital equipment.

HON. D. EZZARD MILLER: The answer is no.

MR. PRESIDENT: Second Elected Member to the Lesser Islands.

MR. GILBERT A. McLEAN: Mr. President, a matter of clarification. Did I understand the Member correctly to say that this study on the equipment in the hospital by IHC was done in 1986? I thought they came into play in 1989.

HON. D. EZZARD MILLER: If I said it was 1986 that was a slip of the tongue, it was June 1989 that the Inventory Control Study was undertaken.

MR. PRESIDENT: Move to question No. 37 please, 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. 37: Can the honourable Member say how many hospitals have International Healthcare Corporation completed and what is the experience of the owner of that Corporation?

ANSWER: International Healthcare Corporation is not a construction company, it does not build hospitals. International Healthcare Corporation assists its clients through the competitive bid process in screening and recommending major contractors and subcontractors for the construction of its client's projects.

International Healthcare Corporation was established and is organised as a development and management consulting firm for the purpose of assisting Government and private health care providers in developing and managing health care projects.

Following is a biography of Mr. James M. Conti, the owner and president of International HealthCare Corporation.

BIOGRAPHY OF JAMES M. CONTI

James M. Conti, health care innovator, real estate developer and entrepreneur, has demonstrated over the last 21 years a keen ability to recognize future trends. His career is epitomized by imagination and accomplishment.

Mr. Conti, a native of Newcastle, Pennsylvania, attended Youngstown State University, Youngstown, Ohio, where he studied Industrial Management and Business Administration. Shortly thereafter he earned his real estate license and found the J.M. Conti Development/Management Company. He began developing and leasing medical and professional office complexes, among them: Hitchcock Centre, Westwood Centre, Crestview Centre and the Lake Park Professional Centre, all in Youngstown, Ohio.

It was in 1969, while developing medical and professional office complexes, that he first identified the need for an organized and professionally managed surgical facility, outside of a hospital

setting, that could alleviate the problems that many surgeons were experiencing in scheduling operating room time for elective surgery. Conti also accurately foresaw the savings in health care expense which would result from providing outpatient surgical care services.

Pursuing his idea he researched the need for this type of facility, elicited support from the local medical community and gained Ohio State Health Department approval. He obtained the first Certificate of Need ever granted in the State of Ohio for the construction of an outpatient Surgery Center. This led to the Austintown Ambulatory HealthCare Center, which is located in Austintown, Ohio.

The Austintown Ambulatory HealthCare Centre, a 50,000 square foot facility is comprised of an Ambulatory Surgery Centre, with 5 operating rooms; a fully licensed 24 hour-a-day Emergency Room, which operates 365 days a year; a fully licensed Clinical Laboratory; and medical and professional office space. This facility has been fully accredited by the Joint Commission of Accreditation of Health Care Organizations, a highly regarded health care facilities self-regulatory agency. The Ambulatory HealthCare Centre has become a show place that is widely visited by physicians and hospital managers who wish to learn from its success.

In 1982, Mr. Conti was approached by the American Sterilizer Company, the internationally known health care equipment manufacturer, to explore his interest in forming a joint venture to assist hospitals and physicians in the development of free-standing surgery centres America-wide. The joint venture was named Ambulatory/Surgical Care Corporation and began operation in 1983 with Mr. Conti serving as President and Chief Executive Officer.

In 1985, because of the broadening scope of services, it was decided to change the company name to Ambulatory HealthCare Corporation. Conti continued to nurture and expand the company and in 1987 he purchased the interests of his joint venture partner. Since then he has continued to expand his horizons in the health care field by founding International HealthCare Corporation, an affiliated company based in the Cayman Islands, which is committed to creating innovative and cost-effective solutions to medical care problems on an international level.

Through his office as Chairman of the Board and Chief Executive Officer of his companies, Mr. Conti sets the direction and oversees the progress of each of his companies while establishing corporate policies to guide his more than 100 employees. Mr. Conti is very responsive to his clients needs and has personally involved himself in assisting them in establishing organizational structures, conducting site analysis, budgeting, and recruiting qualified personnel. He has also been active in negotiating financing for major projects and negotiating with major vendors on behalf of his clients.

Mr. Conti has experience in assisting governmental authorities in setting health care policies and standards. He helped the Federal Government establish the reimbursement policies for Medicare payments for services performed in outpatient surgery centres. He has served as co-chairman of the Ohio Governor's Task Force to study and establish licensure criteria for Ambulatory Surgery Centres, Urgent Care Centres and Rehabilitation Hospitals. He has authored numerous articles for Same Day Surgery Newsletter, of Atlanta, Georgia and has himself been featured in a recent article in the statewide publication, Ohio Magazine.

Highly recognized and widely respected in the health care field, Mr. Conti has been selected as preferred vendor by Hospital Shared Services of Western Pennsylvania for their over 275 hospital members. He has worked internationally with Hospital Shared Services, American Sterilizer company, the International Division of Bank One and the International Division of the famed Cleveland Clinic of Cleveland, Ohio.

Mr. Conti, aged 43, and his wife Patricia have three children and reside in Austintown, Ohio where they are members of Immaculate Heart of Mary Parish. He is also a member of the Ohio Board of Realtors, the National Association of Realtors, the Ohio Hospital Association, and is a Life Member of the Disabled American Veterans.

Projects with which Mr. Conti has had direct association include:

Development of -

Hitchcock Centre, Medical and Professional Office Complex
Crestview Centre, Lake Park Professional Centre
Westwood Centre, Medical and Professional Office Complex
Austin Town Ambulatory HealthCare Centre

For the listening audience I would just define Certificate of Need - This is an elaborate process which any health institution has to complete to the satisfaction of the

regulatory authorities in the United States before it can design and construct any health care facility. The completed document is usually over 1,000 pages and it has to go through a very investigative process before regulatory authorities...

MR. TRUMAN M. BODDEN: Mr. President, on a Point of Order, I wonder if the Member is going onto a subsidiary supplementary question because he does not seem to be reading that from the question. Is there something we are going to get in writing or not, Sir?

MR. PRESIDENT: I cannot possibly answer that. The question is what is the experience of the owner of the corporation. It appears to me he is giving a full answer.

HON. D. EZZARD MILLER: Mr. President, the definition of the Certificate of Need has been added to the written answer and I will supply it in writing for all Members so that they can read it repeatedly until they understand it.

MR. TRUMAN M. BODDEN: That is fair enough.

HON. D. EZZARD MILLER: The Certificates of Need Approvals for:

Certificate of Need Approvals for -

Akron Surgical Centre, Akron, Ohio

Southwest Surgical Centre, Berea, Ohio

Saint Vincent Surgical Centre, Erie, Pennsylvania

Bakerville Surgical Centre, Bakerville, Pennsylvania

Parma Heights Surgical Centre, Parma Heights, Ohio

In fact, on second thought in my process of reviewing the professionalism of IHC in 1988, I have a copy of the Certificate of Need that they did for St. Vincent Surgical Centre which I will make available to all Members who wish to read it and review it. That is not part of the written question, Sir.

Design and Development of -

Saint Vincent Surgery Centre, Erie, Pennsylvania

Saint Frances - North, Ambulatory Care Centre, Pittsburgh, Pennsylvania

Austintown Ambulatory Surgical Centre, Austintown, Ohio

Austintown Emergency Room, Austintown, Ohio

Austintown Clinical Laboratory, Austintown, Ohio

Performed Studies for -

South Hills Health System, Pittsburgh, Pennsylvania

Morristown Memorial Hospital, Morristown, New Jersey

Timkin Mercy Hospital, Canton, Ohio

Saint Vincent Charity Hospital, Cleveland, Ohio

Horizon Health Care Group, Meadville, Pennsylvania

Deaconess Hospital, Cleveland, Ohio.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Mr. President...

MR. PRESIDENT: Before you go to supplementaries could I just make a point. I do not think Standing Orders require written answers to be circulated. It is a convention and a helpful one but I do not see that there is anything to prevent a Member to expand upon the written text which he may be providing later.

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, can the Member say by what process did he check out Mr. Conti?

HON. D. EZZARD MILLER: Mr. President, when I received the final proposal in January from IHC, I first read the proposal. The proposal contained a list of these studies that had been done. I asked for copies of those studies to be reviewed. I phoned my people that I am connected with from school days and by being a member myself, of the American Hospital Association. I asked if they could check in directly with these clients whose names I had given them to find out whether the job had been satisfactorily performed. In all instances the work was all brought in before time, below budget and to the utmost satisfaction of the clients.

MR. W. McKEEVA BUSH: Mr. President, supplementary. Is the Member saying that this information came from the American Hospital Association that his friends got for him, can he say who these friends are and what their qualifications are?

HON. D. EZZARD MILLER: Mr. President, the American Hospital Association has a large membership. I would not count all members as friends but, the friend that I called happened to be Dr. Warnen Weckworth (?), a university professor at the University of the West Indies, former Chairman of the American Hospital Association, former Chairman of the Joint Commission which was set up in the early 1970's for the review and setting up of this process of regulating and commissioning hospitals. I have all of these studies. I can send to my office to have them brought down and spread them out here if anyone would like to look at them.

