

CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

OFFICIAL HANSARD REPORT

1989 SESSION

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

Session summoned 17th February, 1989
Prorogued 9th February, 1990

IN TWO VOLUMES

VOLUME I: Pages 1 - 604
(17th February - 30th May, 1989)

VOLUME II: Pages 605 - 1252
(4th September - 22nd December, 1989)



CAYMAN ISLANDS LEGISLATIVE ASSEMBLY

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VOLUME I

Comprising the period from the 17th February, 1989, to the 30th May, 1989

GOVERNMENT MEMBERS

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

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

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

HON. BENSON O. EBANKS, OBE
Member Responsible for Education Recreation and Culture

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

HON. D. EZZARD MILLER
Member Responsible for Health and Social Services

HON. LINFORD A. PIERSON, JP
Member Responsible for Communications Works and Natural Resources

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
First Elected Member for the Third Electoral District of the Lesser Islands

MR. GILBERT A. McLEAN
Second Elected Member for the Third Electoral District of the Lesser Islands

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

OFFICERS OF THE HOUSE

Mrs. Georgette Myrie
Clerk of the Legislative Assembly

Mrs. Wendy Lauer Ebanks
Deputy Clerk of the Legislative Assembly

Mr. Cline Astor Glidden
Serjeant-at-Arms - Mace Bearer

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Abbreviations: 1r, 2r, 3r, first, second, third reading; (A) Amendment; Comm., Committee; PMM, Private Member's Motion; GM, Government Motion; Rpt, Report; SC, Select Committee; S.O., Standing Order.

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FRIDAY
17TH FEBRUARY, 1989
10:00 A.M.

MR. PRESIDENT: The House will come to order. Prayers by Reverend Talmadge Ebanks.

PRAYERS

REV. TALMADGE 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, 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.

PROCLAMATION

CLERK: By His Excellency Alan James Scott, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands.

> Whereas, by subsection (1) of section 46 of Schedule 2 of the Cayman Islands (Constitution) Order, 1972, it is provided that the Sessions of the Legislative Assembly shall be held at such time and place as the Governor may, from time to time, by Proclamation appoint;
>
> Now therefore, under and by virtue of the powers vested in me by the aforesaid Order, I, Alan James Scott, Commander of the Royal Victorian Order, Commander of the Most Excellent Order of the British Empire, Governor of the Cayman Islands, do hereby proclaim and make known that a Session of the Legislative Assembly of the Cayman Islands shall be held at the Legislative Assembly Building in George Town, in the Island of Grand Cayman, at 10:00 o'clock in the morning on Friday the 17th day of February, One Thousand Nine Hundred and Eighty-nine.

Given under my hand and the Public Seal of the Cayman Islands at George Town in the Island of Grand Cayman this 27th day of January in the year of Our Lord One Thousand Nine Hundred and Eighty-nine in the thirty-seventh year of the Reign of Her Majesty Queen Elizabeth II.

God Save the Queen.

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

HIS EXCELLENCY THE GOVERNOR: Honourable Members of the Legislative Assembly, in a post-election year both the Throne Speech and the presentation of the Budget takes place. There is inevitably some overlapping between the two, but they do serve different purposes and different audiences. So I trust that Honorable Members will, as always, be forbearing with the Financial Secretary and myself today.

Nineteen Eighty-Eight (1988) was an eventful year for these Islands, culminating in the General Election, which took place peacefully, and thanks to the efforts of the Supervisor of Elections and his team efficiency. They were the fifth elections to be held under our present Constitution, and although the legislation and arrangements are now broadly satisfactory, a number of matters will be reviewed, including the arrangements for postal voting.

The economy continued to grow strongly in 1988, with considerable physical development. Government's ongoing programmes generally made satisfactory progress. The economic outlook continues bright, although

there are signs that the rate of growth of the tourist industry is slowing down. Several reasons are advanced for this, including that we are pricing ourselves out of at least some sectors of the market. One thing is certain: competition is getting stronger and coming from new directions, so that sales and promotional efforts will have to be intensified.

The increase in the cost of living by 6.2 per cent in the 12 months to December 1988, must give us cause for thought, for it was the highest for over 5 years, and during 1988 itself the trend was rising. The cost of living not only affects tourists or potential tourists, it affects us all here at home and must be a matter of serious concern for everyone. It is in large part due to factors beyond our control, but I urge the Chamber of Commerce and all businessmen to be vigilant about over-charging.

It is short-sighted to make unduly large profits at the expense of medium and long term prospects; this will not only damage the business community, it will damage our whole economy. Greed is not only morally corrupting; in a free competitive market it will drive our clients ultimately to take their business elsewhere.

The recent publication of national income figures showed Caymans' per capita income as close to Bermuda and not far behind the United States. This is indeed encouraging. It reflects the pace of economic growth in Cayman, and it embodens us to have confidence in carrying forward the important development programmes which are mentioned in this speech, and upon which the Honorable Members of Executive Council will expand during the debate. But at the same time let us take a few moments to reflect on the possible costs of too rapid growth, which can include intolerable strains on the infrastructure; competition for scarce labour pushing up wages, and hence prices, too quickly; and social tensions related mainly to the importation of labour from overseas. These factors produce strain at all levels in the community and result in overreaction to problems or situations. Let us nurture carefully the well being and harmony of our community, and watch carefully for possible clouds on an otherwise bright horizon.

Many individuals, the voluntary associations and the Churches do much admirable work for the community, and I know that Honourable Members will endorse my heart felt commendation of them all. The cooperation of such individuals and groups with Government has to balance the entrepreneurial and self reliant outlook of our society in taking care of individuals who need help and in providing social programmes for the improvement of our people.

JUDICIARY

Satisfactory progress was made during 1988 in reducing the backlog of pending criminal trials and Summary Court appeals in the Grand Court. The already considerable volume of civil litigation continues to expand. The refurbishment and air conditioning of the George Town Hall has added another temporary Court Room for use by the Magistrates. It is hoped in 1989 to start verbatim court reporting as a pilot scheme, using the latest stenotype system, which enables the records to be transcribed mechanically in the shortest possible time.

PUBLIC SERVICE COMMISSION

One of the lesser known arms of Government is the Public Service Commission which is not an executive body but makes recommendations to me on the recruitment, promotion, transfer, training and disciplining of Civil Servants. I take this opportunity of thanking warmly the Chairman and members for their continuing service on this most important body. The Commission also has the major task of filling posts in the Civil Service with Caymanians as quickly as possible, while maintaining efficiency. In fact, with a continually expanding service it has not proved possible to Caymanianise - if I may use that word - more than 70 per cent of the 1700 established posts. It seems unlikely that this percentage will alter significantly in 1989.

Four senior posts - Chief Environmental Health Officer, Director of Lands and Survey, Hospital Administrator and Superintendent of Insurance, which were previously held by non-Caymanians, have been filled by Caymanians. All Administrative Officer posts are filled by Caymanians. Of the 24 Head of Department posts that comes under the Commission, 15 are filled by Caymanians. Posts filled from outside Cayman include 170 in Education, 80 in Personal Health Services, 40 in the Prison Service and 20 in the Computer Services.

During last year the Commission set up 87 interview panels, who interviewed over 360 applicants selected from short-lists for various posts. It is unlikely that this volume will decrease in 1989. Preference is always given to Caymanians and those with close Caymanian connections.

During 1989 the Public Service Commission will begin a programme to inform students and the public more widely about career opportunities in the Civil Service.

AUDITOR GENERAL/PUBLIC ACCOUNTS COMMITTEE

1989 opened with the new Auditor General in post, and with a newly elected Public Accounts Committee. We can look to them with confidence to continue the development of public accountability, and to report to this House on the economy and efficiency with which public funds are used by Departments and other bodies entrusted with them.

THE PORTFOLIO OF FINANCE AND DEVELOPMENT

This heavy Portfolio, in the care of the Financial Secretary, was relieved of the Department of Personnel and of Computer Services in the re-arrangement of Portfolios following the General Election. I did however added the responsibility for coordinating the National Development Plan. This important task will draw upon all levels of political and administrative input, with wide public consultation to ensure that its objectives and recommendations take fully into account the views of the community.

REGISTRAR GENERAL

In 1988 the Department produced more revenue than ever before, reflecting the trust which overseas investors have in Cayman and the efficiency of the Department in dealing with the many and varied requests which it receives. The future in this field continues bright.

THE SHIPPING REGISTRY

Much hard work has gone into the upgrading of the Shipping Registry. Much more will be needed, and personnel and financial resources cannot be stinted.

The opprobrious term "flag of convenience" is now totally inappropriate for the Cayman Islands flag, and we can fairly regard ourselves as one of the community of advanced maritime states. Our thanks are due to all those whose stout hearts carried forward this development, which at times seemed truly daunting.

BANKING

Banks and Trust companies business continued to grow most satisfactorily, along with our reputation in these fields. The 1966, Law has been kept under regular review and amended periodically to meet developments. With full consultation with the industry, a new revised Bill is in preparation to be brought forward in this Session of the Assembly.

INSURANCE

1988 was a year of challenge and consolidation of both sectors of the industry and emphasised the need to continue to promote Cayman as a quality offshore insurance centre. A Cayman Islands Captive Seminar is scheduled for May, organised by the Insurance Managers Association and the Department.

On the domestic side, Hurricane Gilbert caused an estimated CI$16.5 million in damage to insured property. It is gratifying to note that local insurance companies responded promptly and responsibly, and the vast majority of claims have been settled amicably. All the companies are in a sound financial position.

It is planned to amend the Motor Vehicles Insurance Third Party Law in order to provide mandatory coverage for damage to the property of third parties, and for death and bodily injury to passengers.

CUSTOMS DEPARTMENT

A few weeks ago, the Department received from the United States Customs Department a fine pursuit boat, together with training in boat handling and pursuit techniques for staff.

The review of the Customs Law and tariffs is near completion, and it is hoped to put a revised Bill before this House before the end of the year.

Much work has been done on a Memorandum of Understanding for participating countries to provide mutual assistance in drug interdiction and the investigation of Customs revenue fraud. The Twelfth Caribbean Customs Law Enforcement Conference, due in Puerto Rico in September, should witness the formal signing of the Memorandum.

Preliminary analysis towards computerization of controls and records will begin in a few months, with the aim of updating procedures and increasing efficiency.

FINANCIAL CONTROL

Economic growth and the development of Government programmes increases the complexity of control and accountability of public money. Following on the Public Finance and Audit Law, 1985, and Financial and Stores Regulation's, implementation of these provisions are a prime responsibility of the recently appointed, and first, Accountant General. During 1989, the review of financial and accounting systems in all Government Departments should be completed, aiming to simplify and speed up procedures and to ensure better financial control at lower cost. Computerization of the systems is an obvious and basic necessity, to this end.

CURRENCY BOARD

The Board continues to be responsible for the issue and redemption of currency and the issue and sale of numismatic coins. In 1988, numismatic issues included the annual proof set, a silver coin commemorating the Olympics, a gold and silver issue to celebrate the 500th anniversary of Columbus' discovery of the New World, and a special issue in gold and silver coins commemorating the visit of Her Royal Highness Princess Alexandra.

ECONOMIC DEVELOPMENT UNIT

The unit is now fully staffed and will be able for the first time to roll forward the contents of the Five-Year Plan in correspondence with the details of the annual capital estimates. This is a significant step forward and will be invaluable in the planning and control of capital budgets.

PORTFOLIO OF THE ATTORNEY GENERAL

LEGAL DEPARTMENT

A further Caymanian Crown Counsel has joined the staff of the Attorney General Chambers, after graduating from the Law School in 1987 and spending a year obtaining experience in the Courts office. There are, therefore, now four qualified Caymanian barristers in the Department.

The volume of work of the Department continues to increase, especially on the civil advisory side, as Government business increases in complexity. On the criminal side, the backlog of cases has been reduced considerably, largely due to the increase in the Judiciary; although that in itself has placed a strain upon the Legal Department. At the opening of the January Session of the Grand Court, there were ten cases listed for trial.

LAW SCHOOL

Three students graduated from the Law School in 1988, and one obtained a distinction from Liverpool University and the Dean's Prize; a great personal achievement for him, and an honour for the Law School. Three more students are expected to graduate in 1989. There are at present 21 students studying the Attorney Law course.

THE PORTFOLIO OF INTERNAL AND EXTERNAL AFFAIRS

ROYAL CAYMAN ISLANDS POLICE FORCE

Two weeks ago, Mr. Michael Rowling handed over command of the Force to the new Commissioner, Mr. Alan Ratcliffe. I am particularly grateful to Mr. Rowling for his notable contribution to the increasing professionalism of the Force, and his devotion to its interests.

Training for the career development of local officers will continue. The standing of the Force is higher than ever, and I commend it to our young people, both men and women, as offering a worthwhile and interesting career: not an easy one, but one vital to the security and well being of the community.

Unhappily, general crime continues to increase, but at least the high detection rate is being maintained. It appears that some progress may be made in the battle against drugs, for the number of drugs cases known to the Police dropped by 18 per cent compared with 1987. Firm police action, stiff penalties imposed by the Courts and the community programme led by CASA are making a most effective contribution. But we cannot afford to relax for a moment in the battle against this insidious cancer.

Fatalities on the roads in 1988 were the lowest for ten years, due to strict enforcement of the law and the attitude of the Courts to convicted offenders.

PRISON DEPARTMENT

The growing prison population and greater criminal sophistication presents the Prison Department with increasing challenges.

The building programme is to continue, which will eventually provide up to 150 new places, with new administrative, visiting, reception and discharge facilities.

The requirements of security remain paramount. Measures to upgrade security doors and locks are in hand, and operational procedures by day and night are subject to thorough and continual review. The Department will establish and maintain appropriate operational liaison and contingency planning with other Government departments.

The Department recognises the need for, and will work towards the achievement of a balanced, positive and active regime for prisoners, male and female, which amongst other aspects takes into account the need for education and counselling against drug abuse.

The Department anticipates some expansion of, and increase in return from, the farm and horticultural enterprise during 1989. All financial aspects of prison management will be monitored to achieve acceptable levels of economy.

IMMIGRATION

The new policies introduced in 1987 to improve the balance in the proportions of overseas workers have begun to take effect, and in the long term we can hope to see these imbalances greatly reduced.

The Caymanian Protection Law, 1984 has in the last two years been the subject of considerable criticism, often for conflicting reasons; and a motion later to be put before this House calls for a complete review of the Law. I urge Members and the public to approach this difficult problem with care and compassion. It is not an exaggeration to say that the future prospects of Cayman will, to a considerable degree, depend on the outcome of this review.

BROADCASTING

Once again, the Department's revenue more than covered its expenditure; but more important, services have been improved, with two separate services, one on AM and one on FM, provided to all three of our Islands. Further expansion of the FM service is planned.

GOVERNMENT INFORMATION SERVICES

The work of this Unit continues to expand as the Government's policy of openness about its intentions and its work develops. The unit helps Departments in developing information campaigns, including producing radio advertisements and promotional fliers; and in preparing for radio discussions and dealing with the media. A young Caymanian officer has recently joined the Department and is developing the production of radio spots, photography and graphics.

A good example of the development of the expertise of the unit, was the production of the visit programme for Her Royal Highness Princess Alexandra, of which several thousand copies were produced. This was produced "camera ready", that is, only one step away from actually being printed. The Annual Report is also produced in this way, with considerable savings. It is hoped that this year the same system can be introduced in the production of the Gazette.

THE CIVIL SERVICE

The 1989 Draft Estimates show an increase of 86 posts over the 1988 total of 1728. During 1989, priority will be given to the development of human resources, and civil servants will be encouraged to undertake courses both overseas and in-service and to broaden their experience through job rotation.

In-service training courses for 1989 feature a part-time accounting degree course, the second stage of the Clerical Officers Course began in 1988, training for personal secretaries, and continuation of the Management Development Programme including training at supervisory level.

For some time we have thought that professional help is needed in the organization and methods field, and during 1989 an experienced person will be recruited for this work.

Computer services continue to be of significant importance. Almost all Departments have access to them, for specific functions and for general office use. The rapid growth of computer usage compels careful planning and development, to make the best use of available resources.

RETIREMENTS

Heads of Departments who retired during the latter part of 1988 or who will retire this year include Mr. Eric Bergstrom after 17 years as Director of Tourism; Mr. Mark Panton, for the last 8 years as Principal Secretary, Personnel; Dr. Kenneth Grant, for 5 years as Chief Medical Officer; and Mr. Rudi Seltzer, Director of Trade and Labour.

I thank them all for their respective valuable contributions to the Civil Service.

DISTRICT ADMINISTRATION

Although, as on a previous occasion, there is not a Member from the Lesser Islands on the Executive Council, they can be confident that the assiduous attention given by the Honorary Administrative Secretary, the District Commissioner and Members of this House to their affairs, will continue.

The building construction industry continues to offer much employment, with the new Air Terminal at Gerrard Smith Airport and to a lesser extent the Dental Clinic near the Faith Hospital being responsible for this. Hurricane Gilbert provided much unexpected work.

Tourist arrivals were good during 1988, despite problems with the Shorts aircraft. The five commercial establishments are optimistic that tourism will grow steadily, providing plans to improve air services are effectively implemented.

Cayman Brac Power and Light Company installed a new generator in the Brac during the year and is planning to install small generators in Little Cayman.

The first visit of a Member of the Royal Family, Her Royal Highness Princess Alexandra, to the Brac was a very special occasion, greatly enjoyed by the people of the Lesser Islands.

PORTFOLIO OF TOURISM, AVIATION AND TRADE

TOURISM

1989 is forecast to be a difficult year for the industry. Our major source of tourists, the USA, is campaigning for its citizens to take vacations within the USA; the cruise ship industry is booming; and Europe and the Far East have again become attractive to United States' tourists.

It is all the more vital therefore, to enhance the close working relationship between the private sector and the Government, in order to pursue aggressive advertising and promotional campaigns in the United States. More attention will be given to the United Kingdom and European markets, for although the numbers are relatively small, there is potential for growth.