MR. W. McKEEVA BUSH: Did the Member get this information from the American Hospital Association?

HON. D. EZZARD MILLER: No, Sir. I said I got it from members of the Association who independently queried these clients of which I was presented studies for, to find out if they were satisfied with the work done by the corporation.

MR. W. McKEEVA BUSH: Is there no real professional proof that this man is what he says he is? A further supplementary, Mr. President.

MR. PRESIDENT: Perhaps we could take one at a time. You have asked a question.

HON. D. EZZARD MILLER: Yes, Mr. President, there is professional proof. I read the mans biography awhile ago and I do not know what kind of professional proof he wants. All I can say is that he is highly respected in the field. He has successfully completed a number of projects. I have visited the projects and looked at them myself. Other Members of the Government have visited these projects and have talked to the managers, owners, chief executive officers about their business relationship, the professional relationship with IHC and found it all to be in order. I am a qualified professional in the health field.

MR. W. McKEEVA BUSH: A further supplementary, Mr. President. It seems that we have to take the Members word for all of this but to get back to the question. How many hospitals have International Healthcare Corporation completed? That is the question.

HON. D. EZZARD MILLER: Mr. President, you know you try to explain as simply and as detailed as possible and hope that Members will understand, but I am not a school teacher. Maybe some of the school teachers will explain this sentence to him, at a level that he can understand it because it says; "International Healthcare Corporation is not a construction company. It does not build hospitals." Therefore, it has built no hospitals.

MR. W. McKEEVA BUSH: That is what I wanted to find out.

HON. D. EZZARD MILLER: I am pleased that he has finally understood.

MR. PRESIDENT: The First Elected Member for Bodden Town.

MR. ROY BODDEN: Thank you, Mr. President. Can the Honourable Member say whether there are now or have been in the past, any civil or criminal litigation proceedings in the Courts of the United States against Mr. James M. Conti as a result of breach of contract or agreements, defaults, or bankruptcies?

HON. D. EZZARD MILLER: Not to my knowledge, Sir. Certainly not in the professional capacity that we are dealing with because all the clients I talked to were quite satisfied. I know of no such case.

MR. PRESIDENT: I think the First Elected Member for Bodden Town wants to follow that.

MR. ROY BODDEN: Thank you, Mr. President.
Is the Member now telling this Honourable House that he is so satisfied with the impeccable and immaculate curriculum vitae of Mr. James M. Conti that he omitted to have such checks done?

HON. D. EZZARD MILLER: No, Sir, I did not omit to have such checks done, but we all know that we can be sued for anything under the sun in the United States and the Members original question was whether there are any ongoing. I checked out in the past. I do not know if there are any now or in the future. My concern was at the professional level of health care advisement and management and things like that.

MR. ROY BODDEN: Would the Honourable Member give the House an undertaking that he will have such a check done?

HON. D. EZZARD MILLER: Yes, Mr. President, I have no problem with such an undertaking.

MR. PRESIDENT: I think the Third Elected Member for George Town was next.

MR. TRUMAN M. BODDEN: Mr. President, to the Honourable Member. Is not International Healthcare Corporation a middle man corporation, so to speak, who goes out and finds experts to do the job?

HON. D. EZZARD MILLER: No, Sir. International Healthcare Corporation through its affiliate corporation of Ambulatory Healthcare Corporation employs consultants, as staff members, on a regular basis. But if someone asks for an expert that they do not have in-house, yes I am sure they would go out and contract the person that they need.

MR. TRUMAN M. BODDEN: Can you give us some rough estimate of how many experts they have in-house?

HON. D. EZZARD MILLER: That is already contained in the answer, Sir. I think he has 100 employees and they would all be experts in their own field, whether they were a janitor or a health planner.

MR. PRESIDENT: The Second Elected Member for the Lesser Islands. We are doing turn and turn about.

MR. GILBERT A. McLEAN: Thank you, Mr. President.
Could the Member confirm if he has any knowledge of Mr. James Conti being only a real estate salesman and a real estate developer?

HON. D. EZZARD MILLER: Mr. President, I have knowledge that says otherwise that has been given in the answer. If Members would like me to repeat the whole answer I will be happy to do it, but the answer to that question is contained in the written answer which the Member has before him.

MR. GILBERT A. McLEAN: Mr. President, would the Member say if he is aware that anyone can prepare a curriculum vitae that shows in great length contract with various projects and so on where that person was not necessarily the person involved with the actual execution of these works?

HON. D. EZZARD MILLER: Yes, Sir, I think that would be fair to say even about the President of the United States or the Chairman of General Motors. They direct policies and they have the people who actually perform the mundane tasks in the various specialised area. But I think the man at the top has to set the tenure of what the quality and the professionalism of the organisation?

MR. PRESIDENT: I think the First Elected Member for West Bay after we move the suspension.

SUSPENSION OF STANDING ORDER 23(7) AND (8)
11:02 A.M.

HON. THOMAS C. JEFFERSON: Mr. President, under Standing Order 83 I move the suspension of Standing Order 23(7) and (8) to allow the other questions to be taken.

MR. PRESIDENT: The question is that Standing Orders be suspend to allow the rest of the questions to be taken. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Standing Orders are accordingly suspended.

AGREED: STANDING ORDER 23(7) AND (8) SUSPENDED TO ALLOW THE REMAINING QUESTIONS ON THE ORDER PAPER TO BE TAKEN.

MR. PRESIDENT: The First Elected Member for West Bay. You caught my eye.

MR. W. McKEEVA BUSH: I am giving way for the Third Elected Member for George Town.

MR. PRESIDENT: The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, this is a follow-up to my previous two supplementaries. Were two or three of the people who came down to Cayman to explain the hospital booklet employed for a specific task, such as infectious diseases?

MR. PRESIDENT: I think we have now gone outside the ambit of the original question which was how many hospitals had IHC completed and what is the experience of the owner of the corporation. I am all for latitude and flexibility but that question is now going into the capacity of his employees which I think is beyond this immediate question.

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: This supplementary, Mr. President, rises out of an answer from another supplementary. Is there a member of this Mr. Jim Conti's professional staff on the Island now, doing any sort of investigation under the contract?

HON. D. EZZARD MILLER: Not to my knowledge, Sir.

MR. W. McKEEVA BUSH: Is there a member of his professional staff on the Islands looking for a job?

HON. D. EZZARD MILLER: If he is talking about Miss Dawn Solero, to the best of my knowledge she is here, in love with a Caymanian and hopes to get married on the 1st of September.

MR. PRESIDENT: I think this question really has been fully exhausted. We move to No. 38 - The First Elected Member for West Bay.

DEFERRAL OF QUESTION NO. 38

MR. W. McKEEVA BUSH: Mr. President, Question Number 38 is directed to the honourable Third Official Member responsible for Internal and External Affairs. I understand that he is proposing to delay the question .

MR. PRESIDENT: If this is understood is it accepted to be deferred?

MR. W. McKEEVA BUSH: It is accepted, that is what I was trying to get across, Sir.

(STANDING ORDER 23(5))
LEAVE GRANTED TO DEFER QUESTION NO. 38.

MR. PRESIDENT: Thank you. Question No. 39, the Elected Member for East End.

DEFERRAL OF QUESTION NO. 39

MR. JOHN B. McLEAN: Mr. President, I think it is the same with this question. The Honourable Member has asked that it be deferred for a later date.

MR. PRESIDENT: Sorry, I overlooked that. Number 40 please. The Elected Member for East End.

THE ELECTED MEMBER FOR EAST END TO ASK THE HONOURABLE FIRST OFFICIAL MEMBER RESPONSIBLE FOR FINANCE AND DEVELOPMENT

NO: 40: Can the Honourable Member state the amount of revenue collected to date in this financial year?

ANSWER: As at 12 February, 1990, the most recent date for which complete figures are available, the amount of Government revenue collected in this financial year was CI$16,053,618.00.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say how does this compares for the same period for 1988 and 1989?

HON. THOMAS C. JEFFERSON: Mr. President, I am afraid I got caught, I do not have that information with me but I will provide it in writing.

MR. PRESIDENT: Question No. 41 then please.
The Second Elected Member for the Lesser Islands.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 41: Would the Honourable Member say:

(a) Which categories of salaries of Cayman Airways Limited's employees have been reduced and by what percentage;

(b) What categories of employees have not been cut;

(c) What are the names of the staff whose salaries have been cut and those whose have not been cut; and

(d) What number of persons in the categories whose employment have been terminated, stating whether they are Caymanian or nonCaymanians?

ANSWER: To date there have been no reductions in current salary levels. However, savings have been realised by deferral in pay increases ranging from 4 to 12 per cent by senior management and cockpit crew. The salaries of all other employees have been frozen at current levels and no increments or cost of living adjustments are being paid.

This information is considered by the company to be confidential and therefore cannot be disclosed.

To date ten persons have been terminated; one is Caymanian and nine are non-Caymanian. The categories are as follows:

CAYMANIANS:

ACCOUNTING DEPARTMENT	1

NON-CAYMANIANS:

FLIGHT ATTENDANTS	2
PURCHASING (MIAMI)	3
SALES (MIAMI)	3
MAINTENANCE (GRAND CAYMAN)	1

SUPPLEMENTARIES:

MR. JOHN B. MCLEAN: Mr. President, would the Member say if there has been any negative reaction to the deferral of pay increases and to the salary of employees been frozen without allowance of cost of living adjustments and so on?

HON. W. NORMAN BODDEN: Mr. President, I have heard very little. I think the situation in Cayman Airways from a financial point of view was explained in detail by the Chairman of the Board and the Managing Director to the staff at several meetings. While of course, I guess, it is only natural that employees would accept this with a certain degree of reluctance I think recognising the importance of doing this they have generally gone along with this. In the case of the cock pit crew, the captain and co-pilots in Cayman Airways have voluntarily agreed to defer an increase in pay which was due to them in January.

MR. JOHN B. MCLEAN: Mr. President, would the Member say if he is satisfied that this action has not affected the work performance of the employees?

HON. W. NORMAN BODDEN: I would say there has been no obvious adverse affect on their performance and I might add that this arrangement which I have outline was understood that it would be in place for six months only, January to June.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 42: Would the Honourable Member say how many work permits exist in Cayman Brac and Little Cayman with a breakdown by type and category of employment?

ANSWER: The following is a summary of Gainful Occupation Licences in respect of Cayman Brac and Little Cayman, with a breakdown of the type and category of employment:

GAINFUL OCCUPATION LICENCES	FULL	TEMPORARY	TOTAL
(a) domestic and unskilled workers	44	12	56
(b) skilled and technical workers	30	21	51
(c) managerial and professional workers	26	-	26
Totals:	100	33	133

SUPPLEMENTARIES:

MR. GILBERT A. MCLEAN: Mr. President, could the Member say if this extremely high number of persons on Gainful Occupation Licenses in Cayman Brac and Little Cayman are indeed consistent with vacancies that cannot be filled by the citizens in those two Islands and to what extent has it been verified and so on by the Caymanian Protection Board perhaps?

HON. J. LEMUEL HURLSTON: Mr. President, the granting of the licence is based on the justification of the merit of each application. The licence having been granted one can only assume that the justification on the application was sufficient to convince the licensing authority to grant the licences.

MR. GILBERT A. MCLEAN: Mr. President, would the Member say if he is aware that in the hotels, at least in one hotel, there have been instances where persons have been recruited in the housekeeping area, when there are persons capable and indeed available to do that job?

HON. J. LEMUEL HURLSTON: No, Mr. President, I was not aware of that. However if that is the case, the same principle has to be applied through-out, that each application has to be justified on its own merit. Indeed, Cayman Brac is perhaps like Grand Cayman, where many of our citizens opt not to engage in certain occupational activities and often times that create a demand.

MR. GILBERT A. MCLEAN: Mr. President, could the Member say if temporary permits are granted in Cayman Brac or do they have to be approved in Grand Cayman?

HON. J. LEMUEL HURLSTON: All licenses, including temporaries, have to be approved in Grand Cayman.

MR. PRESIDENT: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President to the Honourable Member, does he have this information would he say how many people are unemployed in Cayman Brac and Little Cayman.

HON. J. LEMUEL HURLSTON: I am sorry, Mr. President, I do not have that information, but my understanding when I last visited those Islands is that there were no persons who were actively seeking employment unemployed. There could be exceptions to that, but my understanding is that everyone who is actively seeking employment had that opportunity for employment.

MR. GILBERT A. MCLEAN: Mr. President, does the Member have a general idea as to what jobs fall under the skilled and technical workers as given in the answer?

HON. J. LEMUEL HURLSTON: Yes, engineering, financial controller, guest coordinator, construction project administrator, electronic technician, those are some examples, Sir.

MR. PRESIDENT: We will now take the last question on the Order Paper, No. 43. The Second Elected Member for the Lesser Islands.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR HEALTH AND SOCIAL SERVICES

NO. 43: Would the Honourable Member say what is the total amount paid by Government to International Healthcare Corporation Limited to date with details of items of expenditure and whether any monies are contractually outstanding?

ANSWER: The total amount paid by Government to International Healthcare Corporation to date as per three

contracts are as follows:-

Health systems & facilities plan	CI$120,000.00
Interim projects	CI$110,247.96
Dental clinic	CI$ 20,939.50

By contractual agreement Government is obligated to pay certain expenses which must receive prior approval by the portfolio for these three contracts. Following is a list of these expenses:

Air transportation	CI$ 21,377.92
Per diem	CI$ 19,509.54
Ground transportation	CI$ 4,994.55
Telephone	CI$ 1,637.94
Miscellaneous	CI$ 5,579.26
Accommodation	CI$ 18,347.82
Printing	CI$ 5,716.65
Total Expenses:	CI$ 77,163.67
Total Monies Paid to IHC	CI$328,351.13

The interim projects will be completed on the 30th April, 1990, and the outstanding amount for that contract is CI$59,345.79.

The Dental Clinic contract will be completed on 1st April, 1991, and the outstanding amount is CI$29,310.50.

Total money outstanding to IHC is CI$88,656.29.

SUPPLEMENTARIES:

MR. W. MCKEEVA BUSH: Mr. President, can the Member say whether a request was made to the Financial Secretary to pay International Healthcare Corporation .84 cents per U.S. dollar of the contract instead of the .80 cents that our Government usually pays.

HON. D. EZZARD MILLER: Yes, Mr. President, the firm International Healthcare under the signature of Mr. James M. Conti, when he converted on the $120,000.00 contract he converted it at .84 cents and the Government converted it at .80 cents but that has been resolved and no additional monies have been payed.

MR. W. MCKEEVA BUSH: Mr. President, can the Member say whether a request was made to the Honourable Financial Secretary to increase a contract fee to International Healthcare Corporation from the original price, after they granted the contract?

HON. D. EZZARD MILLER: Mr. President, the request to change a conversion rate would automatically have increased the C.I. amount from which was converted from 150,000.00 U.S. so in that light, yes, that same request would have asked for an increase. In that light it would also have been denied when the rate was denied.

MR. W. MCKEEVA BUSH: I am talking about a separate price contract fee.

HON. D. EZZARD MILLER: Not to my knowledge, Sir, I do not know if the Financial Secretary had any separate request, but to my knowledge the only request was regarding the conversion rate.

MR. PRESIDENT: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, are these three contracts open ended contracts, in that expenses that you have listed, the $77,000, there is no limit on them?

HON. D. EZZARD MILLER: Yes, Sir, there are limits based on the number of people they can bring, they have to justify to the Portfolio how many people they are going to bring, there are limitations on ground transportation, there are limitations on per diem allowances, Government makes all their local accommodations and negotiated the rates on all that sort of stuff.

MR.TRUMAN M. BODDEN: Do you agree that the expenses here are over and beyond the fixed price you have given us and is approximately 20 or 25 per cent of the total contracts and continuing?

HON. D. EZZARD MILLER: I have not done the calculation so I cannot agree. It is quite possible, but I think that the expenses are reasonable in terms of what product Government has received and additional services Government has gotten outside of the contract and agreements for free.

MR. TRUMAN M. BODDEN: Can you just tell me how much you pay per diem?

HON. D. EZZARD MILLER: The same as is payed to civil servants when they are travelling Sir, CI$40 per day.

MR. PRESIDENT: First Elected Member for West Bay.

MR. W. MCKEEVA BUSH: Mr. President, the Member keeps talking about some $350,000.00 that is due to Management Systems. Is this a contract also with International Healthcare Corporation? Would he further state how much does he expect this company to carry away from these islands? What is the total amount he is expecting to pay?

MR. PRESIDENT: I think that supplementary should be limited to contract, because otherwise it is hypothetical, it cannot be answered.

HON. D. EZZARD MILLER: Yes Sir, the rest of it is imaginary and hypothetical, IHC presently has three contracts and the contract prices are fixed, the Health System and Facilities Plan is fixed at a $120,000, the Interim Projects is fixed at $250,000, the Dental Clinic is fixed at $60,000 (or 10 percent of the cost of the thing), and the other expenses which have to be approved by the Portfolio carry the limitations as was explained earlier.

MR. PRESIDENT: I think on reconsideration the question can be put, does the member expect any further contracts to be granted? Is that what you had in mind?

MR. W. MCKEEVA BUSH: Yes.

HON. D. EZZARD MILLER: I would hope so, Mr. President. I think they are doing a very good job. I have proposals for other things which desperately need to be done at the hospital. They have demonstrated and in my judgement as the Member responsible, they are quite capable of carrying out the contracts.

MR. W. MCKEEVA BUSH: Including the $350,000 I asked about just now?

HON. D. EZZARD MILLER: I would not expect any contract for that quantum, but most of it. If I had my choice I would give it to these people in terms of the improvement in the management systems that need to be done up there, because they have won the confidence of the staff, they have won the confidence of the Government and to a large extent I think they have won the confidence of the people of the Cayman Islands except for certain frivolous accusations which cannot be proven and are being passed around.

MR. PRESIDENT: I think the Second Elected Member for the Lesser Islands was next.