CIVIL AVIATION

The new terminal building and related facilities in Cayman Brac will shortly come into operation. The air-conditioned building is capable of handling four Boeing 727 aircraft per hour. New aircraft parking bays and taxiway, new entrances and car parks, and a new Fire Station to serve domestic needs in the Brac, as well as at the aerodrome, have upgraded the airport dramatically. It is planned to resume night-time jet operations by installing

approach lights and by extending the runway.

Safety and security must continue to be the first priority of the Civil Aviation Authority. A Flight Safety Seminar was held in 1988 sponsored by Cayman Airways, the U.S. Federal Aviation Administration and the Department of Tourism, and it is planned to repeat this Seminar in 1989. Safety inspectors from several international agencies visited, and conveyed formal approval of operations here. An expert from the International Civil Aviation Organisation was brought in for a few months to carry out refresher training, to produce manuals and to standardize procedures in air traffic control.

The Civil Aviation Authority continues to operate on a sound financial basis, it is pleasing to report.

FIRE SERVICES

The building programme, including the construction of three fire stations over a four and a half year period, has been completed and staff training will now take priority. The Department was honoured by Her Royal Highness Princess Alexandra declaring open the new George Town Station.

Local training courses will be held in emergency medical services, building instruction, fire prevention and safety, with the help of two certified instructors from the Florida State Fire College. The Department's in-service training programme will be vigorously pursued to maintain and improve the competence of staff.

A replacement hydraulic ladder and a high pressure trailer pump will be purchased and probably brought into service during the year. The Department's training ground will be further upgraded, its principal use being for simulated disaster incidents.

TRADE AND LABOUR

The Department continues to enforce the requirements of the Labour Law, and to encourage the establishment and development of small, non-labour intensive, light industries. The new Labour Law, despite the prognostications of some, has come into effect smoothly.

CAYMAN AIRWAYS

The service of existing markets will continue in 1989, and there are plans to increase the scheduled service to Miami. Charter activities have been reduced basically to Baltimore and Philadelphia. Improvements will be made to services to Cayman Brac and Little Cayman.

During 1989 the company will carry out studies to evaluate different aircraft equipment, with the long term objective of replacing the Boeing 727-200 fleet with more cost efficient aircraft. The acquisition of aircraft is directly linked to the possible expansion of services to the Lesser Islands, and future route development.

The company will continue to work very closely with the Department of Tourism, in efforts to expand the marketing and sales effort in the USA, Canada and Europe.

PORTFOLIO OF EDUCATION, RECREATION AND CULTURE

EDUCATION

Students at the Cayman Islands High School in 1988, for the first time, sat the General Certificate of Secondary Education examinations, which replaced the General Certificate of Education and the Certificate of Secondary Education. The overall pass rate was 96 per cent. Some 35 per cent of the total entries received the higher grades of 'A', 'B' and 'C', compared with 32 per cent of the total entries on the GCE and CSE examinations.

Development of the science curriculum at the Cayman Islands High School will be furthered by the building of a long overdue science block. The existing science classrooms will be converted for Special Education use.

On a recent visit to the High School, I was much impressed by the patience and dedication of the teachers in the Special Education classes . These classes not only offer special opportunities and care to the students in them; they also enable other classes to make better progress and use of resources. But I was saddened to learn how unwilling the parents of some children in the special classes are to help them. I hope that it will not be long before more Caymanian teachers will be found for this difficult, but rewarding work.

A new infant school for the George Town area is planned to cope with the growth of population.

The use of computers in education continues to be of high importance, and training in their use is increasing in the schools at all levels.

More resources will be devoted to career guidance, social education and technical and vocational studies; and the skills for living curriculum will be adapted for social education use. The aim, as always, is to fortify and broaden the curriculum, and to educate our young people in ways relevant to the challenges and problems they face as they grow up.

COMMUNITY COLLEGE

The Board of Governors has been appointed and new staff members in critical subject areas have been recruited. Despite its present limited resources, the College continues to expand its services. Together with the Statistics Department and the Training Office, programmes are being offered for statistics personnel, executive secretaries and clerical officers. A programme leading to the Certificate in Banking of the London Institute of Bankers has been introduced, in cooperation with the Cayman Bankers Association.

Under the major development programme for the College, a new technology building should be ready for

use in the latter part of the year. Scheduled to begin are the two remaining blocks in Phase 1 of the building programme, including provision for Hotel Studies, Business Studies, the Administration and a Library.

LIBRARY SERVICES

In 1888, a small Public Reading Room was established in the George Town School House by the Young Men's Mutual Improvement Society. Some fifty years later, the George Town Public Library - the present building - was opened. The services now available are more extensive and sophisticated than the young men of 100 years ago could have imagined, and Government intends to continue their improvement and expansion.

THE MUSEUM

After years of planning and negotiations to fund it, the National Museum is about to become a reality. Renovation of the old Court Building should begin next month and by the end of the year, the building should be ready. Much is planned, including an audio visual presentation, in-house exhibitions and displays, research facilities and a gift shop and snack bar.

A Government archives and records centre will be established, together with the proper control of current and non-current records.

THE TURTLE FARM

The farm continues to be a notable tourist attraction and although no major changes are anticipated in 1989, it is expected that the number of tourists will continue to increase and that a small profit will again be made during the year, with no Government contribution being necessary.

THE NATIONAL TRUST

The Trust was created in 1987 by an act of this Assembly, and during 1988 membership was recruited and the Trust organized. It is a private non-profit organisation, directed by a Council which is largely elected by the membership. Government strongly supports the Trust and contributes to its management by the appointment of three members. Government gave some financial support to the Trust in 1988, and this year proposes to increase that support substantially.

Government has transferred to the Trust some 685 acres of land off the Queen's Highway known as the Salinas; it is principally wetlands, valuable for nature conservancy. There is also however, a large area of dry evergreen woodlands which the Trust plans to make accessible by footpaths.

During 1989 the Trust, with Government's support, will seek to acquire land and begin development of a Botanical Gardens, featuring plant species native to Cayman. The purposes of this project are mainly educational and recreational, but it should also provide a valuable tourist attraction. The Trust will develop an interpretive centre for its Fort George Park to inform visitors about its history. The Trust also proposes to develop Historic walking and driving tours to enable visitors to tour the Islands with greater awareness of the history of the Districts through which they travel.

The Trust is working with the Museum on the Memory Bank Project, recording the memories of older Caymanians. For a nation with so little written history, these memories will provide the basis of a social history of Cayman. 1989 should also see the start of the Historic Buildings Survey, the first step in the development of a National Heritage Register.

SPORTS AND RECREATION

The development of sporting and recreational facilities will continue at the Central Sports Complex as well as in the districts. Attention will be given to the proper care and management of these facilities. Sports associations will be encouraged and supported in offering training to advance their sports. This should improve the quality of the annual competitions which are so much a part of our social life, and improve our showing in regional and international competition.

THE PORTFOLIO OF HEALTH AND SOCIAL SERVICES

HEALTH SERVICES

A Fifteen-Year Physical Development Plan for the expansion of hospital services in Grand Cayman and Cayman Brac is being prepared. It will include a new Dental Clinic for George Town, and expanded facilities for the Physiotherapy Department. It is anticipated that the Faith Hospital in Cayman Brac will require additional rooms and a Nursing Station. The present Doctors' Residence on the hospital grounds will be expanded in order to accommodate visiting locum staff. The Dive Chamber, at present at the Cayman Clinic off Crewe Road will be moved to the grounds of the George Town Hospital to facilitate rapid evaluation and treatment of dive-accident patients.

The Department has an excellent AIDS Prevention Programme mainly based on education and the recently formed National Advisory Committee will improve communication further.

ENVIRONMENTAL HEALTH

Recommendations made in November 1988, by a PAHO Consultant will be studied with the objective of developing a comprehensive action plan for solid waste disposal and coastal pollution monitoring. A parcel of land should be acquired for use as a landfill to cope with the increasing volume of solid waste.

MISUSE OF DRUGS

The Drug Advisory Council had its first meeting early last month and is meeting weekly to move ahead with its important task of assessing existing anti-drug abuse programmes and advising on the coordination of Island-wide efforts in the campaign.

The drug and alcohol programme will be expanded with the acquisition of half-way houses in West Bay and Bodden Town, and an office in George Town where increased counselling services will be offered.

SOCIAL SERVICES

Caring home facilities are to be assessed with a view to improving the programmes, in particular to make it possible to receive back juveniles at present in approved schools in Jamaica. The Juvenile Law is being revised, and a Bill is expected to be presented to this House in the May meeting.

CAYMAN ISLANDS PENSION PLAN

Much work has been done on preparing a revised Scheme, and public consultation upon it will begin in March. It is planned to bring forward legislation during the year to establish the Plan and to begin its operation in 1990.

HOUSING DEVELOPMENT CORPORATION

A new Board has been appointed and an early objective is to review existing policies and practice, and to ensure that the needs of the income groups for which it caters are properly met. A full review of housing needs will be undertaken.

The Corporation proposes to launch a new 7.5 per cent debenture issue early this year and hopes for support both from financial institutions and the general public. I interject here my strong belief that extensive home ownership is essential to the stability of our community.

PORTFOLIO OF COMMUNICATIONS, WORKS AND NATURAL RESOURCES

DEVELOPMENT

A committee is to be formed to advise the Member on physical aspects of the development of Central George Town so that proposals can be prepared for consideration by the appropriate authorities. The complex factors involved in improving the appearance and character of our capital and its commercial performance, deserve close attention.

The implementation of a Unified Building Code will be pursued on the understanding that the guidelines prepared by the Chief Building Control Officer for single family dwellings will be included.

A review of the Traffic Law is planned, in conjunction with the Police Force.

AGRICULTURE DEPARTMENT

For various reasons, agricultural development has not developed to the extent of other sectors of the economy. CI$1.4 million were spent in 1988 on the provision of marketing and related facilities, and with these now operational, we should hope for improvement in 1989.

Hurricane Gilbert not only severely damaged crops; it also destroyed the Agricultural Society's pavilion. It is planned to relocate the pavilion to the Agricultural Demonstration Farm in Lower Valley; regrettably, the annual Agricultural Show could not be held this year.

MOSQUITO RESEARCH AND CONTROL UNIT

The mosquito population was held to very low levels in 1988, after a difficult year in 1987. Insecticide applications will continue at the existing level, with switching between insecticides, to take account of resistance and the accumulation of pyrethroids in the cuticles of mangrove leaves.

NATURAL RESOURCES LABORATORY

The first survey of the conch population was completed, to serve as a base line for future comparison. The laboratory will next survey reef fish stocks, to provide the database for future reference on population trends in fish species of economic or tourist importance. Work will continue on assessing the sustainability of the grouper fishery, monitoring coral cover at selected sites, and maintaining Marine Park moorings.

LANDS AND SURVEYS DEPARTMENT

With over CI$11 million of stamp duty collected, 1988 was a record year. Further technological development will continue in 1989, including it is hoped, the beginning of electronic digitalization of the Registry Maps. The Department has begun the development of a computerised Geographic Land Information System. The land proprietors' index will be computerised in 1989.

PLANNING

The Department will be heavily occupied with the preparation of the revised Development Plan and Planning Regulations for submission to Executive Council and this House. These are essential to the balanced future growth and economic stability of Cayman. A start will be made on a Coastal Management Plan to cover all aspects of coastal works.

POSTAL DEPARTMENT

On April 12 1889, the Post Office was first established. A special stamp issue to commemorate the centenary will be released on the 12th of April and other suitable activities are planned during the year.

Additional Post Office boxes are to be installed in the Savannah and West Bay sub-offices to meet the growth of population in those areas.

PUBLIC WORKS DEPARTMENT

This Department has heavy responsibilities for the development and maintenance of the infrastructure and provides architectural and engineering services to several Departments, bringing in private sector skills as necessary. It is doing particularly well with the training of Caymanians in technical careers. One officer returned last year with a Bachelor of Architecture degree to become the Department's first professional Caymanian architect. Two officers of the Department began training last month in Engineering and Architecture respectively. In the middle of the year, a professional Caymanian civil engineer is expected to join the Department.

Following the Master Ground Transportation Study, the Department will turn its attention to similar long-term planning for other infrastructure developments.

PORT AUTHORITY

The Authority's computer system for the accounting and statistical Departments came on-line on the 1st of January. Completion of the 6,500 square foot building is expected in August this year.

Land in the Industrial Park area will be purchased in 1989 for use as a cargo distribution centre. This will reduce the problems caused by lack of space at the Port site on Harbour Drive, and should provide sufficient storage area into the 21st century. It should also improve traffic congestion on the water front.

WATER AUTHORITY

The West Bay sewerage project is now fully operational, and generally working well although the equilibrium of the treatment plant was disturbed by salt water inundation during Hurricane Gilbert.

GEORGE TOWN WATER SUPPLY

The George Town Water Supply Project will be completed in April, greatly modified and expanded from the original scheme. The demand has increased beyond the forecast due mainly to the increased number of connections. Further, the anticipated stabilisation of demand for trucked water has not occurred; indeed, demand in this sector has continued to grow. Serious problems have occurred with meeting the demand, resulting in rationing water to the trucking companies, although at no time has the piped distribution been affected. The problems have largely been rectified and the plant should soon produce its rated capacity, barring major breakdown. Recent projections indicate that the present capacity will be adequate to meet demand up to the end of 1990.

The provision of an additional water-making plant is being investigated as is the provision of a piped water supply for West Bay. The two ground water developments at Lower Valley and East End continue to operate and the water produced remains within World Health Organisation's limits. It is proposed to overhaul a number of the Lower Valley wellheads in 1989.

PROPOSED RADAR STATION

I have mentioned, several times today, the fight against drug trafficking and abuse. Last month, a team of United States officials visited Cayman to brief Government on the desire of the United States Government to develop its chain of radar stations in the Caribbean to provide more effective radar surveillance of traffickers trying to get their deadly cargo into the United States. They propose such a radar station for Cayman. It would also improve our air traffic control facilities, and significantly in the light of our experience in Hurricane Gilbert, would provide us with sophisticated weather reporting.

Government has agreed to consider this proposal in detail, and a United States technical team subsequently

arrived to examine possible sites, and to make proposals for us to consider. Whether or not the proposals come to fruition, we welcome this further indication of the existing cooperation between the United States' Government and Cayman in the pursuit of drug traffickers and their disgusting trade.

Honorable Members of the Legislative Assembly, this concludes the Throne Speech for 1989.

I pray that Almighty God will continue to bless and guide the people of our Islands and all those who serve them.

MOTION OF THANKS

HON. W. NORMAN BODDEN: BE IT RESOLVED that the Honourable Legislative Assembly records its grateful thanks to His Excellency the Governor for the address delivered at this meeting.

BE IT FURTHER RESOLVED THAT debate on the Address delivered by His Excellency be deferred and held conjointly with the debate of the Second Reading of the Appropriation Bill, 1989, when that debate shall be held.

MR. PRESIDENT: The Motion is as put, unless any Member wishes to speak to it. I shall therefore put the question. Those in favour please say Aye...Those against No.

AYES.

The Ayes have it.

THE MOTION PASSED UNANIMOUSLY.

MR. PRESIDENT: The House will suspend for fifteen minutes.

AT 11:01 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:30 A.M.

MR. PRESIDENT: Proceedings of the House are resumed. The Honourable First Official Member.

PRESENTATIONS OF PAPERS AND REPORTS.

DRAFT ESTIMATES OF REVENUE AND EXPENDITURE OF THE CAYMAN ISLANDS GOVERNMENT FOR THE YEAR ENDING 31ST DECEMBER, 1989

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Draft Estimates of Revenue and Expenditure of the Cayman Islands Government for the year ending 31st December, 1989.

MR. PRESIDENT: So ordered.

GOVERNMENT BUSINESS

BILLS

FIRST READING

THE APPROPRIATION BILL, 1989

CLERK: The Appropriation Bill, 1989.

MR. PRESIDENT: The Appropriation Bill, 1989, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

THE APPROPRIATION BILL, 1989

CLERK: The Appropriation Bill, 1989.

MR. PRESIDENT: The Second Reading of the Appropriation Bill, 1989. The Honourable First Official Member.

HON. THOMAS C. JEFFERSON: Mr. President, the Second Reading of The Appropriation Bill, 1989, is being moved by the Budget Address now being presented.

THE BUDGET ADDRESS

AS PRESENTED BY THE HON. THOMAS C. JEFFERSON, OBE, JP, FINANCIAL SECRETARY

Mr. President, as I present the first Budget of a new Legislature, I am reminded of the stability these Islands have maintained and I feel certain that the new Government will continue to embrace the benefits to our people, which flow (as experienced over the last two decades) from stability and the sound fiscal policy the Governments to date have upheld.

In my previous Budget Address I called for a cautious spending policy to allow time for the effects of "Black Monday" to be more clearly understood. Somehow the second Great Depression failed to materialize. The United States' economy continues to expand and the Dow Jones Industrial Average has recovered all of the 500 points it lost on the 19th of October, 1987. Moreover, industrial countries of the World have witnessed a satisfactory economic growth momentum, and world trade has continued to be buoyant.

Over the last fourteen months, we have noticed a resurgence of inflation which presents some risks to continued world economic expansion. Some of us viewed last Thursday evening, the new President of the United States, Mr. George Bush, presenting his federal budget of US$1.16 trillion in a comprehensive and well delivered speech to his Congress. We noted his freezing of military spending, which indicates his attempt to reduce the U.S. Budget deficit of approximately US$170 billion, while at the same time increasing the allocation by US$1.0 billion to continue their efforts in fighting drug abuse.

My forecast is that the United States economy will continue to expand during 1989, but attention will have to be given to the control of inflation. We are also beginning to see early signs of the United States' Budget Deficit and Trade Deficit figures stabilizing with some months experiencing trade deficit reductions.

Mr. President and Honourable Members, you will be pleased to hear that despite Hurricane Gilbert, the economy of the Cayman Islands remain strong and buoyant and 1988, was another year of increased economic activity. Similar to the world economic situation, we too have witnessed an increase in the inflation rate.

Last year I promised that a more accurate estimate of the Gross Domestic Product of the Cayman Islands would be available, and I was pleased when the Statistics Unit published figures last December, which showed that in 1987 the Gross Domestic Product stood at $341 million. With growth of 13 and 12 per cent in 1986 and 1987, Cayman is rapidly catching up with Bermuda as the country in the region with the highest per capita income. The long term growth rate has averaged 10 per cent per annum since 1972, 1988 and 1989 show no signs of departure from this trend.

THE LOCAL ECONOMY 1988

THE FINANCIAL SECTOR - BANKING AND TRUST

The steady growth of our banking community has continued unabated in 1988. Similar to the previous two years the number of new banks and trust companies licensed by the Cayman Islands Government was around 40. With fewer banks surrendering licences, the net increase was nineteen rather higher than in the previous two years. At the end of December 1988, there were 527 banks and trust companies licensed under the Banks and Trust Companies Regulation Law (Revised).

As our international reputation continues to improve and potential competing centres around us are unsettled, it seems unlikely that our numbers will fall. However, we are conscious of the fact that many of our licensed banks are here for technical reasons sometimes arising out of restrictions in their home countries. These conditions change.

For instance, we were alerted to the fact that in Denmark Exchange Control Regulations were recently amended so that in theory Danish Banks can now undertake, in Denmark, most of the activities that are conducted by their Cayman branches. Two banks surrendered their licences in 1988, and so far five have done so in 1989, but I hope the efficiency of our infrastructure, the good service and other advantages we offer convinced those currently remaining that they are still better off in Cayman.

For several years now our biggest loss of banks has been from the United States. You will all have read of the banking problems in that country with various estimates ranging from US$40 billion to US$70 billion needed to rescue just the Savings and Loan operators. These banks are fortunately not represented here, but the repercussions from problems in the thrift industry and banking generally in the United States has resulted in rationalizations and mergers, and consequently the loss of some banks to us. This reduction in numbers from the United States is a move contrary to the increasing numbers from nearly all other countries and regions. Fifty-seven countries are now represented, and for the first time, we now have more European banks licensed here than North American.

The welcome trend for major international banks to be licensed here continues. We now have licensed 23 of the largest 25 banks going on to 44 of the largest 50. With more and larger bank, the total assets of the Cayman banks at end 1987, which is the latest date for which data is available, rose to US$250 billion. This figure makes this country's licensed banks the seventh largest holder in the World of Banks' Foreign Assets, a remarkable statistic for these tiny islands. The 1987 figure was up US$50 billion (25 per cent) on that for 1986, to put our growth in perspective at end of 1984, the total banking assets figures for Cayman and the Bahamas were roughly similar, by end 1987 we were 55 per cent larger than the Bahamas. I believe the figures for 1988 will show a further growth but

not, I suspect as dramatic as in 1987. During 1987, the banking sector contributed substantially to the Cayman Islands' economy in monetary terms around CI$62.5 million. Of this sum licence fees paid directly to the Government amounted to CI$5.3 million. Licensees operating within the Islands provided the bulk of the overall expenditure with some CI$55.2 million. Much of this revenue reflected the salaries and wages paid to the local work force but it also covers costs incurred such as, company fees, rent, construction and refurbishment costs, all of which would have been of benefit to other sectors of the local economy.

Although I do not have all the figures for 1988, I believe expenditure will have continued to grow in all areas, for instance licence fees paid to Government were $200,000 higher (some 4 per cent).

I indicated to you in my last Budget Speech that we had seen a sharp increase in the number of banks setting up their operations in the Cayman Islands. This trend has continued and there are now 72 banks or trust companies with a physical presence here. This, not surprisingly, has led to a further increase in the number of staff employed in the banking and trust industry.

At the end of 1987 the total of banking employees stood at 1,025, an increase of 6 per cent in the work force compared to the previous year. Seventy-six per cent of those employed were Caymanians but for the first time since 1982, the increase of non-Caymanian workers exceeded the increase in Caymanians employed. Fortunately, the timing of banks setting up here has been reasonably well spread-out so we have not witnessed a bunching and the consequent problems that could be caused. All the banks eventually seem to have found the premises they want but there has been considerable pressure on the labour market for qualified staff.

During the course of the last year, I visited and had talks with several of the Bank Managers in George Town and it is clear from my discussions with them that there are shortages of staff in certain areas. The difficulty of obtaining and keeping bank tellers, for instance, was a problem which many of the retail banks have to face.

However, I do believe even this problem can be overcome or mitigated as electronic banking develops further in the Islands. The banks, too, are playing their part in the local community by carrying out considerable in-house training for their employees, enabling the potential of our Caymanians to be further developed. I am sure I do not need to remind this House how many of our businessmen and our politicians received some training in banks operation during their formative years. The Government cooperates, where it can, with the banks and trust companies who have developed their industry in these Islands so remarkably over the past twenty years. Indeed we support and give whatever help we can to all sectors of the financial community. Through the Bank Inspector and his team we have endeavoured gradually to build up our supervision of banks and trust companies so that Cayman cannot be considered a loophole in the international supervisory system. We do not, however, provide this close regulation to other sectors of the financial community other than insurance.

This does not mean that I think they are unimportant. On the contrary, Cayman has always tended to be a centre with wide freedom which many including the Government, have been jealously guarded. However, as centres in other parts of the world become more tightly regulated there could be a movement here of a variety of financial business escaping from regulations. I am constantly watching and discussing with the private sector developments in the areas of the market place not regulated by Government. I know that those outside the regulated fields do provide and will continue to provide some degree of self regulation being careful to see that only good and reputable business is attracted to these Islands. You will not need to be reminded that it has taken many years of hard work and careful control to build up the good financial reputation that these Islands now enjoy.

Reputations however, can very quickly be destroyed. Let us all, Government, bankers, lawyers, insurance managers, company managers and accountants endeavour to see that by continuing to take care and by diligent enquiry our reputation is not tarnished.

INSURANCE

During the year the offshore or captive sector of the industry continued to face growing competition from existing as well as new domiciles entering the captive market. It is of particular interest to note that at least eight states in the United States have introduced special legislation to attract Captive and Risk Retention Groups onshore. In addition the soft insurance market which started at the end of 1987, continued throughout the past year. Traditionally, during a soft market insurance in the conventional market becomes more affordable and there is less demand for captives. Notwithstanding, the above mentioned undesirable conditions twenty-nine new Class "B" Insurer's or Captive Licences were granted by Government during the year giving a net total of 362 licensed Captive Insurance Companies. These new companies are of high quality and is seen as a vote of confidence in the standard and range of services offered by the offshore market.

It is known that the FET Tax Treaty between the United States and other offshore domiciles is unlikely to be extended beyond the 1990 expiry date, the effect will be that the Cayman Islands will again be on par with its main competitors.

I am pleased to say that the first appointment of a Caymanian to the post of Superintendent of Insurance was achieved, when Mr. Gilbert Connolly assumed the responsibilies last summer.

CAYMAN ISLANDS CURRENCY BOARD

Total assets/liabilities of the Currency Board as at 31 December, 1988, amounted to CI$25.0 million, as compared to the December 1987 figure of CI$22.1 million. Total currency in circulation (excluding numismatic issues) was CI$18.6 million at the end of December. During 1988, CI$5.0 million in unfit notes was withdrawn from circulation and subsequently destroyed.

In 1988, the Currency Board participated in four numismatic coin programmes. The Olympic Games Coin Programme consists of a $5 silver coin, with the design on the reverse depicting a boating scene. The 500th anniversary of Christopher Columbus' discovery of the new world is commemorated by the issue of a $100 gold

coin and a $5 silver coin. For the first time these two coins in the programme carried different designs on the reverse, but both featured ships. They have proved to be very popular both on the international and local markets.

To commemorate the visit of Her Royal Highness Princess Alexandra to the Cayman Islands in November 1988 a $250 gold coin and a $5 silver coin were issued. The Princess was presented by the Chairman of the Currency Board with a gold coin in a special presentation case. The 1988 Eight Coin Proof Set was produced but sales have been low, and this programme will be suspended for a few years.

As at 31 December, 1988, fixed deposits amounted to CI$6.9 million, with investments in the United States Treasury Bonds totalling CI$13.3 million. Revaluation of these investments at 30th June, resulted in a net depreciation of CI$389,642.70 and net loss on sale of securities for that same period was CI$5,052.09. This loss is likely to be recouped at the end of December revaluation.

After bringing the Currency Board's General Reserve up to the required 15 per cent of total demand liabilities, it is estimated that the Board's contribution to the Government's General Revenue for 1988 will be CI$700,000.

COMPANIES REGISTRATION

The Registrar is happy to report that since joining the Department in 1977, this has been the best year ever for the Companies Registry. In 1987, CI$7 million was collected, while CI$8 million was collected in 1988. Two thousand four hundred thirty-two new companies were incorporated in 1987, versus 2,993 new companies being formed in 1988.

Legislation passed in late 1987, has positively affected the Cayman company, by removing some of the cumbersome procedures to the incorporation of a company, and thereby resulting in a much more efficient registration process. The steady growth in company formation and annual revenue increases therefrom is live evidence that the decision, taken some years ago, to negotiate the Mutual Legal Assistance Treaty was the second step forward in the right direction for the future development of these Islands. However, problems are still being experienced in collection of all outstanding fees, and proposed amendments to the Companies Law to deal with this, are being considered by the Registrar. There are at present 18,264 companies on the Cayman Islands Companies Register.

AGRICULTURAL AND INDUSTRIAL DEVELOPMENT BOARD

The 1988 year end shows assets of $1.9 million representing an increase of 34.6 per cent over the previous year; while the Board owed to the Caribbean Development Bank, its main source of financing, a sum of $1.2 million. In addition to bearing the cost of staff salaries and other secretariat expenses, Government has provided funding of $255,301. Twenty-eight farmers and small businesses were assisted with financing of $730,000 at interest well below current bank rates.

Students who are desirous of pursuing studies in technical and vocational fields and tertiary level courses are taking advantage of the soft loans available. So far, 34 applications amounting to $344,446 have been approved by the Board, working in close collaboration with the Education Department.

In response to loss and damage suffered by small farmers during the passage of Hurricane Gilbert, the Government has released a sum of $137,737 to be disbursed as rehabilitation loans.

MANAGEMENT COMPANIES

As a result of a motion passed in the Legislature on 21 November 1983, The Companies Management Law was passed into Law on 9 July 1984. The aim of this Law is to license and control the businesses of Company Management in the Cayman Islands.

There are at present twenty-one firms licensed under The Companies Management Law, with two other firms having been given approval in principle. A major problem with which many of the smaller firms initially faced was obtaining of insurance coverage under the Law. This problem seems to have now been solved, as most of the applicants under the Law for a licence have been able to meet the coverage recommended to Executive Council by the Financial Secretary. Annual fees obtained from this source total approximately CI$40,000.

Despite previous warnings some firms connected with the business of company management have not yet come forward for a licence under the Law, and the Inspector has now submitted a list of these names to the Attorney General with a view of bringing prosecutions through the Courts.

LEGAL FIRMS

Legal firms continue to support the Law School by sponsoring 17 students contributing $6.8 million to the economy and employing in excess of 160 employees. These firms provide essential services to local persons seeking advice as well as advising those who are using, and other who wish to participate in our offshore financial centre facilities.

ACCOUNTING FIRMS

The professional accounting firms continue to employ more than 150 employees, contribute in excess of $6.5 million to the economy, and is sponsoring in excess of twenty students at overseas universities to become professionals.

International business operating in Cayman is encouraged by the quality of the accounting firms which

certify the correctness of their financial statements. May this quality long continue and may all firms continue to upgrade their specialized skills.

TOURISM SECTOR

Last year proved to be a very unusual year for the tourism industry in the Cayman Islands. Original forecasts for the year were affected by the loss of the Royal Palms Hotel by fire, a reduction in the charter flights from the United States due to the economic conditions following the Wall Street crash in late 1987, lack of available hotel rooms in the summer and fall of 1988 due to technical difficulties, and most significantly, Hurricane Gilbert. Notwithstanding, the air arrivals increased by 4.6 per cent over 1987, and cruise ship arrivals increased by 16.1 per cent.

Of concern however, was the decline in projected United States arrivals in the latter half of the year; a trend which appears to be continuing not only in the Cayman Islands, but throughout the Caribbean Region. Increased efforts are being made to counteract this trend and bookings for February, March and April 1989 are healthy.

Mr. Eric Bergstrom, MBE, retired as Director of Tourism in December 1988, after almost two decades of service to these Islands. He has been replaced by Mr. Edward A. Remmington.

TRANSPORT SECTOR

CAYMAN AIRWAYS LIMITED

Cayman Airways continues to provide a very efficient service from its various gateways, and increased its Jet Services to Cayman Brac during the Winter of 1987/88. Regrettably, because of technical difficulties it was obliged to suspend night-time jet operations there. However, it is hoped that this service will be reintroduced in 1989 after improvements have been effected at the Cayman Brac Airport. The schedule to Cayman Brac with the Shorts 330 aircraft was also expanded to accommodate increasing traffic. During 1988, the Company carried out a major overhaul programme of the B-727 engines and interior.

GOVERNMENT SECTOR - FINANCE AND DEVELOPMENT

CUSTOMS

In 1988 the Customs Department collected a record total of revenue amounting to CI$34 million. This was CI$6.33 Million more than in 1987 - 22.9 per cent increase - and it exceeded the Revised Estimate for the year by CI$5 million. This substantial increase over the estimated figure was due partly to increased traffic into the Islands, and partly the result of the more effective enforcement measures taken by the Department. The cost of collection - always a reliable indication of efficiency - was less than 3.9 cents per dollar of revenue collected.

This year saw another milestone in the Department's history with the retirement of Mrs. Marcia Bodden, MBE, in March, after 11 years' service as Collector of Customs. Her place has been taken by Mr. J. Carlon Powery who has been promoted from Deputy Collector to Collector with effect from 1st April, 1988.

In addition to maximizing the revenue, the Department's efforts have been concentrated on the interception of illegal drugs. Following the construction of the new landing area for passengers and crew arriving in George Town from visiting cruise ships, Customs Officers are on duty whenever ships arrive, in order to maintain control over passengers and crew coming a shore.

A Customs pursuit boat has been donated by the United States Customs for the use of their counterparts in the Cayman Islands. This vessel, a 32 foot concept open fisherman vessel arrived in the Port of George Town on the 19th December, last. It is expected to play a prominent part in the interdiction of illegal drugs bound for these Islands.

The United Kingdom Customs Training Officer for the Caribbean, Mr. Geoffrey Thorne, is currently undertaking a series of Drug Awareness courses throughout the area. He chose the Cayman Islands as the venue for the first course last October, and three further courses, so far, have been held. They are attended jointly by Customs, Immigration and Police Officers. It is hoped that one important outcome will be closer cooperation between the three services in the battle against drugs.

In an attempt to improve communications throughout the Department, the Collector has introduced the publication of Customs Departmental Curricular, which are issued regularly on a personal basis to all members of the staff. These gives information and instructions to staff and should ensure better understanding and uniformity of action by all officers. Two important international conferences took place during the year at which the Cayman Islands' Customs was represented.

In March, the Caribbean Drugs' Conference attended by representatives of 25 countries, was held in Barbados. The 11th Customs Law Enforcement Conference was held in Aruba in September, which senior officials of 22 countries attended. Both conferences gave promise of greater international cooperation in narcotics interdiction and also in detecting revenue fraud.

SHIP REGISTRATION AND MARINE SURVEY

Ship registration in the Cayman Islands which was previously governed by the 1894 Merchant Shipping Acts of the United Kingdom, will in 1989, instead be governed by the Merchant Shipping Act, 1988. This Act was recently extended by Order in Council to the Islands and signed into legislation by His Excellency, the Governor.

This piece of legislation introduces many new features and concepts in the registration of a ship, and it is felt

that these new concepts together with the fact that these Islands are the first to have this new piece of legislation in place, will give the Cayman Islands a pronounced advantage in ship registration.

Other progress have also been made in improving the international standing of the Register through having the following International Conventions extended to the Islands: SOLAS - The International Convention for Safety of Life at Sea 1974 (and its 1978 Protocol); MARPOL - The International Convention for the Prevention of Pollution from Ships 1973 (and its 1978 Protocol); and The International Tonnage Convention 1969 and the International Convention on Load Lines 1966.

A new Marine Survey Department was created and staffed initially with personnel from the United Kingdom. The Shipping Register is seen by some as a potentially large revenue earner; some think that when the 1988 Merchant Shipping Bill of the United Kingdom, in an amended form, has become Law in the Cayman Islands, it will, in conjunction with the International Conventions recently extended to the Islands, put the Island Shipping Register ahead of other Dependent Territories Registers. It is expected that this will enhance the attractiveness of the Register, and result in a bigger share of the international shipping business industry.

The Marine Survey Department came into being in the Spring of 1988. Its task was to implement the Cayman Islands legislation enacted by the Merchant Shipping (Applicable Conventions) Law 1987, whose objective is to maintain internationally accepted standards of marine safety, and of ship's equipment provided for limiting pollution of the seas.

A programme of surveys on all Cayman Islands registered ships that trade internationally has been implemented and is now running smoothly. In addition, a number of newly registered ships have been surveyed to enable them to join the register with the necessary standard of certification.

The new Department was also charged with the long-term task of establishing the necessary foundations for an effective marine administration, in terms of both office resources and staff, and a sound beginning has been achieved in both areas.

STATISTICS

The extra work load of the Unit, created by the National Income Series and planning for the 1989 Census of Population, and the absence of any Caymanians in training, necessitated filling both the professional posts with experienced statisticians on contract from the United Kingdom's Government Statistical Service.