MR. GILBERT A. MCLEAN: I think, Mr. President, that perhaps you asked that question because what I wanted to find out was whether, other than what was given here there are any projected contractual agreements. Does the Member expect to enter into any other areas of contracts and what these might possibly be?

HON. D. EZZARD MILLER: I have asked the consultants for proposals to develop a Master Facilities Plan for Faith Hospital on Cayman Brac and the addition of the 18 beds. I have asked them for a proposal for the adaptations to the present George Town Hospital to alleviate the present critical problem we have there, in particular in surgery. I have asked them for a proposal to do the Master Plan for the present George Town site for its future uses so that any short term critical improvement made can be easily adopted to future use.

MR. PRESIDENT: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, to the Honourable Member, on these future contracts do you intend to go out to public tender or do you intend to do these privately again?

HON. D. EZZARD MILLER: Mr. President, any of the contracts over a $100,000 I have no problem going to public tender.

MR. PRESIDENT: First Elected Member for West Bay.

MR. W. MCKEEVA BUSH: Mr. President, all of them should have gone to public tender, but can the Member say by what process can he determine that Jim Conti and Associates have the confidence of the

entire Islands? This arises from his answer to supplementary just now.

HON. D. EZZARD MILLER: Mr. President, there have been two series of public meetings conducted recently in this country, meetings by myself which averaged 23 people per meeting. But of course I did not have a bus bringing people from other districts. The other meeting which had several guest speakers who even 'immortalized' the Report by crowning it the Book of Ezzard. Those people after completing all their district meetings still had to make public releases in writing hoping to convince the people that this is a bad plan. My information says that the people of this country and a majority realise that the plan as proposed is a good plan, what has been done by IHC has been a good job and they want us to get on with providing them with a new hospital.

MR. PRESIDENT: I think it is probably time to break, maybe the Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, this question relates to one of the answers to a supplementary. You mentioned that the future contracts were at fixed prices. Do I understand that to mean that these large extra supplemental things like air transport, ground transport, telephones, accommodations, printing, per diem allowances are out? You fixed a ceiling and cannot go beyond that?

HON. D. EZZARD MILLER: The contract for the professional services is fixed. The contracts for the expenses, accommodations, per diem ground transportation, are limited to certain controls put in the contracts, but they are not limited in quantum.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 11:33 A.M.

PROCEEDINGS RESUMED AT 12 NOON

MR. PRESIDENT: Proceedings are resumed.
I was just making sure that we had a quorum.

STATEMENT BY MEMBERS OF THE GOVERNMENT

HON. D. EZZARD MILLER: Mr. President, arising out of a commitment I gave to a question this morning to produce one of the reference documents that I reviewed before selecting Ambulatory Health Centre and talking with the man who is in charge, I would like permission to lay on the Table a Certificate of Need for a free standing ambulatory surgical centre so that Members can peruse it over the next two or three months at their leisure. I would like the document back in as good a state as is possible.

MR. PRESIDENT: Thank you.
House will resume the debate on the Throne Speech. The Second Elected Member for Bodden Town, continuing.

GOVERNMENT BUSINESS

SUSPENSION OF STANDING 14(3)

HON. THOMAS C. JEFFERSON: Mr. President, I believe that we should move the Standing Orders, since it is Thursday.

MR. PRESIDENT: Thank you, yes.

HON. THOMAS C. JEFFERSON: Under the Standing Order 83, I move the suspension of Standing Order 14(3) to allow Government Business to take precedent.

MR. PRESIDENT: Thank you. I see that has been written in on my Order Paper, I missed it. The Motion is that Standing Order be suspended to enable the debate on the Throne Speech to continue.
Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The House will not continue the debate on the Throne Speech.

AGREED: STANDING ORDER 14(3) SUSPENDED.

MR. PRESIDENT: The Second Elected Member for Bodden Town, please.

DEBATE ON THE THRONE SPEECH DELIVERED BY HIS EXCELLENCY THE GOVERNOR ON FRIDAY, 16TH FEBRUARY, 1990

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

Before we adjourned yesterday I had finished speaking on the Legislative Assembly. I would like now to move on to the Health Services. This morning the Member for Health laid Papers on the Table regarding the Health Delivery System Plan and the Health Facilities Plan. He mentioned that he was going to say the same thing here as he said in his district meetings. I wish I could believe that. I know of no other meeting in any other district that he had besides Bodden Town. I happen to know that Bodden Town proper was the only district in the Island that he held two meetings; one in Savannah and one in Bodden Town.

HON. D. EZZARD MILLER: Mr. President, the Member is misleading the House. The fact of the matter is that I had three meetings in the district of George Town, one at the Hospital compound, one at South Sound and one in the George Town Town Hall.

MR. FRANKLIN R. SMITH: I do not think I am misleading the House, I do not think he advertised them as public meetings.

MR. PRESIDENT: I really do not think that this is taking the debate much further, I think we should get on with the debate.

MR. FRANKLIN R. SMITH: Thank you, Sir.

In Bodden Town the Member told the audience that their two Members in particular (I was one of them), had said they would not vote one red cent for the hospitals facilities. I have the *Hansards* and I would like to read for the benefit of the public that they and Members of this House may hear once again what I said regarding the hospital in the September Meeting:

> "Let me say to the Honourable Member that I feel he has been doing a good job so far. I would like to express my personal feelings on the building of a new hospital and I will not deny that additional facilities may be needed.
>
> What really worries me is that we are having problems with collecting large sums of money, which have to be written off from our small hospital at this time. It frightens me to think what will happen to the new hospital, knowing that we cannot refuse medical service. It will be the same way with the new one.".

I could go on, but I will touch on the other paragraphs later.

As I said, the Member stood on the floor in Bodden Town and told them that I had said I would not vote one red cent for the hospital facilities.

I would like to read from the Hansards what took place during the debate on the Cruise Landing Jetty in West Bay because I was debating the Cruise Ship Landing Facility study which Government was rejecting because they said it was not feasible. The points that they were rejecting it on I could not agree with because the old landing jetty does not have what they were saying the new facility would have to have before it could be feasible. I said:

> "I noticed where it said after the Master Ground Transportation Plan came into effect you could go after these facilities then. I am sorry, but I said it before and I will say it again, unless they can tell me where they are going to get the money to pay back I am not concerned about the money to build the roads, but I am concerned where they are going to get it to pay back. That is the one thing that concerns me. As long as I am in here, not one red cent, and I repeat, not one red cent will be voted to do anything on the Master Ground Transportation Plan until they can convince me of how they are going to pay it back.".

Now, that is plain, that did not mention anything about the hospital or the Health Facilities. The Member also had some of the hospital supervisors believing that. I have made it a point, I asked them to listen in this coming sitting and I would read back what I said about one red cent.

I feel I have backbone. Anything that I believe in, I will say what I believe in. If I said something, I will be man enough to stand up and say I said it, if I know I said it. But you know what really amazes me is when the Member went to Cayman Brac to have his meeting he did not stand up on the floors of the Aston Rutty Centre and tell the people that he was ashamed of the $320,000 that the two elected Members from Cayman Brac was spending on roads up there. He had to come back and stand on the floor of Bodden Town, Town Hall and say it there. Tell the Cayman Brac people! Why come back down to Grand Cayman to say it? He would not have had as good a meeting as he had in Cayman Brac if he had mentioned that.

The one thing that the Member said in that meeting was that he had sent out a letter to all Members of the Assembly to visit Cayman Counselling Centre on Drugs and he went on to elaborate that only one Member had shown up and that was the First Elected Member for the Lesser Islands.

I have no denial to make that I was not there, but what I really objected to, is the fact that the Member knew that I was in Miami at the Baptist Hospital with my daughter and he could have told the public that. I asked him if he did not know that I was in Miami. What really hurt me, was when

his brother who was sitting in the audience got up and tried to answer the question and asked me if I was still in Miami, why I had not visited the facility.

I would like to know the explanation as to why his brother, who had no business attempting to answer the questions that I had asked the honourable Member in his capacity as the Member for a public forum, answer and asked me if I was still in Miami. On different occasions he had to tell his brother he would take care of them, do not worry I will take care of them. It appeared to me by the actions of his brother in this meeting, that he was in great need of counselling.

MR. PRESIDENT: I must ask you to stick more closely to the substance of the debate and to avoid expressions which may be offensive.

MR. FRANKLIN R. SMITH: Yes, Mr. President.

I am dealing with Health, and I have to clear my name too. But what I would like is for the Honourable Member to stand since he has backbone and speak up for what he wants. To stand and tell the public if his son was at a hospital and he had to go with him whether he would have attended a meeting or if he would have attended to his son. I will give way to him if he has the backbone to stand up and tell the public which one he would do.

HON. D. EZZARD MILLER: Mr. President, as any good father I would have gone with my son.

MR. FRANKLIN R. SMITH: As any good father you would have gone with your son. Thank you. That is what I like. So as a good father I went with my daughter, okay?

The Member also said in that meeting, that a meeting had been arranged for the 25th of January, I believe it was. If you will give me one moment.... This is a memorandum to all Members of the Legislative Assembly from the Member for Health and Social Services dated early January, 1990, Subject - George Town Hospital Visit.