Nevertheless, continuing efforts are being made to identify Caymanians for professional training and upgrading the qualifications of the Caymanian support staff. A special "O" Level equivalent course in statistics is underway at the Community College, attended by some 20 Civil Servants from various Departments as well as by Statistics Unit's staff.

During the year, the annual publications and economic indicators were: The Annual Abstract of Statistics; Overseas Trade Statistics; Vital Statistics; and the quarterly Consumer Price Index. The December, 1988 figure shows an increase in prices over the year of 6.2 per cent. In addition, in April the Unit published a report on the June 1987 Interim Census on Cayman Brac, and initiated preparatory work for the largest of all statistical exercises - the next full Decennial Census of Population and Housing to be conducted in October, 1989. A Census Advisory Committee has been formed within Government and a draft questionnaire prepared for public consultation and testing in April.

The major innovation during 1988 was the preparation and publication of the first official Estimates of the National Income of the Cayman Islands since 1972. A full publication explaining the estimates in detail will be issued soon. A United Nation expert visited the Unit in January to assist in finalizing the publication and to advise on filling the remaining gaps and the next steps are to turn this into part of the regular statistical series maintained by the Unit. Work has also commenced on associated Balance of Payments and other economic statistics.

TREASURY

During 1988, computerization of the payroll and General Ledger systems was successfully completed giving improved budgetary control and more timely financial information. Significant progress was also made towards full implementation of the Financial and Stores Regulations.

The Government's first Accountant General took up his office in September. During 1989, the systematic review of financial control procedures in all departments will be completed. Revised revenue collection systems will be introduced to give quicker and more effective collection of Government income, and a more efficient service at cash collection offices.

REVENUE AND EXPENDITURE

The year began with a balanced budget with ordinary revenue of $71.2 million and loan receipts of $8.4 million; Recurrent Expenditure of $63.9 million; Statutory Expenditure of $3.8 million and Capital Expenditure of $16.4 million resulting in a balanced budget and surplus of $.4 million.

The revised 1988 position is:

Surplus brought forward		$ 7,039,088
Revenue:		
a)	Local	$84,501,470
b)	Loan	$ 6,837,919

		$91,339,389
Expenditure:		
Recurrent	67,381,909	
Statutory	5,231,277	
Capital:		
a)	Local	6,761,026
b)	Loan	6,837,919
Surplus 1988	5,127,258	
Total surplus at year end		$12,166,346

GENERAL RESERVE AND SURPLUS

The General Reserve balance at the beginning of the year stood at $8.4 million. Two million was transferred from the 1987 surplus and interest earned during the year was retained in the account, causing the total at the end of 1988 to reach $11.2 million. It is proposed in the 1989 Budget to transfer another $6.0 million to the General Reserve increasing it to $17.2 million.

PUBLIC DEBT

Repayments on public debt this year will be $6.2 million or 7.3 per cent of ordinary revenue, although $2.1 million is to be reimbursed by the Civil Aviation and Port Authorities. Debt will be increased by $1.4 million to fund the Community College. The term of this loan is 40 years with interest at one per cent. At the 1st January, 1988, the Government's direct public debt obligations stood at $19.4 million, and the self-financing loans guaranteed by Government for the Statutory Authorities stood at $3.2 million. Preliminary figures indicate direct public debt obligations to be $24.8 million and $3.1 million self-financing at 31st December, 1988.

LEGAL AND JUDICIAL

In recent years, the prosecution of criminal offences and the provision of advice to Government on all aspects of the Law have increased considerably reflecting the growing complexity of Caymanian life. The increased judiciary and the need to staff the Courts thus created, together with the growth of Government's business will continue to determine the size of the Department over the coming years, and to require an increasing division between the prosecutors and the specialists in other areas of the Law.

For the coming year the establishment of the department will include the Principal Crown Counsel and six Crown Counsels (one of whom graduated from the Law School in 1987 and has now finished a year's practical experience at the Courts Office). Additional provision is made for an Article Clerk and a returning Caymanian graduate. Although large when compared with even a few years ago, the Department is hard pressed to cope with the demands made upon it, while limited accommodation continues to create difficulties.

The start of the year has seen a number of non-renewals of contracts which have outpaced the intake of qualified Caymanians and depleted the complement of the Department. It is hoped that it will be back to full strength by May. Among the departures is the Legal Draftsman, Mr. Brian Wilkinson who has been in Cayman since May 1980, and has served with three Attorney Generals. It is hoped that his place will eventually be taken by a Caymanian, and a supernumerary post is proposed to enable her to undertake some of this work on a trial basis, although that will place a further strain on the prosecution and advisory branches.

In addition, the department will shortly be losing the Crown Counsel who has been advising on land and planning matters including legal ramifications of the Master Ground Transportation Plan, and the experience thus lost will be hard to replace. In the meantime, the Cayman Islands Law Reports, published under the auspices of the Legal Department by Law Reports International, continue to record current judicial decisions. It is hoped that in the forthcoming year a retrospective volume will report landmark cases for the early 1980s. A complete revision of Cayman Statute Law is much needed, and it is intended to take the preliminary steps in this direction during 1989.

At the Law School, 1989 opened with 21 students studying the Attorney-at-Law Course. Two students are separately pursuing the Liverpool Degree Course alone. There are therefore six students in the first year; six in the

second (including the two degree students); four in the third year; four in the fourth year; and three in the final year. With this number of students in the system it is not always easy for them to find places to become Article Clerks.

In an effort to use the facilities to the fullest, the Law School now also has five students pursuing classes in legal subjects for the Trustee Diploma of the Chartered Institute of Bankers. A high level of activity has been maintained in the Judicial Department. A third Grand Court Judge was added. One of the Magistrate posts has been regarded to Senior Magistrate.

Provision is made in the Estimates to enable Court proceedings to be recorded verbatim for the first time. The stenotype system will be introduced with two trained operators in the first instance, one of whom at least may be Caymanian. We hope later to be able to arrange training for two other Caymanians. The taped record, which this system will produce can speedily be transcribed by the use of computer. This eliminates the slow and heavy work of reproducing court records manually and should speed up the process markedly.

An increasing number of Legal Aid applications are being processed. Consideration will need to be given to the introduction of a more systematic procedure for processing and evaluating Legal Aid applications, and assigning Legal Aid to applicants both in criminal and civil cases.

INTERNAL AND EXTERNAL AFFAIRS

BROADCASTING

The Department of Broadcasting, during the past year, initiated separate FM programming for Cayman Brac and Little Cayman, and during Hurricane Gilbert demonstrated the vital role it plays in keeping the Cayman Islands' community informed while operating as a public service.

COMPUTER SERVICES

In July and October, Government took delivery of two Micro VAX 3500s. These were installed and placed in operation immediately with little disruption to Word Processing users, a welcomed enhancement. The Computer Steering Committee decided on priority projects for new development. These included; a Revenue Control system to assist Departments in billing and collection, a Hospital Patients system to handle admissions, discharges, and billing of patients, a Land Information system to combine all data relative to a block/parcel of land including basic information and geographic data, an Immigration Trade and Business Licences system, a Customs Import/Export system, and a Government Property Registry system. The initial step in all these projects will be to complete a preliminary analysis of each for presentation to the Committee. This analysis will include recommendations on the proposed system and whether the project should continue at that time.

One Caymanian graduate returned and started work as a Programmer in addition to several Caymanians being promoted during the year. In 1989, it is planned, subject to proper approvals, for one of the senior Caymanians on staff to take over the management responsibility for the Systems Support group within Computer Services. Two staff have been recommended for long-term overseas training, commencing this year. The design of a new computer centre was completed last year, however, alternatives to constructing a separate building is being examined at this time.

DISTRICT ADMINISTRATION

District Administration experienced another very busy year in 1988 with a number of significant projects being worked on or completed.

The Dental Clinic, adjacent to the Faith Hospital, was completed and put into service in November, 1988 at a total cost of $121,800. It features two operating rooms with laboratory facilities. A section of the building will be used by the Public Health Nurse. The facility when fully equipped, will serve the dental needs of the Lesser Islands for years to come.

The new Air Terminal and Fire Station for the Gerrard Smith International Airport received its certificate of substantial completion on the 15th of December and is scheduled to be completed and go into operation in early 1989. The Fire Station will house both the Airport Fire Service and a Domestic Fire Service. The domestic service will be greatly welcomed by the Brac community. The cost to date on the total project is $2.1 million. In Little Cayman improvements were made to the Edward Bodden Airport.

The road construction programme continued with the construction of the final 1.4 miles of road on Cayman Brac's south coast. Other road construction included another section on the bluff, as well as some secondary roads, and construction of 1.3 miles of road on the north coast of Little Cayman.

Private sector infrastructural improvements were inaugurated and commissioned with international Direct Dialing service in February, and a new Mirlees Blackstone generator in November. The company is now actively pursuing plans for supplying electricity in Little Cayman in 1989.

Cayman Brac and Little Cayman both took a passing blow from Hurricane Gilbert in September. The south coasts of both Islands received damage including damages to roads. In Little Cayman the hurricane highlighted the need for residents to consider evacuating that Island for higher ground available at the Aston Rutty Centre.

An increase in tourism on the Lesser Islands has brought steady employment in the building industry including the expansion at Tiara Beach Hotel and continued employment is forecasted for 1989.

GOVERNMENT INFORMATION SERVICES

One of the major strides of Government Information Services in the last year has been the acquisition of

skills, enabling the staff to produce material "camera ready" for the printers. This results in considerable savings to Government in the production of the range of fact booklets dealing with various aspects of Government activity, including the Annual Report. For example, Government saved about CI$2,000 in typesetting fees for the last Annual Report. Already, three fact booklets have been produced this way. Not only does this mean great savings to Government, but it contributes to much greater efficiency in the flow of general information to the public.

The unit's staff was recently increased with the addition of another Caymanian Information Officer, strengthening its capacity to respond on a wider basis to the growing public relations and information needs of Government departments.

IMMIGRATION

The prosperity of these Islands has resulted in an ever increasing demand for services and labour - much of which has to be imported. One Department, of many, which is affected by our economic growth is the Department of Immigration and its capability to provide a reasonable service greatly effects the business community of these Islands. The present accommodation occupied by this Department inhibits much improvement and consequently, it is proposed that work shall commence later this year to expand and improve the existing accommodation with emphasis being placed on counter services.

PERSONNEL

During 1988 the Training Unit of the Department implemented two important programmes aimed at improving efficiency within the Service. The first is a course for clerical officers. The first stage of which has thus far been completed by a total of 75 officers. The second course is an Executive Management Seminar for Principal Secretaries and other top executives.

The Executive Management Seminar should lay the foundation for the development and implementation of an Organization Development Programme designed specifically to meet the needs of the Cayman Islands Civil Service.

The Department has also provided counselling and assistance to officers selected for courses of study overseas. At present twenty civil servants are on overseas training courses.

POLICE

Development of the Police Force continues along satisfactory lines. Overseas and local training continues to raise professional standards and equip local officers to advance their careers. At the turn of the year, the number of expatriate officers in supervisory ranks had been reduced to six, and careful steps will continue to localize remaining posts without loss to efficiency. Difficulties continue to be encountered in recruiting suitable young Caymanians into the Force, and at the close of the year, there were ten vacancies in the authorized establishment.

Crime continues to rise, but it is pleasing to report that the detection rate remains among the highest in the world. The drug problem remains a matter of grave concern, although latest figures at hand showed that the alarming growth of previous years has leveled off and hopefully on a downward trend. We will continue to devote full attention to this area.

Active enforcement by the Traffic Department, attended by much publicity, seems to be improving driver behaviour, and it is pleasing to report that although more accidents were recorded, the number of fatalities was the lowest for 10 years.

Plans continue with the computerization of records. All procedures in the Licensing Department are now computerized, and so too are all firearms records; renewal reminders are now issued automatically, and customers should be processed more quickly and with less inconvenience. Further computer applications are under review.

PRISON

The development of the Prison Service continues to focus on the provision of living accommodation, and the development of facilities, programmes and services to enhance the pursuit of excellence in discharging its custodial as well as rehabilitative responsibilities.

In addition to improvement of existing facilities, programmes and services demands on resources continue to increase in scope as well as intensity. Increasing pressures allied with an inflationary factor, results in ever increasing budgetary demands.

TOURISM, AVIATION AND TRADE

CIVIL AVIATION

Although the volume of passengers and aircraft traffic did not increase as originally projected, a reasonable increase in revenue was achieved while at the same time expenditure was kept to a prudent level. Salaries and wages were increased in accordance with the Civil Service salary review.

Revenue collected in 1988 amounted to $3,874,640 or 10 per cent over that for 1987. All fees/charges remained at original levels set in 1985, but it is anticipated that these may be reviewed during 1989.

A new Radio Navigational Beacon was installed in Cayman Brac and work continues on the new terminal together with an aircraft parking apron and a taxiway, a Air Traffic Control Tower, and a Fire Station as mentioned

earlier. It is anticipated that this project will be completed early in 1989.

FIRE SERVICES

The expansion of facilities to provide adequate future fire service protection was partially achieved by the addition of the West Bay Fire Station, and secondly by the new Headquarters at the Owen Roberts Airport, which was officially opened by Her Royal Highness Princess Alexandra.

Fire hydrants have been fitted to the George Town Water System and will be expanded as the system grows. A number of fire wells were also drilled, and it is worthy to note that the fire well opposite to the Royal Palms Hotel played a vital role in fighting the fire that destroyed that property in May 1988.

A new airport crash truck has been commissioned at the Owen Roberts Airport. This vehicle will allow the proper fire and rescue coverage to be maintained at that airport during breakdowns and maintenance.

The year was a difficult one for the Department. Its fire fighting and rescue capabilities were put to the test during the Royal Palms Hotel fire and Hurricane Gilbert. However, the staff of the Department were able to respond and carry out their duties with a high degree of proficiency and dedication.

Six members of staff attended overseas courses in the United Kingdom and in the United States as a continued effort to maintaining skilled staff.

TRADE AND LABOUR

The Labour Law was brought into effect as of the 15th March, 1988, and has been working well although some amendments are being considered. Two hundred and seventy-two (272) complaints and disputes were handled by the Office during the first ten months of the year. Most were resolved informally with only three becoming the subject of formal hearings by the Director. One decision of the Director has been appealed to the Appeals Tribunal.

One hundred and fifty-seven (157) persons registered with the office and all found employment and 18 school leavers were also placed into jobs by the Office.

MR. PRESIDENT: Would it be convenient for you to break there? Proceedings are suspended for 15 minutes.

AT 12:50 THE HOUSE SUSPENDED

HOUSE RESUMED AT 1:10 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. The Honourable First Official Member continuing.

HON. THOMAS C. JEFFERSON: Thank you, Mr. President. Before we took the break, I had reached the Portfolio of Education.

EDUCATION, RECREATION AND CULTURE

EDUCATION

In 1987, having celebrated 100 years of publicly funded education in the Cayman Islands, we can look back with pride on an education system that has grown from a budget of fifteen pounds (sterling) in 1887 to $8.3 million for recurrent expenditure in 1988.

With the introduction in 1988 of the new British Examination, the General Certificate of Secondary Education (GCSE) and the full establishment of the Certificate of Education in the two Government High Schools, there was an increased demand for new teaching posts. This brought the total establishment to 301.

A new major recruitment drive was undertaken in the United Kingdom to replace teachers leaving the service and 27 new teachers arrived in late August.

The Department is continuing its Teacher Education Programme and is pleased to report that 32 serving teachers were successful in achieving the University of Miami Bachelor of Science Degree in Elementary Education and some received promotions shortly thereafter.

Five newly qualified Caymanian teachers joined the Department during the academic year, of a total of 52 scholarship students, 15 Caymanians are being trained as teachers in Universities overseas.

For the first time since the establishment of Special Education Services, a Caymanian has been promoted to the post of Advisor for Special Education.

Following the Salary Review in 1987, Curriculum Coordinators were re-designated Education Advisors with an increase in personal emoluments and a change over to full working hours, that is, 8:30 a.m. to 5:00 p.m..

Demand for additional places in schools continued and this was particularly evident at the George Town and Savannah Primary Schools. Two additional classrooms have been completed at the George Town Primary School and it is anticipated that the Savannah Primary will be receiving two new classrooms in 1989. The Cayman Islands High School will shortly benefit from an additional eight-room science laboratory while the Cayman Brac High School now has a fully equipped computer room.

In keeping with the policy of the Department to extend information technology to as many of our pupils as possible, primary schools received nine Apple Computers with printers and three schools also received pianos.

Hurricane Gilbert caused work on several capital projects to cease. The Cayman Islands High School was inoperable for two weeks, while Public Works Department re-roofed most of the buildings. Schools are used as Hurricane Shelters and some damage occurred as a result of indiscrete behavior. The George Town Primary was particularly inconvenienced because of inappropriate use of the buildings by persons sheltering from the hurricane.

It is anticipated that in 1989 capital projects already begun will be completed and that continued diligence will result in further upgrading the facilities at Government schools. The Cayman Islands High School will receive particular attention in this regard.

LIBRARY

A Library Director was appointed in March 1988, and in August, the new position of Assistant Director in charge of Children's services began her duties. Both librarians identified the priorities of reviewing, repairing and reorganizing the neglected collection, making the library more accessible to the community. Highlights of this reorganization are the local history collection and bibliography, the picture book browsing area and "meet the author" displays.

Contacts were established with other local libraries, including visits to the libraries at the High School, the International College of the Cayman Islands, the Triple "C" School and Northward Prison. The librarian spoke to a Rotary Club group and created a slide presentation describing library services. An informal network was established with primary school principals and teachers, anticipating school visits in 1989. Weekly visits were provided for Lighthouse School children and programmes were presented for participants in the Foster Children's Summer Camp.

MUSEUM

During the past year, the Museum Board and staff have made great strides toward the realization of a National Museum for these Islands. The Cayman Islands Government became a signatory to the United Nations Development Programmes' Regional Project of Cultural, Heritage and Development in August 1987. The United Nations Development Programme has earmarked funds for six short-term consultancy in museum architecture, exhibition design, conservation, collection management, historic research and museum management.

The Museum Board at the end of 1987 appointed Southwest Museum Services of Houston, Texas, as overall consultants to advise them on the creation of a first class National Museum for the Cayman Islands. Southwest Museum Services recommended, for the first phase, that the Old Courts Building be renovated and adapted as a temporary accommodation for the Museum, until a propose built facility can be afforded.

On their recommendations the Museum's collection was later stored in a concrete warehouse which has been upgraded with an air-conditioning and automatic halon fire suppression system. Through the services of Southwest Museum Services, a conservation survey of the collection was later carried out with plans in the works for several conservation workshops, to take place in early 1989. In order to give the National Museum staff, among other things, the ability to manage its growing collection of artifacts, archives, and printed matter. A specially designed computer and library/archives database system for museums was acquired from Southwest Museum Services.

The Government appointed Archivist/Records Manager took up his post in December 1988. He will be supervising the creation of a Government Department/division of National Archives and Record Services.

SPORTS OFFICE

The Cayman Islands have enjoyed a year of sports in 1988, which has come about to a great extent, as the result of hard work and dedication on the part of its athletes and coaches as well as good administration on the part of the organizers.

Our annual Sports Grant which is shared among the registered sporting organization, has been of great assistance to all areas. Obviously, we can never fully satisfy all the sporting bodies, but this small financing comes in useful to the various groups. The new year should see the district sports clubs benefit from this Grant as our incentive to their operation.

The Sports Complex at Walkers Road has reached another phase with the provision of changing room facilities. Extension of this building to accommodate officers and classrooms will be a succeeding stage. Line marking at the hard courts, volleyball, netball and basket ball areas have been completed in East End and Bodden Town while the Old Man Bay playing field in North Side is maintained at a good level, work continues on the West Bay Sports and Community project.

Major additions to playing facilities during the year came in the way of preparation for the 1988 Caribbean Netball Tournament for which four multipurpose courts have been prepared, along with the changing rooms mentioned before.

Hurricane Gilbert affected sports as it did the other aspects of our lives. Fences were damaged or destroyed and roofs were blown off buildings. Repairs have been done in many cases, but work on this continues.

HEALTH AND SOCIAL SERVICES

HEALTH

Acquired Immune Deficiency Syndrome, (AIDS) a dreadful disease which has killed more than 125,000 people throughout the world, most of them being in their young adulthood did not spare the Cayman Islands. While there is neither a cure nor vaccine for AIDS, it being a behavioral disease, its prevention can only be attained by providing information about the disease to the public to enable them to modify their behavior.

With this objective in mind, the education programme has continued and we joined other nations on the 1st of December, 1988 in observance of First World AIDS Day. On this occasion, 10,000 copies of the brochure "Understanding AIDS" were distributed throughout the Islands.

In an effort to strengthen the epidemiological surveillance and provide support to counselling, AIDS and HIV infection were added to the list of notifiable diseases. Membership of the National AIDS Task Force, consisting of health professionals, established in 1986 for the management of the AIDS Programme was extended this year to other related Government Departments such as Education and Social Services, and non-governmental agencies to constitute the National Advisory Council on AIDS, a body to advise the Member for Health and Social Services on AIDS Programme.

World Health Organization Committed US$39,600 for the Short Term Plan for AIDS Prevention and Control. The Medium Term Plan for 1989-1991 is now drafted with assistance from Caribbean Epidemiology Center of Pan American Health Organization. We hope with all concerted efforts we will be able to control the spread of this killer disease.

The National Advisory Council on Misuse of Drugs has been appointed to advise the Member for Health and Social Services for prevention or misuse of drugs and provision of rehabilitation of services for drug abusers and their families. The Department provided Drug Counselling during the year and collaborated with the voluntary group, Cayman Against Substance Abuse - commonly known as CASA, in the community Drug Education Programme in all the districts. CASA has successfully introduced a Parenting Programme with the help of PRIDE International. A Drug Prevention Workshop targeted to health professionals, teachers, social workers and community leaders to raise their level of awareness and understanding of substance abuse and chemical dependency was sponsored by Pan American Health Organization. The Mental Health Programme had the benefit of a full-time psychiatrist for the first time, who also extended the services to drug abusers.

The Laboratory has initiated drug screening for cocaine and ganja to provide an essential service and reducing the cost of having them done overseas.

A Housing Survey was completed in 1988 and revealed that only about three per cent of the population of Grand Cayman were living in sub-standard housing.

Environmental Health Services extended its technical resources to assist the Social Service Department in upgrading fourteen such sub-standard houses and it will continue its efforts in assisting the rest in due course. Other services provided during the year can be reviewed in Appendix I.

HOUSING DEVELOPMENT CORPORATION

The Housing Development Corporation is committed to provide mortgage financing for low and middle income Caymanians. The Loan Portfolio which at June 1987 comprised 24 loans amounting to $853,135, had risen to $1,535,100 by November, 1988, covering 40 families.

During 1988 the Government approved advances totalling $400,000 to enable the Corporation to respond to the increasing demand for housing loans. The Government has also agreed that the initial advance of $137,000 should be treated as a grant to the Corporation. A portion of this grant is earmarked for establishing a Sinking Fund to help repay loans which were obtained on debenture issue guaranteed by the Government. The Corporation is currently on the market with a new 7.5 per cent Debenture issue to attract further funds to enable it to provide more loans for housing purposes.

SOCIAL SERVICES

Newly qualified Caymanian staff joined the Department when two young Caymanians returned with their Bachelor of Social Work degrees. Additionally, a six-month programme for child care workers started in November, 1988. This course includes all staff in our Caring Homes, as well as young persons who would work out in the community with youths in trouble or those at risk. Planning was also started towards the establishment of close links with the University of the West Indies School of Social Work.

Community programming was strengthened with the formalization of the Low Income Housing Assistance Programme and in this regard, a major island-wide assessment was carried out as a result of Hurricane Gilbert. A comprehensive restoration exercise was mounted as a collaborative effort between this Department and the Public Works Department, resulting in many properties being restored by Christmas.

It is hoped that the Juvenile Law will be presented to the House by mid-year and the initiation of a review of other pieces of legislation upon which further development of the Department hinges. Additionally, it is anticipated that a careful and systematic review of the Department's programmes and services will take place, particularly as they relate to the strengthening of resources to work with young people in our community.

COMMUNICATIONS, WORKS AND NATURAL RESOURCES

AGRICULTURE

The Department of Agriculture continued to be responsible for the regulation and development of the Agricultural Sector, providing services in Agronomy, Veterinary medicine and surgery, and agricultural supplies to residents of these Islands.

The sector was severely hit by Hurricane Gilbert, and a comprehensive survey conducted by the Department revealed a total damage to agricultural production of approximately $2.0 million. Interest-free loans totaling approximately $294,000 were made available by Government to aid farmers with efforts at rehabilitation.

The Farmers Market was completed and opened in September, 1988 with a start-up loan from Government of approximately $69,500, leased by the Cayman Islands Farmer's Co-op, this group produced locally grown fruits and vegetables, beef and pork for sale at the market.

Foreign investors continued to show interest in agri-business projects in Grand Cayman and Cayman Brac. The Department will attempt to catalogue these interest and provide a store of information which will aid the feasibility studies which may follow the various enquiries received.

LANDS AND SURVEY

Last year was a historic year for Lands and Survey Department, principally in the collection of Stamp Duty, but obviously the improved efficiency of the Department's effectiveness overall, for the first time ever by December 1988, the total Stamp Duty collected exceeded CI$12 million compared to CI$9 million for 1987.

Land Registry applications were slightly increased during 1988, with a cumulative total of 6,329 by November, or 5 per cent over the previous year.

The Registry Computer Database is now completed and being maintained. The Department is heavily involved in the Computer Land Information System, which will link all sectors of Government into a comprehensive geographically database.

The Survey Section has given considerable assistance to other Government Departments, specifically in relation to the ongoing road programmes and the Master Ground Transportation Study. Six hundred and sixty-one (661) new parcels of land were created by November on a volume of 219 surveys registered.

The Valuation Section has been short staffed since June 15th, but nevertheless, provided excellent valuation service to numerous Government Departments. 1989 will hopefully see the appointment of an additional evulator. The collection of the $12 million stamp duty is assisted significantly by this section, which is responsible for stamp duty assessment and policing of the system.

MOSQUITO RESEARCH AND CONTROL UNIT

After a bad mosquito season in 1987, 1988 has proved less favourable for breeding of Grand Cayman's main pest mosquito species, since prolonged deep flooding of the mangroves has prevented successful egg laying for part of the season control has required only 134 air spray operations up to the end of November (compared to 258 total in 1987): 235 ground fogging operations were performed in Grand Cayman, 94 on Cayman Brac, and 194 on Little Cayman.

Results are now appearing from the first year of MRCU's pesticide residue studies, being performed in collaboration with the Mote Marine Laboratory of Florida. These so far, confirm the absence of potential public health impacts from the mosquito spraying programme but have yielded results from mangrove environments that require further investigation. It is hoped to continue this work through 1989.

After nine years of successful use of the synthetic pyrethroid insecticides, Permethrin and Cypermethrin, signs of incipient resistance in the mosquito populations have required the withdrawal of these insecticides from the aerial spraying programme. Various alternatives are under study. Meanwhile, successful control continues mainly with the Organophosphate Naled in use since 1973.

The Natural Resources Laboratory has completed a baseline study of the Islands' conch population, and is preparing for a fish population study next year. Work continues on a study of grouper fish stocks, started in 1986, which involves a technique for determining the ages of individual fish specimens learned by members of the Laboratory at the Pacific Biological Station in British Colombia. Studies of coral distribution and health continue. A large part of the Laboratory's time has been spent on maintaining the Marine Parks mooring systems.

PLANNING

1988 was the busiest year in the history of the Planning Department and the Central Planning Authority. As of the end of November, 1988, the Central Planning Authority had already approved 441 projects with a total value of $106.45 million which came close to the $109.61 million for the whole year of 1980 at the peak of the "condo boom".

This continuing growth pressure in the Cayman Islands has placed much greater responsibility and emphasis on the Planning Department to plan long range of how to achieve a balance between needed economic growth and the need to protect Cayman's environment.

To ensure administratively, this can be accomplished, the Planning Department was expanded to include two separate divisions, the Planning Division and the Building Control Division. Combining building inspection and planning into the Planning Department will also perform a better service to the public, because all requirements to build and develop will be centralized and coordinated in one department.

POSTAL SERVICES

The construction of a new General Post Office building was the outstanding concern of the Postal Department in 1988. Many meetings were held with the architects, Rutkowski, Baxter and Partners, and all Heads of Departments involved with the new Post Office and the multi-storey car park. The plans have been approved in principle, by the Central Planning Authority and it is hoped that construction will commence in 1989.

The Postal Department continued to make its contribution to Government's Revenue and during the year four new issues of stamps were released to attract philatelists from around the world. The most popular of which was Butterflies designed by Jane Thatcher of the United Kingdom. Her Royal Highness Princess Alexandra's stamp was second in popularity.

PUBLIC WORKS

The Public Works Department's training programme is now well established. The 1988 investment in training included two Caymanians studying Architecture with another returning to take up the post of Architect. A fourth leaves to start his architectural training in early 1989. In engineering, a fifth is in his final year at the University of Miami, while the sixth trainee is expected to enter university in early 1989. An additional four young high school graduates have joined the Department with a view to future overseas training.

With the increase in inventory of Government buildings and more Government building on-line, it was necessary to augment the staff by three: A Senior Draftsman, an Assistant Quantity Surveyor and a Senior Superintendent (Mechanical).

During 1988 a total of $671,673 was spent on the maintenance and repair of Government buildings and staff housing. These can be perused in Appendix II, and other capital expenditure, other than roads can be examined in Appendix III.

The capital allocation budget for roads was originally approved as $1.0 million which was later supplemented by an addition of $800,000 for implementation of some of the immediate action projects outlined by the Master Ground Transportation Plan; $200,000 for works to residential roads in West Bay, and $43,000 for the signalization of the North Sound Way/Crewe Road intersection bringing the total budget to $2,043,000.

Capital expenditure on road projects amounted to only 75 per cent of the approved budget. Projects that were broken down into phased construction - $1,026,500; new construction $30,000; traffic improvements - $400,000; project planning and development - $60,000.

Phased construction projects included surfacing works to approximately thirty-five roads in West Bay; fifteen in George Town; seven in Bodden Town and two in North Side, $215,000 was spent on land acquisition for the improvement of the intersection at West Bay Road and Eastern Avenue. Additional land acquisition is pending prior to the reconstruction of that intersection. A contract totalling $155,000 has been let for the installation of new traffic signals at this intersection plus the intersections of North Side Way/Crewe Road and Eastern Avenue/Shedden Road. This work should be completed in February, 1989.

The 1988 Budget for maintenance for roads totalled $388,750. This included monies for maintenance for drainage wells, traffic control devices, road sweeping, bush cutting and surface patching. Road works were severely disrupted in September by Hurricane Gilbert and approximately $200,000 was spent on clean up by the Roads Section of Public Works Department over a six week period of part-time effort.

WATER AUTHORITY

1988 saw the completion of the Phase I of the West Bay Beach Sewerage Project and the first phase of the George Town Water Supply Project. There is no immediate plan to expand the West Bay Beach Sewerage System by a distinct second phase, but new developments within the drainage area are being connected to the system as and when necessary. The George Town Water Supply Project has been considerably expanded and is now at the point of what was envisaged to be the fifth phase of development.

Design work will continue in 1989 on further expansion of the sewerage system into Governor's Harbour, Snug Harbour and George Town. Feasibility planning and design work will commence on the provision of a piped water supply for West Bay, taking into account a recent proposal from the Cayman Water Company to provide a supply to that area. The Water Authority also intends to investigate the serious water supply problems experienced in Cayman Brac.

THE YEAR 1989

Mr. President, the 1989 Budget has taken into account the improved world economic situation, a recovered Dow Jones Industrial Average bringing more certainty into the financial markets of the world while monitoring inflationary pressures which is still in the middle digit level, that is, six per cent.

The 1989 Budget is $103 million, an increase of 19.5 per cent over the 1988 Revised Budget, but included in the Loan Capital Expenditure is $1.6 million disbursed in 1988 and claimed from Caribbean Development Bank, but the funds were not received until 1989. So the true percentage increase over the Revised 1988 Budget is 17.6 per cent. Estimated ordinary revenue is $92.5 million, an increase of 9.5 per cent over the revised 1988 position.

Recurrent expenditure is $75.3 million, 11.7 per cent over the revised 1988 figure. Statutory expenditure which includes payment to pensioners, gratuities to contracted officers, as well as repayment of loans, total $6.2 million. The repayment of loans total $5.1 million of the sum mentioned. Capital expenditure is estimated at $19.4 million, included are local financing of $14.9 million and loan funds of $4.5 million. The programme of work covers urgent prioritized projects and the completion of other ongoing ones.

The implementation of the Master Ground Transportation project and construction of roads throughout these Islands is being funded by $4.7 million of Local Revenue, thus, avoiding initially any further borrowing at a time when interest rates are rising and moreover, not adding to the annual statutory expenditure. In the coming months much study of this project will be carried out to determine the most cost efficient and less burdensome method of implementing the project over the remaining four years.

Members and residents of these Islands will, no doubt, be pleased to hear that sufficient funds are allocated to construct the first phase of the Community College providing a technology block, hotel and business studies block and a general administration block, $1.5 million will be taken from local revenue and $1.4 million from a soft loan (mentioned earlier in the Public Debt section) from the European Development Fund.

A further $1.2 million from local revenue is allocated to deal with additional facilities required at the Cayman Islands High and Middle Schools and Primary Schools throughout this Island. Therefore, the total capital construction expenditure included in the budget for education is $4.1 million with an additional $.3 million for the maintenance of schools under recurrent expenditure. The visitors' facility at the Northward Prison has now been fully designed and funds are allocated to hopefully complete it this year.

Ongoing projects which will be completed this year are: (a) Water and Sewerage Project; (b) Gerrard Smith Airport Terminal and Fire Station, and (c) some other smaller projects.

Loan funds of $4.5 million include $1.6 million disbursed in 1988 as mentioned earlier. This year capital expenditure is the highest ever exceeding $18.8 million in 1984.

SALARY INCREASE

Government has, over the last eight years, operated on a Consumer Price Index formula which triggers a salary award to civil servants, that is, whenever the index reaches five per cent in any single year, the award to civil servants will be four per cent. The Index as at December, 1988 shows an increase of 6.2 per cent, and therefore an award of four per cent totalling $1,275,000 is inserted in the 1989 Budget.

CONCLUSION

Mr. President, in the previous Address I recommended that an Economic Development Unit be established in the Portfolio of Finance and Development and I am pleased to advise that it has been established along the lines previously explained. The officers of this Unit have participated in the Master Ground Transportation Project and have already done some able work.

While this project has been divided into immediate action work, Phases 1 and 2 much more study is required before construction of Phase 1 can commence. We are however, acutely aware of the urgent need for some smoother traffic flow along the West Bay Road and in and around George Town in particular. With the assistance of Members, I am certain we will find the best solution.

The Cayman Islands' economy, although quite advanced and sophisticated, is affected by ever-changing external factors and we need to continue to keep a watchful eye as we move forward to the 1990s. We hear of the European Economic Community's proposal for the complete freedom of capital movements within the European Community and becoming a single market in 1992, and we are aware that businesses around the world are presently seeking advice on how they may place themselves in an advantageous position for it.