> "Now that the hospital study is completed I should like to invite all Members to tour the hospital and visit with the management team. I believe that such a visit will be both useful and interesting for Members as we plan for improved health service in the 1990's. The visit has been scheduled for Thursday, January 25, 9:30 A.M. and will begin with a briefing with the Chief Medical Officer in the Conference Room. Lunch will be served at the end of the visit.
>
> I hope that all Members will find it possible to attend, and would ask that you respond by January 23rd, so that the catering arrangements can be made.
>
> Best wishes for a Happy and Prosperous New Year.".

I was one of the Members that attended this meeting and I have just read the contents of the memorandum.

I see no where in this that it said that the supervisors of the Departments would be available for questioning by the Members. The Member stood on the floor of the Bodden Town Town Hall and said that when it came to question time of the supervisors we had refused because we had another meeting to go to.

As I understood it, the meeting would begin with a briefing by the Chief Medical Officer. There were many that gave briefings there, so the time was taken up in briefings by the Chief Medical Officer. I do not remember the title for the other one but I know his name is Doctor Kumar, the Chief Nursing Officer, Mrs. Reid, and the Hospital Administrator. So time was taken up. We were split up in groups to visit the facilities and it was not until we returned for lunch that the supervisors were brought in.

At times you have prior arrangements, if we had known this we could have allowed more time. The Member would not give and take with that, we refused to question them, he had to waste their precious time again to arrange another meeting. We asked the Member since this had already been planned if he could arrange another meeting. We were not refusing to speak with them or to question them. We needed some time then, and I had a prior meeting arranged. The Member said he sets his priorities first, so it appears only he has priorities.

MR. PRESIDENT: Is there a question there? A Member caught my eye, are you giving way?

HON. D. EZZARD MILLER: Yes Sir, because I do not think that that is the answer I gave, I think I established a meeting to be held at a later date, which was held last week Thursday from 3:00 P.M. to 5:00 P.M.

MR. FRANKLIN R. SMITH: Could you repeat that, Sir.

HON. D. EZZARD MILLER: I said, I do not think I said that only my priorities mattered. I think I agreed to set up a meeting at a later date, which you received an invitation to in writing from 3 to 5 o'clock

last Thursday.

MR. FRANKLIN R. SMITH: Mr. President, he arranged another meeting at our request, but he elaborated that it was wasting his time at the hospital, the supervisors' time, and he gave me the answer that "he sets his priorities first" in the Town Hall in Bodden Town. He puts his priorities first.

I went back to the hospital on the 26th of January, the day that was set out for us to question the supervisors. On that day while going around, the first place I was taken to was the laundry room. We were told by an accompanying officer we could ask any question to any Department Head that was there when we arrived. In the laundry area of the present facilities, I posed a question as to whether there was anything wrong inside there or did they need anything? I believe it was the majority of the staff there agreed that they had the wrong layout of the door, only one door entrance. The problem was that the dirty linens come in while the clean linen goes out through the same door. They also spoke about the drying facilities. The dryers could not handle the amount of work that they had. They said the washers were continually breaking down, parts had been ordered for up to a year, and nothing was being done.

I will name the other Departments first and I will come back to the answers. In the Children's Ward they said they had no piped oxygen. In the X-Ray Department they said they needed more space for X-Ray machines. In the Lab, they complained they had two vacancies that were not filled. They have been trying to fill them for a long time but they needed more space.

In the Surgical Ward, this is what the supervisors or nurses there were saying, if these facilities were there they could make it, this was all they were saying the problems were. They said they needed at least eight more surgical beds so they could have 8 for the male and eight for the female which would give them a total of 16.

The Public Clinic were saying they needed more storage space or office space and I believe this has to do with operating theatre area, the washer, sterilizer and slush room. The problems were that they did not have space to do sterilisation of all the equipment properly. When we went to the next meeting which the Member arrange we were given the opportunity to question the supervisors. I was given the floor first and I asked if they had ever brought it to the attention to the authorities that they had just one entrance where the linen comes in and goes out the same way. They said yes, they had brought it up, but nothing had been done about it. The washers and drying facilities. Yes, they had complained about it. My suggestion was that they needed much larger equipment, a new dryer that could accommodate what the four washers were washing at one time, to dry it all at one time. I suggested that they should put in a larger machine that could hold the capacity of the four small ones that they have, and still repair one of the small ones out of the four that they have as a standby. These are the areas that need attention.

The Children's Ward, as I said before, has no piped oxygen. They did not know whether piped oxygen could be hooked up to the present facility that they have or not. I do not think they have ever investigated it even though they knew it was needed. This is something that could easily be put right.

They needed more space for an X-Ray machine. I suggested there was enough space that they could build a new X-Ray Department and turn the present X-Ray area into an additional space that the Lab needed. The Chief Medical Officer, Doctor Payne, interrupted and said that is an expensive job, it has to have specialised walls and everything. I did not deny that. I did not question that, but my question to them then is if they were going to build a new facility on a new site would they not have to do the same thing? So what is the difference in spending the money where it is now, than to put in another place?

As I said the complaint from the Surgical Ward was that they need eight additional beds. That was their greatest problem. They are saying there is no space to expand to put in eight new beds, because of the road going between the Morgue and the present Operating Theatre. I agree that there is a road going there, but if proper planning was done the road could perhaps be diverted to another area because a limited amount of traffic goes on that road. I do not subscribe to the idea that if we looked after these things in the right way that you could not come up with a better facility there.

The Public Clinic needs more space but at what cost, they said. Well, from what I saw there I believe the cost would be high, yes, when you get the Public Works Department to do it. That is where the cost come in. The Member has said he has been able to save so much on the new Dental Clinic because it is a smaller building holds more (for less than what Public Works Department had quoted). So I fully agree with him. There are private contracting firms that could give quotes also.

The other area I believe, was the Sterilizing Slush Room. It could be another name I will not hold fast to that. I mentioned that the supervisor there was saying that even an additional piece of building the size of what they have there would do the job.

I made the suggestion that because of the road there they could not expand. West of that, adjoining the same little room is what I called "air-conditioned units" but I am told they are completely different. They are not air-conditioning units so I am not going to argue that point. I was told by the Chief Medical Officer that those are specialised units and there is no one in the Cayman Islands to fix them or can even remove them. They have to be in operation all the time and my question was then what happens if they go out on their own? What do they do then? I suggested since they were specialised units and it was only a limited space that they needed perhaps the top of the building could be reinforced with concrete that could take those units on top and make that space available.

These are my suggestions. They do not have to be taken. What I gathered, from the supervisors, was that they were in dire need of it. As a stop gap was an answer.

What really amazes me was when another Member who was there, the First Elected Member for the Lesser Islands, asked the Honourable Member since he was saying the

money was voted down and we knew about a separate plan being drawn up for the present facilities if he could not separate those two. Instead of having the full money to draw up the Master Plan if he could tell him what he needed for the present site that could be done. The action of the Member was unbelievable. He slapped his hand on the desk and said," No!" I could not believe it. I will leave it then, if he wants to question it he can question the Member who asked the question.

I believe I have made my points there, and again I will state that I believe that we need good health facilities in this country. I would venture to say sometimes it is not really the facilities, the personnel you encounter with that makes all the difference. I will make it plain that is not only here in Grand Cayman that happens, you know, but all over. You will run into these kind of people. The difference is if you run into a problem in one of those other institutions namely in United States and if something went wrong you have the chance to satisfy yourself before a judge, but you do not have that here.

The private sector has plans for a hospital too. It would be good if the Honourable Member in his district meetings had taken with him the information and statistics from private sector facility to see how many that that facility attends to per day against how much is attended to by the Government Hospital. That would help too.

MR. PRESIDENT: Would it be convenient to take the lunch recess for you?

MR. FRANKLIN R. SMITH: Yes sir.

MR. PRESIDENT: Proceedings are then suspended until 2:15.

PROCEEDINGS SUSPENDED AT 12:43 PM.

PROCEEDINGS RESUMED AT 2:20 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. The Second Elected Member for Bodden Town, continuing.

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

When we adjourned I was dealing with Health Services and in particular I was dealing with meetings that the Honourable Member for Health held in the districts particularly the district of Bodden Town. I must say if that Member had conducted the meeting in Bodden Town as fair as the one he conducted in Savannah, I would have no problem. I feel I have the duty to clear myself of accusations that he made against me. He told the people that the two Bodden Town Members had taken the money to develop the Health Plan and put it toward building slaughter houses. I believe that those Members who sat in Finance Committee know how those slaughter houses came up. I was strongly against the slaughter houses, but I wanted to see an abattoir built so that it could benefit the whole Island. No money was put into the Budget to build that facility. In fact, money had been in the Budget over the years to build that facility but was removed by that Member in 1988. He gave the reason so that the Budget could be balanced. All I am saying is, had that money not been removed we would probably have had the facility today and would not have had to build small slaughter houses in each district.

I am only one vote. The rest of the Members want it. They felt that was the way to go. I could not stop that, Sir. He is the Member for Health. I believe there is a problem and I feel that he, as the Member, wants that stopped too. He does not want to see cattle being slaughtered under trees anymore. The days for that are over. That is what these slaughter houses that are to be built in each district will eliminate. I do not know how you can continue to have flies blow on your beef or pork or whatever. They carry germs. The emphasis is on cleaner environment, better health and that is exactly what these small slaughter houses will do. They will provide a better environment and healthier food.