As the United Kingdom's Prime Minister, Mrs. Margaret Thatcher, put it in her Budget Speech in September: "The aim of a Europe open for enterprise is the moving force behind the creation of the single market by 1992... It means action to free markets, to widen choice and to produce greater economic convergence through reduced government intervention." The Cayman Islands is presently an associate member of the European Economic Community, and we are also examining how 1992 may affect us. With continued stability, the future development of the Cayman Islands (to put it mildly) 'looks good'. We are on the eve of 1990 and I believe the Government of these Islands is prepared to take us forward.

Mr. President, may I express my sincere gratitude to the staff of my Portfolio of Finance and Development for their dedication and the support they continue to give me. No man can accomplish what we have achieved by himself.

Mr. President, I recommend the Appropriation Bill, 1989, proposing an estimated sum of $96,770,691 to cover Recurrent, Capital and New Services in 1989. Excluded from this sum are the statutory provisions covering pensions, gratuities and loan repayments amounting to $6,193,122. The estimated expenditure is, therefore, $102,963,813.

Thank you, Mr. President.

APPENDIX I

HEALTH

The Radiology Department acquired a new ultrasound unit, with help from various organizations. This new unit with capabilities of carrying a wide variety of transducers has considerably upgraded the ultrasound facilities at the Hospital.

In addition to refurbishing the old mobile X-ray Unit, a second mobile X-ray unit was obtained, facilitating the services to have at all times, even if one unit is down. The Radiologist from Jamaica now visits on alternate Fridays instead of the original once monthly arrangements, thus reducing patients waiting time for the specialized services. Investigations such as Myelograms, Venograms and

Arthrograms for which the patients were sent abroad were done locally during the year.

A Cysto-resectoscope donated by BUPA is a welcomed addition to the surgical equipment, which will facilitate some procedures related to prostrate and bladder to be done locally.

Provisions of Diabetic Educational Sessions, and of selective menus at the George Town Hospital and organization of Weight Watchers Club are the major achievements in the field of nutrition in addition to the public information provided through mass media.

New Dental Clinic facilities were provided at the Bodden Town Primary School and Cayman Islands High School during the year. The Fluoride Rinse Programme was initiated in Savannah Primary School and Bodden Town Primary School, in addition to strengthening and expanding the programme in other schools that had the programme in the past. Saturday morning dental clinic are reinstated for convenience of the Public.

Immunization coverage of infants against diseases such as Diphtheria, Polio, Tetanus and Whooping Cough was maintained over 90 per cent. A Metabolic Geneticist from the University of Illinois, Chicago, provided Carrier Testing Service for several people, who were at high risk for being carriers of the San Filippo A. Syndrome, commonly known as Storage Disease. On receipt of the results, they were counselled appropriately. The Public Health Section at George Town Hospital was expanded, providing spacious waiting room for the pregnant women, postnatal mothers and children.

The Health Services Department is taking all necessary steps for Caymanization of the services with necessary competence. A young Caymanian is appointed as Acting Chief Environmental Health Officer, two registered nurses and one Environmental Health Officer who are undergoing training overseas supported by the Government, will be funded by UNDP through PAHO for the rest of their training. Another PAHO Fellowship is awarded to a Caymanian Dental Assistant for formal training to begin in January 1989. Various in-service training programmes were sponsored by the Government, in addition to participation of staff at various workshops abroad. Supernumerary positions of Laboratory Assistant and Physiotherapy Assistant were created to facilitate Caymanians to understudy.

A new facility for the provision of Public Health and Dental Services in Cayman Brac was completed during 1988. We hope this facility will be adequate for the next two decades.

In Grand Cayman the amount of refuse generated in 1988 increased by thirty-four per cent, from 290 tons per week to 387 tons per week. This increased tonnage made it necessary to expand our services to daily collection along West Bay Road and the George Town City centre. Beach cleaning activities and roadside litter collection were extended to three times a week.

A new office has been renovated at the Public Works Department Compound and will serve as headquarters for the sanitation team. This facility is provided with shower, lockers, and changing rooms for the employees.

An additional Environmental Health Officer was added to the staff of Environmental Health in 1988, bringing the total number of officers to three.

APPENDIX II

Public Works

Some of the projects undertaken by Public Works Department Maintenance Section as mentioned on page 52 were:

- as part of the Hurricane Preparedness Programme, hurricane shutters were fitted to all hurricane shelters	$52,500
- this programme included South Sound Community Hall where windows were renewed and shutters fitted	8,000
- new living quarters at Smith Road and toilet and storage facilities at Government House	42,800
- at the Hospital reroofing work to the General and Recovery Wards; extensions to Public Health, Operating Room and Statistical Office	97,500
- Hell Post Office's toilet block extension, new lighting and repairs to cat walk	12,000
- the reroofing at Central Police Station and the old Prison lock-up; together	45,000

with repairs and renovations to various departments

- at the Prison, general repairs and the upgrading of the prison security alarm system	72,000
- for the Legislative Assembly a temporary awning and office extension	45,000
- record storage upgrading and a Conference Room at Broadcasting House	5,700
- partitioning at Glass House and Tower buildings	13,000
- recarpeting of the second floor of the Administration Building	10,000
- this year's annual repairs to Schools	30,000
- renovation and alterations to CIHS Dental Lab	16,500
- new maintenance workshop at the Middle School	25,000
- new paint shop at Public Works Department	10,000

APPENDIX III

Public Works
Other Capital expenditure:

Due to heavy demand for Court Room space, the decision to air-condition the George Town Hall was made. The Budget allocation for air-conditioning the building was $36,000. This covered the purchase, installation and related electrical and building works. In addition, the restrooms and windows were upgraded which brought the final cost to $41,295.

The new Gerrard Smith International Airport Terminal and Fire Station was substantially completed by the end of the year and will be handed over to Civil Aviation at the end of February, 1989.

The final cost of the terminal, Fire Station, access road, car park, parking apron for two 727 aircraft and taxi ramp, including professional fees, is estimated to be $3,475,000.

The terminal building was partially funded by Caribbean Development Bank and the apron taxiway by European Development Fund.

Resealing of all flexible joints in the concrete section of the Owen Roberts International Airport runway was completed in December, 1988.

The new Owen Roberts Fire Station was completed in September at an estimated final cost of $1,596,500. It was immediately put to use as the Hurricane Headquarters. This project was partially funded by a Caribbean Development Bank loan and was officially opened by HRH Princess Alexandra in November, 1988.

The West Bay Fire Station was completed in February, 1988, at a final cost of $306,000.

The site of the new Abattoir was demucked and filled between April and June, 1988, at a cost of $48,000.

Work commenced on the extension to the Public Works Department's office in December, 1988. The estimated project cost is $316,500 and completion is estimated in June, 1989.

A launching ramp and jetty were constructed at Old Man Bay at a total cost of $18,574.

Additional parking and turning bay were completed at Whitehall Bay at a cost of $7,400.

The old jetty at Batabano was dismantled and a new jetty constructed at a final cost of $36,287. This jetty was completed in August, 1988.

The South Sound Jetty which was completely destroyed by Hurricane Gilbert was rebuilt in December, 1988 at an estimated cost of $18,100.

Work on the Public Beach Facility at Cayman Kai estimated to cost $64,000, started in September, 1988 and the completion date is scheduled for February, 1989.

Drawings and contract documents have been completed and contract let for the new Recompression Chamber to be situated at the Hospital compound.

Remodelling and extension of the dining room/kitchen block at Northward Prison was completed in September, 1988 at a cost of $246,500.

Work on the Special Block continued. The delivery of the special apparatus is delaying the completion of the project, which is now anticipated to be finished at an estimated final cost of $231,900.

The existing storage facility was expanded to create additional storage and laundry at a cost of $173,500.

The extension to the Customs Security Warehouse was completed in March at a cost of $93,864.

The slab for the new paint shop at the Government Central Funding Scheme was cast in May, 1988. Further funds were released towards the end of 1988 allowing the steel structure to commence. Completion cost is estimated to be $67,000, with completion of the building estimated to be March 1989.

Contract documentation for Phase I, the Technical Block of the Community College, was completed in September and contract documents for the Business/Hotel Blocks and Administration Block were completed in mid February.

An extension to create two additional classrooms at the George Town Primary School was completed in April, 1988 at a cost of $85,000.

The new Home Economics and Technical Blocks at the Cayman Islands High School were completed in January, 1988 at a final cost of $234,000 and $131,000 respectively.

Alterations to the existing Home Economics Block were completed in December, 1988 at an estimated final cost of $130,000.

Work on the Science Laboratory commenced in September. The conversion of the existing toilet block to a science laboratory is estimated to be completed at the end of February, 1989, at a cost of $98,500.

Work commenced on the new Therapy Unit at the Lighthouse School in November, 1988 and is due to be completed at the end of March, 1989. This project was funded by the Kiwanis.

The new Changing Room Facility at the Sports Centre, was started on the 28th of April and completed on the 10th of August, 1988, in time for the Caribbean Netball Championships. The final cost of the changing rooms was $363,000.

In addition to work on Government buildings following Hurricane Gilbert, repairs were also carried out to over 100 private homes. The houses worked on were referred by Social Services Department, who had checked that these were in need of assistance and were without insurance. The Department's expenditure in 1988 as a result of Hurricane Gilbert is projected at $617,000. Of this amount $200,000 was expended by the Roads Section on clean up operations and $130,000 on repairs to school buildings.
Thank you, Mr. President.

MOTION FOR THE DEFERRAL OF THE DEBATE ON THE BUDGET ADDRESS

HON. THOMAS C. JEFFERSON: Mr. President, may I move that the debate on the Budget Address be deferred until all other business on the Order Paper for Monday, 20th of February, 1989, is completed?

MR. PRESIDENT: The question before the House is the debate on the Appropriation Bill, 1989, do stand adjourned until the business listed on the Order Paper for the 20th of February be completed.

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

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: DEBATE ON THE APPROPRIATION BILL, 1989, DEFERRED UNTIL 20TH OF FEBRUARY, 1989.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, nothing remains but for me to move the adjournment of this Honourable House until 10:00 A.M. Monday morning.

MR. PRESIDENT: The question is that this Honourable House do stand adjourned until 10:00 A.M. Monday, the 20th of February, 1989. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it. The House is accordingly adjourned until Monday morning at 10 o'clock.

THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., MONDAY, 20TH OF FEBRUARY, 1989.

MONDAY
20TH FEBRUARY, 1989
10:14 A.M.

THE PRESIDENT: Prayers 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Proceeding of the House are resumed.

Item 2 of the Order paper of the morning. Papers, the Honourable Financial Secretary.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING FINANCE COMMITTEE
(Meeting held 30th December, 1988)

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 meeting held on Friday 30th December, 1988.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, that meeting of the Finance Committee approved a total Supplementary Expenditure of CI$2,435,155, and the details of that figure are as follows :

Head 4, Sub-Head 10(2) - Compensation: A sum of $30,000 was provided to pay for a contracted officer who sustained damage to his personal self resulting in 25 to 26 per cent disability.

Head 10 - Emergency Relief: $6,079.00 - These funds were required for the payment for plywood distributed by the Acting Director of the Port Authority, authorised by the Financial Secretary, prior to Hurricane Gilbert as the shops and stores in George Town had their supply of plywood completed depleted within hours of the Hurricane warning.

Head 14. Sub-Head 08 020 - Medical Services: $7,387.00 to make a 50 per cent contribution towards the cost of a pensioners' medical bills, as is the policy of Government.

Head 18. Sub-Head 41-04 - Water and Sewage Development: Supplementary request for $1,815,519 was made to clear off the 1987 Accounts.

Head 29 Sub-Head 42-002 - Construction of Roads: $243,000 to clear off the 1987 accounts in respect of the Master Ground Transportation Plan Study.

OTHER MATTERS

Other matters for consideration was:

(a) **Assistance to farmers as a result of Hurricane Gilbert** and the damage sustained to their crops,

$295,717.

(b) **A guarantee for a loan to the Port Authority** (was also approved), a sum of $561,924. The present warehouse facility at the George Town dock is inadequate, and efforts are being made to acquire six acres of land in the Industrial Park area at the cost of $2 per square foot plus the stamp duty which gives us a total of $561,924. The estimated cost to develop the property is $1.3 million which includes filling, grading, chip spray for $500,000. The equipment which is going to be necessary $400,000, and the building is a similar cost of $400,000.

The approval of Finance Committee was sought for:

(i) the issuing of a guarantee on behalf of the Port Authority to the CIBC Bank for a sum not to exceed $562,000, payable over a period of five years; and

(ii) to enter into negotiations with Caribbean Development Bank for a loan of $1.5 million which should be amortised over 15 to 20 years with a moratorium of two years on principle repayment.

During the discussion, a suggestion was also made that an amendment to the Traffic Law be drafted to include specific routes and hours for the transport of trailers to and from the dock area.

(c) **Financial assistance to Capt. Ertis Ebanks** who lost his charter fishing boat was also given and the matter is still presently being looked into.

(d) **Purchase of property - John A Cumber Primary School**: The Honourable Benson Ebanks advised the Committee of a parcel of land being .9 of an acre adjacent to the school in West Bay which was currently up for auction at a reserved price of $25,000. He felt it would be in the Government's interest to purchase this property now as an attempt was made in the past to purchase the same piece of property but nothing was done. It was recommended that approval be given for the sum of $25,000 plus stamp duty of 7.5 per cent for the purchase of the property, and the sum approved by Finance Committee was $26,875.

(e) **Purchase of miscellaneous household items for Government House** - $4,578.00.

(f) **Continuation of the lease of a swimming pool in Cayman Brac;** - $6,000.

That gives us the details of the total approved of $2,435,155.00.

At this same meeting discussions were held regarding Debentures with the Housing Development Corporation and it was unanimously agreed that the original five per cent debenture issue be replaced by a new US$5,000,000 twenty year, seven and a half per cent debenture issue. This matter is presently on the Order Paper to be moved and debated by Members.

MR. PRESIDENT: The Honourable Member for Tourism.

FINANCIAL STATEMENT OF CAYMAN AIRWAYS LIMITED FOR THE FINANCIAL YEAR ENDED 30TH JUNE, 1988

HON. W. NORMAN BODDEN: Mr. President, I beg to lay on the Table of this Honourable House the Financial Statement of Cayman Airways Limited for the financial year ended June 30th, 1988.

MR. PRESIDENT: So ordered.

HON. W. NORMAN BODDEN: Mr. President, the Audited Financial Statements of Cayman Airways as of June 30th, 1988, state that the company, with the financial assistance of Government through the grant of usual annual subsidy, was able to show an operating profit of US$735,092, but the bottom line is, that after accounting for aircraft lease payments and other non-operating expenses, there is a net loss of US$1,077,268 for the year.

As will be seen at Note 12 in the notes to the Financial Statement, one of the Company's 727 aircraft suffered a freak accident in Miami in July of 1987 which cost some $483,000 and which naturally, took its toll on the operating costs for this accounting period. Were it not for this unfortunate incident, it can be seen that by taking this single item into consideration, an operating profit of US$1,129,092 would have been realised, which would have surpassed the operating profit of $859,757 of the previous year.

I must point out that Cayman Airways' claim against the company concerned for this large amount of money is being actively pursued through the Courts. It is expected that the major portion of these funds will eventually be recovered and accounted for at the end of the current financial year.

It must also be noted that in addition to unforeseen expenses such as I have just mentioned and other routine servicing, there were major increases in operational expenses

covering the cost of equipment improvements such as the completion of the refurbishing of the interior of the two jet aircraft and major engine overhauls which were carried out on both the jets and the Shorts aircraft.

It can easily be seen that it has only been possible to meet these high cost of operating the airline with minimal adverse effects on the operating profit because the revenues this year were substantively higher than in 1987. In fact, it will be seen that the company's increase in earned revenue was $3,350,000 more than in the previous year, 1987.

Here, I would like to record my sincere thanks, respect, and high appreciation for the hard work and dedication of the past Chairman of the Board, Mr. Arthur Hunter, the Directors as well as the management and staff of Cayman Airways who have all helped to stabilise the airline and to keep it flying.

Of course, we are expecting similar support and close cooperation which I am sure we can count on from the new Chairman, Mr. Neil Cruickshank, and the new Board of Directors, management and staff.

Let me say here that the financial struggles of the national Airline are well known to this Honourable House, and indeed, to the country in general. While the picture never has been, nor is it today, what we would all wish it to be, the fact remains that for a small carrier with limited resources and such odds against it to continue maintaining a safe, dependable and high quality air service to and within these Islands is, in itself, an accomplishment of which this country can be justly proud.

Quite clearly, for the airline to continue, Government's financial backing and the loyalty and support of the travelling public are absolutely essential.

In conclusion, Mr. President, when we say Cayman Airways is our national flag carrier, that Cayman Airways is our airline, we must accept that with that claim comes the full responsibility to help it survive. A venture in which we all have a part to play.

Thank you, Mr. President.

MR. PRESIDENT: Item 3 of our Order Paper - Questions.
The Elected Member for East End.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 1. Would the Honourable Member give the present number of police officers in the Force, their nationality, rank and years of service?

DEFERRAL OF QUESTIONS - S.O. 23(5)

HON. J. LEMUEL HURLSTON: In accordance with the provision of Standing Order 23(5), I beg leave of the House to defer answering Question Numbers 1, 2, 3 and 10 on today's Order Paper, as the answers are not yet available.

MR. PRESIDENT: Could I just check that, is it Numbers 1, 2, 3 and 10? We do understand that you will be able to answer them later during this Meeting. Thank you.

In that case, we go to question No. 4, the First Elected Member for Bodden Town.

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

NO. 4. Would the Honourable Member explain the policy of the Government with regards to the International College of the Cayman Islands?

ANSWER: It is unclear what the Question seeks to elicit. If the Honourable Member is enquiring as to the status of the International College of the Cayman Islands, the position is that the College is licensed under the provisions of the Education Law, 1983 Part VII as a senior college of business.

SUPPLEMENTARIES:

MR. ROY BODDEN: Mr. President, that answer is satisfactory, Sir.

MR. PRESIDENT: But are you putting a supplementary?

MR. ROY BODDEN: No, Sir, it is not necessary.
Can we go to Question No. 5, if I may have your permission, Sir?

MR. PRESIDENT: If you could wait just for one moment, in case anybody else have supplementaries.

There do not appear to be any supplementaries. Question Number 5.

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

NO. 5: Would the Honourable Member give the current number of teachers in the Government Service, their nationality and rank?

ANSWER: The current number of teachers in the Government Service is 261, Details of which are as follows:

Teachers Range/Rank	Total	Caymanian	British	Caribbean	USA	Canada	Others
Grade 1	143	39	61	41		1	1 (Pakistani)
Grade 2	60	13	24	22	1		
Grade 3	36	13	15	7	1		
Grade 4	7	2	3	2			
Grade 5	7	4	2	1			
Grade 6	1		1				
Technical Scale	7		3	4			
Total Teachers in Service	261	71	109	77	2	1	1
Headquarters Staff	16	10	5	1			
Total Establishment	277	81	114	78	2	1	1

SUPPLEMENTARIES:

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

MR. ROY BODDEN: Would the Honourable Member please state if there are now any provisions for attracting and increasing the number of Caymanians in the teaching profession?

HON. BENSON O. EBANKS: Mr. President, if my memory serves me correctly, there are now fifteen Caymanians overseas studying for the teaching profession under Government scholarships.

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

MR. TRUMAN M. BODDEN: Supplementary. Would the Member please state what is the Education Council's policy towards attracting teachers?

HON. BENSON O. EBANKS: Mr. President, the Education Council does not recruit teachers. That is done through the Public Service Commission and the Governor as head of the Civil Service.

MR. TRUMAN M. BODDEN: Supplementary. Is there no policy to the Education Council relating to attracting and training teachers? If so, would you please tell whether it is a written public policy or whether it is oral?

HON. BENSON O. EBANKS: Mr. President, the policy is to attract as many Caymanians as possible but, if I could go into a bit of detail.

An exercise is now taking place within Government to regularise salaries paid to Caymanians as compared to expatriates, with a view to removing any anomalies which was handed down from the 1976 to 1984 Government in the recruitment of Caymanian teachers.

MR. TRUMAN M. BODDEN: Supplementary, why has it taken four years to deal with this correction if you were correct that you knew about it since 1984?

HON. BENSON O. EBANKS: Mr. President, it is because the mess is so cumbersome that it is like a turtle net. There were obviously personal-to-holder awards which became policy and these are matters which have to be straighten out.

MR. TRUMAN M. BODDEN: Have you changed the policy to the Education Council which existed at the end of 1984, when teachers and nurses were given priority for scholarships?

HON. BENSON O. EBANKS: No, Mr. President, that is still a policy.

MR. TRUMAN M. BODDEN: If that is the policy, what is the mess you are referring to then?

HON. BENSON O. EBANKS: The mess is where some teachers get increments for one year's experience. Others only get two increments for three years, some get gratuity, some do not, and even those that get it, get it at various amounts. There are awards for Masters Degrees. There are increments for honours' graduates. I have not been able to establish whether that means a graduate of an honours programme, whether it means a graduate with honours from an honours programme or whether it means an honours graduate from a regular programme. That is some of the ambiguities which have to be ironed out.

MR. TRUMAN M. BODDEN: Is the Member referring to the Education Council's policy that I asked him about, or is this once again relating to Personnel which you have said is the parameters of His Excellency?

HON. BENSON O. EBANKS: Mainly Personnel, but I do not know if it was the Education Council or the Member who had something to do with those anomalies.

MR. TRUMAN M. BODDEN: Just one last supplementary question on this, what then have you changed in the policy to the Education Council?

HON. BENSON O. EBANKS: I thought I made it clear. This was being worked on. There are no changes other than we will give any Caymanian who comes forward a scholarship to study as a teacher. We have this system of teacher's aides where we hire new graduates from school, so they can gain experience, they can be evaluated and they can evaluate the teaching profession in terms of seeing whether this is what they want to do as a career.

MR. PRESIDENT: Maybe one more supplementary.

MR. TRUMAN M. BODDEN: Mr. President, my last one relating to the Education Council. Are you not then continuing to follow the policy to the Education Council that you found in 1984? Secondly, do you intend to have any written public policies in relation to attracting Caymanians to the teaching professions?

HON. BENSON O. EBANKS: Mr. President, the policies will emerge from this ongoing review, which I have stated is taking place.

MR. TRUMAN M. BODDEN: With respect, Sir, he did not answer my first question, which was, Is he continuing the policies that he found in 1984 with the Education Council relating to the teachers?

HON. BENSON O. EBANKS: Until such time as the mess can be cleared up.

MR. PRESIDENT: I think that is an answer, pending the review. So shall we go to Question Number 6?

The First Elected Member for Bodden Town.

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

NO. 6: Will the Honourable Member say what is the policy of the AIDB toward borrowers who experience difficulties in meeting their loan payments?

ANSWER: The policy of the Agricultural and Industrial Development Board is to assist borrowers in identifying specific problems which could be contributing to their inability to meet repayments and to advise them as to the most effective ways of solving these problems.

Of course, the Board cannot compel borrowers to adopt any particular course of action; all it can do is to make a recommendation and leave it up to the borrower to act as he/she sees fit.

Whenever the Board has given a borrower sufficient time to effect a solution to his/her problems and is not satisfied that the borrower is serious about helping himself/herself, the Board will either take legal action or enforce its securities.

MR. PRESIDENT: Supplementaries.

SUPPLEMENTARIES:

MR. ROY BODDEN: Mr. President, has the Board considered there may be some differences between the ability of people to pay in the agriculture sector and people in the industrial sector, and have they given any thought to the fact that perhaps varying of the interest rates, especially for borrowers in the agriculture sector, may alleviate some problems?

HON. THOMAS C. JEFFERSON: I think the answer to that, Mr. President is, the Board looks at whatever loans they have, if it is agricultural in nature, they use the policy in that way. If it is commercial in nature, then they look at the loan as a commercial venture.

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

MR. FRANKLIN R. SMITH: Mr. President, a supplementary question to the Honourable Member. Was any consideration given to a specific borrower for a hydroponic unit; and, what view or action has been taken to look after the specific needs to the farmer?

HON. THOMAS C. JEFFERSON: Mr. President, this is a little bit before my time, but as I understand it, in the case being referred to, the farmer borrowed a sum of money in February, 1985. He was given a moratorium on repayment until February, 1986. It was further extended until May, 1986 and then on to August, 1986, and even today, four years later, the farmer has paid something in the range of $4,000.

MR. ROY BODDEN: Mr. President, I would like to ask, are the interest rates the same for the agricultural and industrial sector, or are they different for each?

HON. THOMAS C. JEFFERSON: The sources of financing for the agricultural and the industrial sector, Mr. President, is the Caribbean Development Bank who fixes the interest rate.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, a supplementary. Can the Honourable Member say whether this project has been monitored by Government over the years mentioned?

HON. THOMAS C. JEFFERSON: As I said earlier, Mr. President, I have no personal knowledge of this particular case. But what I am going on is advice I have received having assumed the responsibility for the Agriculture and Industrial Development Board since last November. My understanding is that assistance has been given to this farmer.

MR. FRANKLIN R. SMITH: Supplementary, Mr. President. The Member has said that he is going on advice that the Board has given to him, can he say if the Board followed through with any specific advice to the farmer in particular?

HON. THOMAS C. JEFFERSON: I think the question is a little bit too general for me to respond to, Mr. President.

MR. PRESIDENT: The original question was on policy. I suggest if you want to follow up in detail of cases, you could either do it in writing to the Member responsible or bring another question to the House.

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

MR. PRESIDENT: Supplementary, the Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Supplementary, Mr. President. Would the Member say if there is in place a policy whereby the AIDB and the Department of Agriculture can intervene in instances when loans are made, such as the loan for the hydroponic farm, and do they do so?

HON. THOMAS C. JEFFERSON: Yes, Mr. President, my understanding is that the Agricultural and Industrial Development Board coordinates it dealings with farmers, through the use of assistance given to it by the Agricultural Department. That is my understanding, and, if I have not answered your question, please ask me again.

MR. JOHN B. McLEAN: Mr. President, it is unfortunate we have to ask these questions to the Member. He has made his point that he has just taken over. My supplementary would be, can the Member say whether any legal action has or is being taken against the individual in question?

HON. THOMAS C. JEFFERSON: Mr. President, the answer is that a writ has been served, as I understand it. That does not mean that the Agricultural Development Board is going to prosecute but it does mean that we want a resolution on the problem.

MR. JOHN B. McLEAN: Mr. President, knowing a little of the problem which the farmer has experienced, I wonder if the Member would give the House the undertaking to further investigate the matter and perhaps reschedule the loan in question?

HON. THOMAS C. JEFFERSON: Mr. President, with all things there are more than one side, and I am always willing to look at both sides and see whether a solution can be reached that is amicable to all.

HON. W. NORMAN BODDEN: Mr. President, may I ask a supplementary?

MR. PRESIDENT: The Honourable Member for Tourism.

HON. W. NORMAN BODDEN: My supplementary, Sir, is. Is it not so that the request made by the Member from East End regarding a review of the subject case is now in process?

HON. THOMAS C. JEFFERSON: Mr. President, the review is in the process. I am uncertain as to who began it, but the review is in process.

MR. PRESIDENT: There appears to be no more supplementaries.
Question No. 7 please, the Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 7: Will the Honourable Member give details of the measures being taken to address the problem of the down-turn in tourism for the 1988/1989 season and the details of the causes of the down-turn?

ANSWER: While projections indicate that 1989 will be a difficult year for Cayman's tourism industry the down-turn referred to can only relate at the present time to the month of January, 1989. However, in an effort to curb this trend increased advertising and promotional campaigns are being planned for the United States. In addition, sales and marketing activities will be increased in the United Kingdom and Europe in order to attract more business from these markets. The Department of Tourism, Cayman Airways and the Cayman Islands' Hotel and Condominium Association are also putting together more attractively priced packages from some gateway cities in the USA., in an effort to improve the situation in the summer, fall and winter 1989/1990. There are several reasons for the projections made for 1989:-

(1) In our main marketplace, the USA., many states, countries and cities are spending large sums of money to encourage Americans to spend their vacations in the USA.;

(2) The cruise ship industry is now booming, and tourists that would have otherwise spent their vacations at a destination are now taking cruises;

(3) The Far East and Europe are once again attractive to Americans; and,

(4) Today's tourists are becoming more price conscious, and are shopping around for the best price they can obtain.

MR. PRESIDENT: Supplementaries.

SUPPLEMENTARIES:

MR. JOHN D. JEFFERSON, JR: Supplementary, Mr. President. Would the Honourable Member state what has been the results of the local efforts in seeking the cooperation of the local operators in addressing this problem?

HON. W. NORMAN BODDEN: Mr. President, I am not sure what local operators are being referred to by the Third Elected Member from West Bay, but I did mention the private sector which involves the Cayman Islands Hotel and Condominium Association, and of course Cayman Airways, and our own Department of Tourism which is what I see as our tourism team. We have been in contact with each other reviewing the situation. We are approaching this problem in a unified manner together. If there are other local operators that can have an input or assist in this, I will certainly be glad to hear from them.

MR. PRESIDENT: Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, when did you foresee, if at all, that there would be a down turn?

HON. W. NORMAN BODDEN: Mr. President, as I said the down turn referred to can only be so far at this present time to the month of January, because for the year 1988 we ended up with a 4.6 per cent increase in air arrivals over 1987, and an increase of 16 per cent in cruise ships arrivals over 1987. So, we are really dealing at this stage with only one month in isolation. However, as included in my reply, there is a trend which indicates to us that this year, we cannot expect the sort of increases that we have experienced in past years.

To answer the supplementary being asked by the Third Elected Member for George Town; in August, 1988, we received certain reports and information from our regional sales managers in the U.S. that they were receiving some resistance to the packages which we had in the market place, price resistance, that is. In August 1988, we were aware there were some resistance and this was why we were aware of the projections that were being made for 1989.

MR. TRUMAN M. BODDEN: A supplementary. Are these figures of 4.6 per cent and 16 per cent less or more than the increases in 1987?

HON. W. NORMAN BODDEN: They are increases, Mr. President.

MR. TRUMAN M. BODDEN: Mr. President, compared to 1987, would the Member please give me the increases for that time? In other words, in 1987 was it more than 4 per cent increase or less?

HON. W. NORMAN BODDEN: Sir, in 1987 there was a 26.5 per cent increase over 1986.

MR. TRUMAN M. BODDEN: So there has been a trend over the past year that the increases have been getting less and less?

HON. W. NORMAN BODDEN: Mr. President, the history of tourism development in these Islands for the past twenty years is that we have averaged about a 10 per cent increase annually, but 1987 was an exceptional year. The 26.5 per cent increase was primarily due to the fact that we had 525 new hotel rooms on the market, which was the year that the Hyatt and Treasure Island hotels were opened. That was an extraordinary increase which I can say perhaps guardedly but publicly, is not the sise increase that I would like to see happen to us every year, because of the strain it places on our infrastructure and it reduces the quality of service that we are able to provide to our visitors. But, 1987 was an exceptional year.

In 1988, in comparison with 1987, naturally there was a reduction. We had projected a 10 per cent increase for 1988, but as we all know, there were many reasons attributed to the fact that we did not make our projections, and instead, ended up with a 4.6 per cent increase over the previous year.

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

MR. GILBERT A. McLEAN: Supplementary. Would the Honourable Member state if it is a fact that the prices which we are offering at this particular destination are not in keeping with what is being offered in the Caribbean area elsewhere, and if we are in fact pricing ourselves out of the market?

HON. W. NORMAN BODDEN: Mr. President, the warning that Cayman could be pricing itself out of the tourism market is one that I have heard repeated for the last seven or eight years. There was a recent study of hotel prices in the Caribbean done by the Caribbean Tourism Organisation. It was tabled at a meeting in Barbados which was held in January, and that study revealed that Cayman is, at present, considered an expensive destination. The price is high. Nevertheless, I maintain that we can provide a service to match the price and therefore still remain attractive.

MR. TRUMAN M. BODDEN: Supplementary, would the Honourable Member say whether advertising is now being more geared to attract tourist who have more money to spend in a higher income bracket and whether this has changed in the last year or two?

HON. W. NORMAN BODDEN: No, Mr. President, we have consistently targeted the middle to upper income bracket of tourists, which is a policy that I found in place. A policy which I think has worked well for us and we have continued that. Through our advertising programme in magazines, newspapers or television, we endeavour to target the middle to upper income bracket of visitor.

MR. PRESIDENT: Before we take the next supplementary, would the First Official Member care to move the suspension to finish the questions on the Order Paper?

SUSPENSION OF STANDING ORDER 23 (7)

HON. THOMAS C. JEFFERSON: Mr. President, I move the suspension of Standing Order 23(7) so that Question Time can be continued.

MR. PRESIDENT: The question is that Standing Order 23(7) be suspended to enable the questions on the Order Paper to be completed.

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

AYES.

The Ayes have it.

AGREED: STANDING ORDER 23(7) SUSPENDED.

MR. PRESIDENT: Supplementaries continuing - the First Elected Member for Bodden Town.

MR. ROY BODDEN: Mr. President, a supplementary to the Honourable Member for Tourism. Can the Member say if successive political directorates have tried to investigate the behaviour of the American travelling public in an election year, and if not would the Honourable Member give an undertaking to have this done?

HON. W. NORMAN BODDEN: Mr. President, I can say that if we look at trends that indicate a decline or reduction in tourism for comparative purposes in an election year, normally the air arrivals from the United States - and I take it that the election being referred to by the First Elected Member for Bodden Town is the United States' Election - that in a U.S. Election year we have seen less air arrivals from the United States in or around that time. This is a trend which we have noted. I suppose the matter could be investigated at a higher level. It would be one more point in us satisfying ourselves to the real reasons why we have not reach our original projection of 10 per cent for 1988, and that a decline is projected for 1989.

But, in answer to the Member, yes, in past election years there has been a trend where the U.S. air arrivals were less than the previous year.

MR. TRUMAN M. BODDEN: A Supplementary. You are saying you are now targeting Europe, my question is, since the currencies became much stronger and have increased in value against the U.S. dollar several years ago, why was Europe not targeted earlier so we may have prevented, as against now trying to cure, the problem?

HON. W. NORMAN BODDEN: Mr. President, what I said in my reply was that, additional sales and marketing activities will be increased in the United Kingdom and Europe in order to attract more business from these markets. It is not something new that we are targeting Europe and the U.K. to get new business. We are taking the necessary steps to try to increase the amount of visitors we are attracting from those markets. I am sure the Third Elected Member for George Town, knows that there is a constant fluctuation of the pound and the U.S. currency, and while that influences tourist travel, one year the situation can be in our favour, and the next year it can be against.

MR. TRUMAN M. BODDEN: My question is, why was Europe not targeted when we were in a better position for the Tourism Portfolio to bring visitors here? In other words, when the Pound was strong or the Deutschemark was strong, why delay? Secondly, what is the period once you target and begin advertising to when you see the results?

HON. W. NORMAN BODDEN: Mr. President, there has been no delay. This is not a new proposal by the Department of Tourism or the Portfolio of Tourism Aviation and Trade to target Europe and the UK as the Member refers to it. The sales and marketing in the UK and Europe to attract more visitors is an ongoing programme and has been for the past several years. We have noticed a steady increase in our business from Europe, so we are endeavouring to take the necessary steps to realise even a higher increase than what we have been experiencing. There has been no lapse of continued programmes in Europe.

We feel if we increase or activities there we might attract more. Of course it must be borne in mind that the amount of sales and marketing activities that this country can spend in any market is limited. We have certain limited resources and 83 per cent of our business comes from the United States. Therefore, the major portion of our funds that are available are spent in that market. We feel that if we spend maybe 10 per cent in 1988, and we received a 40 per cent increase, if we can double that maybe we will double our business from there. It is an ongoing programme. It is nothing new.