The problem with the farmers in the Cayman Islands has been that the supermarkets will not take the beef because it is slaughtered under a tree. When they put the meat on their shelves, the consumer takes it home, comes back and wants to sue them for unfit meat. So they will not put it on their supermarket shelves. He also went on to say that we have taken money allocated to develop the Health Care System to build private roads in Bodden Town; that he had personally written to the Member for Communication and Works requesting information regarding which roads in Savannah and Bodden Town were down as private roads and, when would the Government equipment be moving in on those roads. As soon as that information was received from the Member he would personally pay attention to it and the day the equipment moved in to do those roads he would take the photographer for the Caymanian Compass and have it put into the newspapers.

The Planning and Development Law needs to be amended to correct some of the problems that we have today. They have just amended the Law in a particular area but still they did not see fit to amend it in the area where it is needed. Government has created this problem, they have allowed developers of sub-divisions to go in, build a little halfway road and then the developers fade away. Our people who have bought lots in those sub-divisions are the ones who suffer. Government makes no money out of it, because whatever they collect for stamp duty it goes back in to fix those roads.

I will name two sub-divisions in my district that is up to standard; one is the Midland Acres Development that has been barber greened. It has electricity in there. Another, right in Savannah which is developed by Mr. Jay Bodden, is fully developed. Government will not have to spend one cent on those roads during the next 10, 15 or 20 years. Sub-divisions in that district (and I would venture to say the districts of Savannah and Bodden Town of all on this Island), are the fastest developing districts with the most

subdivisions. People are moving in and the sub-divisions that have been put in over the last two to five years are all in disrepair. Those residents are constantly calling on my colleague and I as to when they are going to get the roads done. Now no road is public until it has been Gazetted as far as I understand. I would venture to say that the majority of roads in this Island are private. I am not talking about the main thoroughfares, I am talking about sub-divisions. But yet Government has taken on the responsibility of fixing those roads. They have set a standard once it goes to spray and chip, which meets a standard of what they require right now. If they had a different standard, Government would not have to spend money on them. They were the figures that the Member for Communication and Works gave yesterday regarding the set 86, 87, 88, and 89 rise. That is a clear indication as to why we are spending $600,000 in Bodden Town this year. The roads were left undone over the years.

The one thing that made me happy at that meeting was that people whose roads were to be done, have certainly drawn and got a feeling when the Member said that of the private roads what he would do. I hope that the people in North Side are listening and those who have a private road up there when it comes to election time and the Member wants their vote they will tell him I live on a private road and this is a private vote. I also heard (and let me make it clear this was not said in this meeting but it was said at a public meeting) what he had said regarding whether he should resign or not. That money had been put in the Budget to the tune of $ $150,000 for the bulldozer for the farmers and only three farmers were going to get the use of it. You know why that is said? because that would benefit this country. If that had been thought of years ago this country would have been well ahead in its goal of becoming self-sufficient. This Island is capable but we have no one and I repeat, no one with interest in agriculture. I do not profess to have a degree in agriculture. I got what God gave me, good common sense.

I believe I have contributed to agriculture in this country for many years the same as anyone else has, perhaps more. I do not believe there is any one Caymanian who has invested anymore money in agriculture than I have. I want to see this country develop, because if I was worried about competition from other farmers I would not try to encourage it. I would just stay and reap what I got. I want to see the Island expand and that is why I supported the move to put money in the Budget for a bulldozer. So the farmers could have the benefit of it. I believe this is a good move. Not to tell the farmers well, you come out and show me you want to farm first, we are putting the equipment there, we are going to help them. The farmers will come afterwards. They will show up.

While I will agree that we need more improved health facilities, I said the private sector wants to build a hospital that could help the Government from having to spend a large amount of money now too. I, for one, am still puzzled because the Member for Health has said he has done a feasibility study for private hospitals and they can not work here in Grand Cayman. My questions is, if the private hospital is not feasible, then how can the public hospital be feasible? I can only say from my visit (and I am glad I went to visit that facility) that if we upgrade this present system or the facilities it could become a better facility. I learnt that these were the little hurdles that they needed to get over.

I believe if we upgrade it, put the necessary framework in place with the upgrading of the fees, I am sure whether they have a new facility or not, I know the Member for Health stood on the platform in Bodden Town and said Public Account Committee Members recommended that the fees be raised. I will stand here and I will say what we recommended when we had the opportunity to meet with the Chief Medical Officer and the Hospital Administrator in the Public Accounts Committee. The Chief Medical Officer said some of the problems were that they were not allowed to charge more. I believe (and I stand to be corrected), it was perhaps $15.00 per prescription, whereas he pointed out to us a particular medicine one dose might cost $140.00. But he was only allowed to charge $15.00. That was all. But if that patient had to be treated with five doses of medicine that would cost him $140.00 each, in turn he could only charge $15.00 per treatment as the Law stands. He said that this is where some of the loses were going.

I feel and I agree that this is an area we need to look at bring it in line at least with cost. He said when we treat (I believe he used the word 'tourist', non-residents then, who arrived here and they need a prescription filled), it is costing "x" amount. But they can only charge the prescribed fee. So in other words, we in turn are subsidising non-residents. He also said that at a certain time of the night they could not do any collection because there was no one to collect and they could not refuse the service. I believe the Member for Health said at his meeting that they will give an address in West Bay and they are living in North Side so it was hard to trace them. I believe that those are the areas where we recommended that the fees should be restructured. I am not saying that I will not support an increase in fees, but it is putting the facility in line with at least the cost of the medicine.

I also heard the Member say (and I believe the First Elected Member for West Bay had raised this point in his debate), that the Mosquito Control and Research Unit could be moved and put in another location to make available space that was needed to accommodate perhaps a new building on/or near the site. I heard the Member say that the MRCU area is contaminated with chemicals and I am not denying that he may be right. My question to that is, if it is contaminated to build on, it should not be there in the first place against the hospital now. We should try to move it out as quick as possible.

I am happy to know that a new Dental Clinic will be built this year. I am also happy to know that a National Health Insurance Committee has been set up to look at the feasibility of a National Health Insurance plan for this country.

You said in your Throne Speech "that the measles immunization program will be intensified in keeping with PAHO objectives to eliminate measles in the Americas by 1995." That is good. That is why in my Budget debate last year I gave the Member praise. I said he was doing a good job, but we have to be realistic. We need to take a look at the present facility more seriously. I see where you said, "Public Health Law will be reviewed in order to improve enforcement capacity in regard to littering and illegal dumping". That is needed and I support it. We need that. I agree, I believe that Drug Counselling Centre here is helping. But

as I said yesterday, until we can get to the root of where the drugs are coming from and coming into this country, only then are we going to solve the problem. That is what is needed. I support the facility I will support whatever means it takes to keep it operational, but I said before that we need to get to the root of the problem. The Cayman Islands Pension Plan you said: "draft legislation to establish a national plan is about to be published for public consideration and input.". That I support too. It is needed. I believe it will the future of this country.

I move on to the Housing Development Corporation. You said: "The second debenture offering has passed the US$2 million mark and the Corporation will put into effect certain changes in the operating guidelines to extend the availability of loans to the low and middle income market. New strategies are to be deployed by the Corporation to enlarge this rule including this possible joint venture with the department of social services to provide temporary shelter for the indigent.". Let me say again I hope one day to see the position of Deputy Manager of that corporation held by a Caymanian. We are saying that we do not have Caymanians capable of doing that; that is exactly what we are telling our people. We need to look at affordable housing in this country. I am not quite sure if the Housing Development Corporation is meeting the needs of the real needy people of this country.

You know I wonder how the authorities can sit down and let those large high-rise pre-fabricated buildings come into this country pre-manufactured. As the Law stands now we cannot look at pre-manufactured homes. But that would help meet the need of the people of this country? Those big high-rise buildings. We see them going up every day. They can afford to spend money but the little man can not. That is what they need. We need to amend that Law and repeal the section where that kind of housing will help the poor people of this country. But no one looks at that Sir. The lower ones are forgotten. If you do not meet this criteria, you stay down there. No one has examined the possibility of helping those poor people.

I believe there is quite a possibility that the Law came into effect regarding a trailer type house that was brought to this country. I do not know who brought it, I only know that it has been in the Bodden Town District for a number of years. No one can honestly tell me that that little house is any disgrace to this country and it withstood Hurricane Gilbert's winds in 1988. So this is what we have to look after to help solve the problems of this country, for the poor people. Until we take that bull by the horn and turn him the other way, the direction that he needs to go, we will not solve it.

The Portfolio of Communications, Works and Natural Resources: "A contract has been signed with Motorola to provide a modern, efficient telecommunication system across relevant departments". I hope the public will get a little more information about how it works. More than the information I got from the Agriculture Department regarding the beepers that have just been installed for their benefit. We are told that the farmers needing help would have a channel to call through to the Agriculture Department. If that is closed at 4:30 in the evening and at 6:00 in the evening you need that help, those numbers cannot be given out. I call that a disgrace to install beepers in a Department for the benefit of emergency and you are told it cannot be given out. So I hope that that situation will be corrected.

Postal Department:

> "a site has been identified for the new General Post Office building which will include additional office accommodation for other Government departments".

That is good, I support that. It is needed, but I wish they would get on with it. You said that "some sub-post offices will be improved during the year". I believe that is an indication that sub-post offices in the districts will be improved. They need it. I do not wish to get into an argument like yesterday. I do not wish to bring that up again but I would like to see a realistic fee charged.

You said:

> "five commemorative stamp issues are planned including the regular Christmas issue".

Yes that is good and I am glad. I am happy to see that we put out some of the most beautiful stamps as you can find. The people love them and this is where we need to get more issues out with things Caymanian. People want something to remember Cayman.

Public Works Department Sir:

> "the department has begun a review of the maintenance of public facilities and roads, to provide examples of the quality of the maintenance recommended and its cost. This will be of great help in budget forecasting".

Yes, I agree and that is exactly what myself and my colleague from Bodden Town did when we were submitting our projects to the Department, for the Portfolio for Communications and Works. We gave the name of roads that needed work done and the Public Works Department gave us a cost of what it could be done for. So that was how we were able to arrive at the $600,000, and to be truthful, we needed more for Bodden Town. The roads in Bodden Town have been neglected for years. But I will be truthful I can see now how the former Member never got anything done for Bodden Town because regardless of whether he had put it in writing or not he could not get it done. I submitted our request in writing and we got nothing. We were told in this House and I am sure you will recollect that you sent me a letter with a copy attached to it from the Honourable Member for Communications and

Works stating in fact that they had done eight new roads instead of six for Bodden Town, but he told the public that and I am going to tell the public now, I had the pleasure of accompanying him through my district and had the pleasure of having him driving over those new roads. I had the pleasure of his Chief Engineer saying to him this is one of your new roads. I also had the pleasure of him turning to me and saying 'I was misinformed'. Now, what I would like is for that Honourable Member to stand and tell the public I was misinformed and I will give way for the Member, Sir.

MR. PRESIDENT: I am not sure this is entirely normal proceedings, but let it pass on this occasion.

HON. LINFORD A. PIERSON: Mr. President, anything to bring peace to this House is my aim and I am happy that the Second Elected Member for Bodden Town has so graciously agreed to give way.

During Question Time in the last Sitting of the House, the question as to the number of roads built and were repaired was raised by the Second Elected Member for Bodden Town. At that time I attempted to explain to the Member that the information that I had been given by the Public Works Department was the same as supplied to the Honourable House. If that information was not satisfactory to the Member I can only apologise for any misunderstanding caused.

As stated during the December 1989 Meeting, the problem appears to be one of definition. Public Works Department referred to certain roads as new roads but I am satisfied after visiting Bodden Town during January that, in fact, some of those roads, in my opinion, would not qualify as new roads. As I said, any misunderstanding caused in this matter is regretted.

MR. PRESIDENT: For the record, I think we should enter that as being a personal explanation under Standing Order 31, on which I should point out that no controversial matter may be included nor may debate a rise there upon.

MR. FRANKLIN R. SMITH: Mr. President, I thank you.

I got what I wanted even if I had to go the other road. I say to the Member, I accept his apologies.

Mr. President, you said:

> "the Government remains committed to an appropriate forward Transportation Development Plan and not withstanding the denial of funds to proceed with the Master Ground Transportation plan the department will continue to work towards finding solutions to the increasingly severe traffic congestion in Grand Cayman".

I am not denying that we have traffic congestion and that perhaps some new roads are needed. I believe that it is time now, and in fact it is past time, that Government needs to move quickly, since they want to reserve the corridors for the Master Ground Transportation Plan. Come up with the money, pay the people, I will support that.

I will not support holding the people's land up 10 or 15 years. Pay them. They need to widen the roads and they need to take more land from the sides of the road. Every developer that starts to build a house or something else on the road side, one is out here, one is in there because the Law restricted this one, this one is still out here the next one is out there, so start moving. Put everything in line and they will have enough space on some of the major highways.

It is true. I agree I said I would not be voting one red cent for the Master Ground Transportation Plan until they can give me the facts and figures of where they are going to get the money to pay it back.

Water Authority. Yes that is needed. The water at least, I do not know about the Authority but the water is needed. But I guess you could not have one without the other. You said:

> "the original plan to service the centre of George Town with piped water has expanded considerably to the whole of George Town and east to Spotts and in the Newlands".

I take that as a typographical error. That should be Spotts/Newlands because it has not reached, and I do not believe it will be reaching according to the information I have asked for, Newlands for a long time. Spotts is regarded as George Town and Newlands is where you pass Pedro Castle Road and go northward towards the Sound. That is where Newlands is, Sir.

I must say that I hope that when the Election Law comes up that we have the Committee to study that Law. I am going to move a motion to have the section which has taken the landmark away from Bodden Town and Savannah put back under Savannah because the people in Savannah want their grave yard back. They do not want it under George Town. They want it under Savannah. They slip the boundaries every four years and I am going to have it slipped back, whenever it comes up. That is the wishes of the people, they want their grave yard back.

I dealt yesterday with Cayman Brac. I mentioned the water facility to be relocated. I will not deal with that again. The only thing is that when I heard the news they were saying it was the first ever. But I believe some of those hotels over there have some sort of water production. It might be the first ever Government scheme. As I said before the Planning Law needs to be revised. So that when

sub-divisions are developed the roads must be barber greened and electricity must be supplied because that is one of the biggest problems. The residents who have bought lots in those subdivision can get electricity. They have to put up their cash as deposit to have electricity put in.

Government has to in turn, within a year to two, go in and repair the roads and this is where the Member from North Side says we are doing private roads. It is private, yes, and when they were doing roads in North Side I am sure he has had private roads done too. I cannot understand how the Central Planning Authority allows these high-rise buildings going up in George Town knowing the situation with parking. We have a parking problem and we see these high-rise buildings still being allowed with nowhere to park. A good example of what they should follow is the Aall Building. That has parking facilities underground and that would help to alleviate a lot of the problems that they are experiencing down in George Town; build parking area underground. It may not be in the Law but they would see the need for it. They can change the Law overnight for anything else, change it for that too. No, they will change the Law when it suits them.

MR. PRESIDENT: Would it be convenient for you to break there?

MR. FRANKLIN R. SMITH: Yes, Sir.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

PROCEEDINGS SUSPENDED AT 3:18 P.M.

PROCEEDINGS RESUMED AT 3:46 P.M.

MR. PRESIDENT: Proceedings are resumed. The Second Elected Member for Bodden Town continuing.

MR. FRANKLIN R. SMITH: Thank you Mr. President.

I would like to move on to the Portfolio of Tourism, Aviation and Trade. In the Throne Speech it says:

> "1990 is expected to be a reasonable good year, that the Department of Tourism is intensifying target marketing in North America, Europe and Japan to broaden and diversify the market base. Quality will continue to be the prime importance. The number and quality of cruise ships permitted to visit will be carefully monitored".

I like that and I hope that they will not only be carefully monitored for the quality, but also carefully monitored for drugs. That is posing a serious problem according to the news broadcast about Trinidad. They are paying particular attention now in putting emphasis on drugs entering Trinidad, through cruise ships. I hope and with all due respect to the Member responsible for it, I know he will do his best and I believe the move to intensify target marketing in Europe, North America and Japan is good.

It says: **"work on a ten year tourism development plan for our islands has begun. With the assistance of UNDP and the World Tourism Organization reflecting the continuing partnership of the public and private sector in the tourist industry"**. That I support also. That is good. We need to look at the future.

Yesterday when I mentioned what was taking place in the Communist countries in Europe and reading in the papers where the President of Cuba says he is going to hold out. I hope that he would, because it may bring a setback for our little Island if that Island opens up to tourism. We have to look at that very seriously.

I believe we will have some setback but I hope not to our detriment because as the Communist countries in Europe opens up people especially North American travelers will go there for at least one year, one trip to see what they can see. I hope that it will not be a big setback for us, but you know we are all inquisitive and that is perhaps what they will travel there for is to see what they can see or what is going on. I hope we will be able to bring them back the next year, but I believe we need to take a serious look at our Caribbean neighbor and be prepared for it.

Civil Aviation, you said:

> "that although routine repairs were carried out on both international airport runways it is expected that Owen Roberts will require complete resurfacing quite soon. The quality of our service at our airports continued to be remarked upon and I congratulate all concerned in the management and operation".

I, too offer them congratulations, Sir. I believe that in the near future we will probably be looking at extending the runway also. I believe as time goes by, larger aircraft will probably come in here and we will need it. But I know again it will need funds to do it. I believe in the Ten Year Tourism Development Plan, they will probably be looking in that line.

You said: **"The year ending 30th of June 1989, Cayman Airways recorded its first bottom line profit since the Government acquired all the shares of the company. Primarily as a result of Eastern Airlines withdrawal from the Miami Cayman route due to strike action"**. I for one support that. I believe that was some of the bottom line because Eastern had built up a share of the market and when they started

flying in here, those people that flew on Eastern to Grand Cayman went back and they told their friends. So the news got around and Cayman became more popular. By the time Eastern pulled out the demand was there and it so happened that Cayman Airways was available to take up the slack.

I would like to make it abundantly clear regardless of what has happened to Cayman Airways, I support the airline. I beg the people of this country to support our national carrier, put our differences aside and fly the airline. I fly it, my family fly it, I have always flown on it. Cayman Airways was here during the time when we needed it the most, during the hurricane. They flew the people who wanted to leave out of this country. Where were the other airlines? Were they willing to fly as long? They had no obligation. That is part of our tourism business and we must support Cayman Airways.

I do not know and perhaps it will be too late when I get the answer, but I would ask the Honourable Member if when Pan Am wanted to overnight here did they have to get permission to overnight? I really cannot debate it to the extent I want to, but I believe when Cayman Airways is going New York, I am of the belief that they had to ask for permission to overnight there. I can see the point of concern when the information came in that American Airlines was starting up and Eastern Airline was coming back. The facilities would not be able to accommodate passenger standing in line to pass through Immigration and Customs all at one time.

I believe that was the reason why Pan Am probably took the step to ask for permission to overnight here. I do not know, but the authorities granted it to them. They did not look back or look ahead and see whether it would pose a problem with the morning flights going out. Cayman Airways and Northwest Airline were the two airlines going out in the morning. Most of the time I believe Cayman Airways is full. Passengers did not have much choice then about the time. They had Northwest Airline and they had Cayman Airways to choose from probably almost with the same departure time. I believe the problem is stemmed from having a third carrier. Pan American overnights and departures at a later time. Passengers flying on that plane do not have to get up at 5 o'clock in the morning to get to the airport at 6 o'clock or get up at 6 o'clock to get to the airport at 7 o'clock. They can stay perhaps another hour or so in bed.

I believe that has been one of the areas where Cayman Airways has perhaps lost some business. But I will admit that with Eastern Airline resuming it flights Cayman Airways will lose that business. American Airlines coming in now has taken a percentage of Cayman Airways' loss. For years Cayman Airways has struggled to build up the market which American and Pan Am never saw. It was not profitable for them then, but over the years Cayman Airways had built the market up to a level where they now can come in and take a big piece of the pie. Regardless of what happens to the other airlines, if the business is not here they are not going to stay. But we are still going to need an airline. So we have to work together to keep that airline flying. I believe the Honourable Member has said that they are looking at possibly selling some shares in Cayman Airways. I believe if the public was offered shares in it they would buy. One of the main advertising gimmicks is if you bought shares in the airline and you do not fly it, there is not much chance in making any profit on the money that you have invested.

I do not know whether it can be done, but now that we have Pan American and American Airlines, I would make the suggestion that perhaps we look at trying to sell shares of Cayman Airways to an airline that is not flying here like Delta, United or US Air. So that Cayman can be their international point from Miami. They can bring the passengers to Miami and Cayman Airways can take them from Miami to Grand Cayman. We have to look at every possible way and I hope that what I am saying will be taken mainly as good will and that I am trying to help the airline.

Yesterday I mentioned that Cayman Airways has television equipment on board. I believe that can bring in some good revenue. There are a lot of businesses here, if we introduced it to them they could advertise and incoming passengers when they arrive in Cayman they would know where to go. I am only suggesting that for what it is worth. I hope it will be taken as a way of helping.

In my speech in December, I mentioned the possibility of Cayman Airways participating and accept the Signature Credit Card as payment. I hope they will look at it in the best of interest of the airlines. I believe it could help the airline in selling tickets. I do not know whether I can say much more on Cayman Airways. I have met with the Honourable Member and have outlined some ideas that I feel could help. Before I leave that subject I would again appeal to all Members of this House and the general public especially Caymanians, to let us work together to make our airline what it should be. Let us fly Cayman Airways.

I move on to education. I noticed the Member looked up. Mr. President, I have left him alone. As the First Elected Member for West Bay said about the Member for Tourism one time "he is not too much a bad fellow, you know". So I will just leave him alone until the job he is supposed to do is complete. I am happy to know that he is moving in the right direction and it is only a matter of time before we will see something done of the things we have suggested to him. You said: **"Provision in the budget reflects the continuing commitment of the Government to the further education of young Caymanians and to give serving teachers the opportunity to upgrade their qualifications and to keep up to date on current developments in education. The importance of these programs cannot be over emphasized".** I agree education is needed.

Training. As I have said before and I will repeat it again, we need to give our Caymanians the chance to be trained. While the Agricultural, Industrial and Development Board (AIDB) might be providing some loans and there are private and Government scholarships, we still need to go a bit further. I made the suggestion before and I will make it again, Government should tax work permits and take the additional money and put it towards a training fund. The Deputy Manager of AIDB is here as a watchdog for the Caribbean Development Bank. When we get our systems in place, I believe that there are other institutions that have money lending and a lesser rate of interest than the Caribbean Development Bank for loan purposes. It is the duty of the people of this country to put something back into it. They are getting the benefit of the work permits. They should be prepared to spend some money for what they are getting out of it. Students then could be

encouraged because a lot of them worry about how they are going to pay back these loans. If you could offer them free training I believe we would be ahead.

I will wait and see what the revenue measures which are supposed to come in this meeting will be. I do not know where they are proposing to raise revenue. As I said yesterday the Governor indicated in his Throne Speech that; "steps would be taken". So I hope it is not two months from now we are going to get another revenue measure. I believe that the development of the Community College will come a long way in helping our education system. You said: **"The development of the Community College has been anxiously awaiting and construction of the first phase of its new buildings is about to begin with expectation that the Technology Block will be completed this year and the Business, Hotel Studies and Administration block next year"**. To be honest with you I would like to see it complete all at once. I believe they are all needed, but I guess we will have to be satisfied. I noticed where you said: **"The commitment and involvement of the private sector, it is gratifying to note the ready co-operation of the Bankers Association, the Society of Professional Accountants, the Chamber of Commerce and others in the private sector"**. That is good, that is what we need more of.

Museums: "The renovation and adoption of the old Courts Building is well under way and this historic building will re-open its doors as the Cayman National Museum during 1990. An impressive series of exhibitions, activities and educational programmes are being prepared. There will be a museum shop and refreshment facilities." That is all good. But I would like to say, I hope that the refreshment facilities in this one will serve its purpose better and be given out the right way than the one in the old market that was supposed to be selling local produce. Everything was supposed to be local when the tender was put out to bid and if you check it today, it is all different.

The Sports Office: "Further improvement in sports and recreational facilities is expected in 1990 with continuing involvement in regional and overseas competition. Lighting at the National Sports complex and at the new field in West Bay will extend the use of these facilities considerably; suitable equipment for the facilities will also be provided to various districts during the year".

I look forward to seeing those facilities available because during 1989, my colleagues and I asked for some lights for the Civic Centre in Bodden Town and up until now we have not seen any. I beg the Member please give it some attention if he can. I am also thankful to the Member for having agreed to help with the toilet facilities at the Savannah/Newlands playfield on Pedro Road. That was needed and it will help go a long way, Sir. It was one thing that he never objected to putting in the Budget.

The Turtle Farm: "The major objective in 1990, will be to repair the damage caused by the Nor'Wester storm last December. New fiberglass tanks are required and the slaughter plant will be relocated. It is hoped that the trend of increasing tourists and visitors will continue and that income will increase. The breeding stock was fortunately preserved intact and 1990 should see more hatchings of second generation green turtles." I agree that work needs to be done to the Turtle Farm and that the hope that increasing tourists will continue so that income can increase. I believe it is time for us to take a serious look at whether we want to make the Turtle Farm a commercial project or just limited to a tourism attraction. I have nothing against tourism. I support it. I believe we have the facilities and the capabilities to increase the production and we have the demand for the meat. I would hope that some consideration will be taken into account because to Caymanians that is a heritage, that is something Caymanians are used to. I believe the farm could produce commercially and be economically feasible if we increased production. I believe that the majority of tourists that come to our island will want to sample the turtle if they have not had it before. As I said again before regarding Cayman Airways, no matter how many passengers it brings in, from that starting point we can start advertising and get more business, get more visitors to the Farm.

"Government looks forward to extending its co-operative relationship with the National Trust. In 1990 the Trust will initiate the Botanical Gardens to be situated on land off the Frank Sound Road and commence renovation of the old Savannah School House.". I support that. I would like to say that when the development of the Botanical Garden is ready to start, it should go to tender. That should not be given to just one person.

"Work on the Memory Bank project a joint project with the National Museum and the research necessary for the development of a National Heritage Registrar will be carried forward.". I hope so, because the quicker the better. The old are getting older and as they grow older their memories fade too. The faster they can do that the more chance of the memory bank becoming viable.

MR. PRESIDENT: Is that a convenient moment for you to break?

MR. FRANKLIN R. SMITH: Yes, Sir.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of the House until 10 o'clock tomorrow morning.

MR. PRESIDENT: The House is accordingly adjourned until Friday at 10 o'clock.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. FRIDAY, 23RD FEBRUARY, 1990.