MR. TRUMAN M. BODDEN: The second part of that supplementary was if the Member could tell me the period after, and I am really going on what you said here, where you are increasing the U.K. and Europe marketing, once you do that, what is the period of time, generally, before you begin to see results?

HON. W. NORMAN BODDEN: Mr. President, I am sorry I did leave the second portion of the Member's supplementary question out.

It is a somewhat hypothetical question though. I would say from the experience I have, if you had no activities in a certain market, and you started this year, it would take probably nine months to one year for you to see any results. But if you are already established in a market, as we

are in the U.K. and Europe to some extent, and you increase your sales activities there, I would say the results from those increased sales activities probably could be seen in four to six months.

MR. TRUMAN M. BODDEN: Just one last supplementary question. Are you giving a bigger priority to attracting tourists with higher income as against attempting to reduce the wages and the cost of the hotels and local people's wages?

MR. PRESIDENT: The Honourable Member may wish to answer that, but its way outside the original question.

HON. W. NORMAN BODDEN: Simply to say, Mr. President, a while ago in answering the supplementary I thought I had made it abundantly clear that the policy of attracting the middle to upper income bracket of tourist has always been in place. That has not changed.

As to the suggestion of dealing with the local tourist related businesses in connection with wages and other services, that is an area that I have not ventured in and I think that any discussion along those lines in trying to point out to those businesses which provide tourism related services, that costs are too high, and that they can reduce it, maybe they may attract more people with more spending power or people at a lower income bracket, is something I have not gone into, nor do I intend to go into at this stage.

MR. PRESIDENT: The Honourable Member for Education.

HON. BENSON O. EBANKS: Yes, Mr. President, a supplementary. Would the Member state whether the loss of Royal Palms Hotel by fire in May 1988 and Hurricane Gilbert in September 1988 could possibly have had an effect on the total number of arrivals of tourist during 1988 and thereby decrease the percentage increase which the Department or the Portfolio had forecast?

HON. W. NORMAN BODDEN: Very definitely, Mr. President. In my reply I only gave four examples, I could have gone on and given many others. I was saving something for the Budget Address and the Throne Speech. I did not want to put them all in my answers today. But it is a fact that the loss of the Royal Palms Hotel and the effects of Hurricane Gilbert did affect our results. That is common knowledge. The Royal Palms catered to a certain market and a certain level of clientele and we have not been able to replace that hotel in the short time that we have had. So it did adversely affect the results of 1988.

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

MR. JOHN D. JEFFERSON, JR: Thank you, Mr. President. Taking into consideration that tourism is a joint effort between Government and the hotels and condos what type of joint marketing efforts exist in promoting the Cayman Islands?

HON. W. NORMAN BODDEN: To name a few of them, Mr. President, the Divers Equipment Manufacturers Association (DEMA) Show, that was held recently and is held annually, the Hotel and Condominium Association, Cayman Airways, the Department of Tourism, the Cayman Brac and Little Cayman Hotel and Tourism Association. We all pool our resources in order to get the sise of booth that we need there to give us proper identity. Also, with the Water Sports Operators Association, I should say they figure very prominently especially in DEMA, but they all put their dollars in and we approach this in a co-op fashion.

We will take ads, for example, where each party contributes "X" amount of dollars and it gives us more mileage, and it gives us more prominence, more identity, and more space. So that is one area where we work together.

We also work together on special projects. A lot of the material produced by watersports operations or by the hotels are, for example, distributed through our various regional sales offices in the United States, the U.K., and Canada.

MR. PRESIDENT: Perhaps we should make this the last supplementary.

MR. TRUMAN M. BODDEN: Yes, Sir, the Honourable Member has stated he is putting together more attractively priced packages. My question is, are the rates in the hotels being looked at to be reduced which ultimately could well mean a reduction of salary or wages to employees within that part of the industry?

HON. W. NORMAN BODDEN: I have just realised, Mr. President, what the Third Elected Member was aiming at when he asked the supplementary quite a while ago. Sometimes I am a bit dense but I do follow the supplementaries very closely.

When I speak of attractively priced packages, Mr. President, I am referring to what is considered in the business as lead packages - lead tour prices. This is when the airlines and the hotels get together and reduce a certain number of their rooms and the airlines allocate a certain number of their seats. For example, when this exercise is carried out we can come up with an attractively price package for four or five days that might cost $199 or $299. So it is a sort of special promotion, and it is more attractively priced than if you took your rates from the rack. That is really what it is. In this process no hotel worker or their income

should be reduced.

MR. PRESIDENT: Right. Should we move now to Question No. 8? The Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 8: Will the Honourable Member say how many air charters are now operational, how many have been discontinued in the past year, the reasons for discontinuance and what were the maximum number of passengers the discontinued charters were capable of carrying when operating?

ANSWER: During the period July 1988 to June 1989 approval has been granted for a total of 129 charters as follows :-

Cayman Airways	52
American Trans Air	21
Continental Airlines	14
Canadien	42

This compares with a total of 189 operated during the period July 1987 to June 1988 as follows :-

Cayman Airways	93
American Trans Air	24
Gulf Air	23
Canadien	49

It must be understood that no charters have been discontinued. Each approved programme was completed as approved. The reason why Cayman Airways are operating less charters this year than in the previous is simply that those companies which previously chartered the airline did not do so this year.

MR. PRESIDENT: Supplementaries.

SUPPLEMENTARIES:

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

It is a common saying, I have heard it mentioned quite a few times, that right now the airline have spare capacity. Taking into consideration the fact that Cayman Express has not renewed their charters with Cayman Airways, is Cayman Airways, as a company, looking to maybe substitute the loss in revenue they derived from these charters by doing some of these charters themselves, or increasing the number of gateways in order to pick up the slack in revenue?

HON. W. NORMAN BODDEN: Mr. President, to the best of my knowledge Cayman Airways does not have sufficient spare time on aircraft or crew to operate any charter programme over and above what they are committed to for 1989. It will be recalled that whenever the company had additional charter work, it was necessary to do a short term lease on a third aircraft.

The fact that Cayman Express has not chartered Cayman Airways for this winter caused discussions to take place between the airline and Cayman Express and perhaps some of the other companies that did not operate a charter programme this year. It was agreed that since the traffic was insufficient to warrant a charter type operation, their traffic, meaning Cayman Express and others, would be routed through existing Cayman Airways gateways. Consequently Cayman Airways has increased their schedule services to Miami primarily, and some of the traffic that would have normally been carried on charter flights are now being carried on the increased schedule flights via the Miami gateway.

MR. JOHN D. JEFFERSON, JR: Mr. President, a supplementary. Does the traffic coming through our existing gateways pick up the slack that was lost by the charters?

HON. W. NORMAN BODDEN: I would say to a great extent they do, Mr. President. To be able to give a correct answer for that you would have to have the exact number that would be carried by charters, which at this time is an unknown quantity, and compare that with exactly what is being carried on the scheduled flights. But for example, this is something that has happened before. If the Member looks at the accounts which were tabled this morning, he will see that while the income from charters was reduced, the revenue which is identified as passenger revenue is the result of the number of passengers carried on schedule flights. In the past year that increase was something like $4M or $5M. So what I am saying is, the operating results prove that when scheduled activities are reduced, there are substantial increases in revenue from the scheduled services.

MR. TRUMAN M. BODDEN: Mr. Member is it not a fact that when you had more charters during the period July 1987 to...

HON. BENSON O. EBANKS: On a Point of Order, Mr. President, the Member must address the Chair.

MR. PRESIDENT: Thank you.

MR. TRUMAN M. BODDEN: Through you, Mr. President, and I hope we do not have to keep saying this each time.

MR. PRESIDENT: You do not have to say through you, you simply address the Chair once, and I shall be content.

MR. TRUMAN M. BODDEN: Thank you, Sir.
Would the Member say whether during the period July 1987 to June 1988 when he had more charters, he also had more tourist increases over the previous year for that time?

HON. W. NORMAN BODDEN: There could be a slight increase there, Mr. President. I do not think it would be substantial though, because if we scrutinise the traffic generated especially by Cayman Airways, which is the airline that I am familiar with, it will be seen that to some extent, the traffic will shift between charter flights and scheduled flights. In some instances the same airline, Cayman Airways, which operates a charter and operates a schedule flight could, in fact, be competing with itself.

MR. TRUMAN M. BODDEN: Supplementary, Sir. Has the reductions in charters then had any impact on the downturn this year at all, and if so to what extent?

HON. W. NORMAN BODDEN: I would not say that it had very much impact, if any. I would not be in a position Mr. President to put a figure to that, and again I repeat the downturn in tourism that is being referred to is the single month of January as of this time. I am not saying that it will not follow, but we are taking steps to try to prevent that trend from continuing. As was mentioned in the Budget Address, my information from the hotels in these Islands at the present is that February, March and April, at least, are in a healthy situation in regards to advanced bookings. So let us understand that the downturn in tourism at the present time has to be addressed only to the single month of January, which historically is not a good month in any case.

MR. JOHN D. JEFFERSON, JR: Mr. President, a supplementary. Taking into consideration the decline in charters through Cayman Express and not having the projected budget figures for Cayman Airways before me, would the Member state whether or not they are taking into consideration a reduction in revenue as a result of the decline in charters?

HON. W. NORMAN BODDEN: The projections are taking that into consideration. However, it is being compensated by the projections of the revenue what we expect to derive from scheduled flights.

MR. PRESIDENT: Question No. 9, the Third Elected Member for West Bay.

THE THIRD ELECTED MEMBER FOR WEST BAY TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR COMMUNICATIONS, WORKS AND NATURAL RESOURCES

NO. 9: Is the Honourable Member considering the relocation of the tourist landing at the Port in George Town to some other location, or the provision of additional tourist landings in West Bay or other areas to ease the congestion problem at the present tourist landing?

ANSWER: The relocation of a tourist landing in George Town and the provision of a tourist landing in West Bay are being considered. However, the feasibility of these facilities will be addressed by the recently established "Technical Advisory Committee", which will advise the Member on a conceptual development plan for George Town.

Funds have been provided in the budget for the feasibility study on a tourist landing jetty to be located in West Bay.

MR. PRESIDENT: Supplementaries.

SUPPLEMENTARIES:

MR. JOHN D. JEFFERSON, JR: Thank you, Mr. President.
Will the Honourable Member state whether any consideration is being given to Spotts as an alternate tourist landing site?

HON. LINFORD A. PIERSON: Mr. President, the answer to that supplementary is, the Technical Advisory Committee will be examining all possible sites, and no decision has yet been made on this. But to further answer the question, the Spotts area is now used as a tourist landing in bad weather.

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

MR. W. McKEEVA BUSH: Mr. President, will the Honourable Member confirm that the funds placed in the Budget for a feasibility study for the West Bay project was placed there at the instigation of the First and Second Elected Members of West Bay?

HON. LINFORD A. PIERSON: Mr. President, the answer to that question is yes.

MR. JOHN D. JEFFERSON, JR: Supplementary, Mr. President. If the answer is yes, why is it only now being put forward by the First and Second Elected Members from West Bay, why not during the 1984 to 1988 administration?

MR. W. McKEEVA BUSH: Certainly not because you got elected.

HON. LINFORD A. PIERSON: Mr. President, I would love to answer that supplementary, if indeed it was a supplementary. It sounded more like a statement, but I am only responsible from now on, Sir. I was not here in 1984 to 1988.

MR. TRUMAN M. BODDEN: Mr. President, can the Honourable Member say if he has set any time limit upon which the Technical Advisory Committee will report to you?

HON. LINFORD A. PIERSON: Yes, Mr. President, we have a time limit of three months for the initial study to be carried out. We hope to get an Initial Report within three months.

MR. PRESIDENT: Question No. 11 - the Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 11: Would the Honourable Member give the total number of persons employed in the Computer Services Unit with grades and nationalities?

ANSWER: There are a total of 42 persons presently employed in the Computer Services unit consisting of 22 Caymanians, 16 Canadians, 3 from Ireland and the United Kingdom, and 1 from the United States of America. Their grades are as follows:

SS-3	Manager, 1 (USA)
Tech 9	Operations Manager 1 (UK) Software Development Manager 1 (Canada)
Tech 8-9	Senior Support Analyst 1 (Ireland) Database Administrator 1 (Cayman) Senior Analyst/Programmer 1 (Cayman) 1 (Canada)
Tech 8	Assistant Operations Manger 1 (Cayman)
Tech 7-8	Analyst Programmer 1 (Cayman), 7 (Canada) Technical Librarian 1 (Canada) Senior Computer Tech 1 (Canada) Operations Shift Supervisor 1 (Canada)
Tech 6-7	Programmer 1 (Cayman), 4 (Canada) Senior Computer Operator 1 (Cayman), 1 (UK)
Tech 5-6	Junior Programmer (Vacant) Computer Tech 1 (Cayman)
Tech 5	Computer Operator 2 (Cayman Senior I/O Operator 2 (Cayman)

Tech 4	Computer Operator Trainee 2 (Cayman) Computer Tech Trainee 1 (Cayman)
Tech 3-4	I/O Operator 3 (Cayman)
Tech 1-4	Data Entry Operator 2 (Cayman)
E 1-2	Executive Officer1 (Cayman) Accounts Officer II 1 (Cayman)
Hourly	Office Attendant I 1 (Cayman)

CAYMAN ISLANDS	22
CANADA	16
U.K.	2
USA	1
IRELAND	1
TOTAL EMPLOYED	42
VACANCIES	2

SUPPLEMENTARIES:

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

MR. JOHN D. JEFFERSON, JR: Mr. President, I would like the Honourable Member to state what measures are being taken in training Caymanians to take over these top positions in the Computer Services Department?

HON. J. LEMUEL HURLSTON: Mr. President, I think that supplementary question is a subject of a substantive question, Question No. 10 on the Order Paper, which I hope to be in a position to answer tomorrow, Sir.

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

MR. GILBERT McLEAN: Would the Honourable Member state if anything is being done to recruit Caymanians to fill posts in the Computer Services from within the Island who might be qualified?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, everything that can be done is being done to attract any and all suitably qualified Caymanians to join the Computer Services Department, and to undergo training for promotion within it.

MR. GILBERT A. McLEAN: Supplementary, would the Member say whether there is any in-service training being done to assist and qualify persons in the various departments who must use computers in the service now?

HON. J. LEMUEL HURLSTON: There is, Mr. President, and I hope to be able to elaborate on this a bit more in answering Question No. 10 tomorrow morning.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 12: Would the Honourable Member give annual cost breakdowns of Government Computer Services from its inception to the 31st of December, 1988?

ANSWER: Commencing in 1981 through 1984, the first four years of computing, Government's total expenditure amounted to $1,253,090 comprised of personal emoluments $527,563. Other expenses $159,391. and Capital Expenditure of $566,136. For each of the last four years the expenditure is as follows :-

	Personal Emoluments	Other Expenses	Capital	Total Expend.	Budget
	$	$	$	$	$
1981-84	527,563	159,391	566,136	1,253,090	n/a (1)

1985	319,483	166,574	1,138,692	1,624,749	1,712,115
1986	454,640	255,046	522,667	1,232,353	1,268,047
1987	577,970	365,623	342,234	1,285,827	1,299,100
1988	732,224	370,751 (2)	436,938	1,539,913	1,802,068
TOTALS	2,611,880	1,317,385	3,006,667	6,935,932	

Notes:

(1) Separate budget figures for Computer Services are unavailable, as they are included in the Finance & Development budget.

(2) Other Expenses in 1988 are broken down as follows:

Operating Exp.	$355,550.00
Special Exp.	10,328.00
Emergency Relief	4,873.00

MR. PRESIDENT: Supplementaries.

SUPPLEMENTARIES:

MR. GILBERT A. McLEAN: Would the Honourable Member say what falls under the heading of Capital Expenditure? Does this include purchase of equipment or what?

HON. J. LEMUEL HURLSTON: Capital Expenditure includes anything of a developmental nature that is not recurrent. It would include purchase of equipment, office furniture and equipment, office construction, renovation and extension, new computer equipment, replacement equipment and the like.

MR. GILBERT A. McLEAN: Would the Member also clarify what falls under the other headings of 'Other Expenses'?

HON. J. LEMUEL HURLSTON: Yes, Mr. President. 'Other expenses' includes offices expenses, departmental purchases of supplies of material, telephones, inter-departmental purchases, everything which is needed on a recurrent basis to maintain and operate the department's services.

MR. GILBERT A. McLEAN: A supplementary. Would the Member say if the rather high cost involved in this particular area of Government's expenditure is due to having, what I understand is called, a main frame system as averse to having individual systems in the various departments?

HON. J. LEMUEL HURLSTON: Mr. President, I am not sure it is true to say that the high cost is because Government has invested in a main frame computer, as opposed to a battery of small computers. It would seem more true to say it is more economical, in principle, to invest in a larger piece of equipment with greater capacity than smaller equipment with limited capacity.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. Has any independent study been done in recent times, or ever, to determine if there are areas, whether in equipment or manpower, that there may be some cost saving?

HON. J. LEMUEL HURLSTON: Yes, Mr. President. Government has, over the years, retained the services of Computer Consultants, and one of the objectives of these consultants has been to ensure the continuation of obtaining value for money and effecting savings in all areas, wherever possible.

MR. PRESIDENT: Proceedings are suspended for 15 minutes.

AT 11:49 THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:15

MR. PRESIDENT: Proceedings are resumed.
Government Business. Bills. The withdrawal of a Bill, the Honourable Third Official Member.

GOVERNMENT BUSINESS

BILLS

WITHDRAWAL OF THE LIQUOR LICENSING (AMENDMENT) BILL, 1989

HON. J. LEMUEL HURLSTON: Mr. President, in accordance with provisions of Standing Order 58 and Standing Order 24(9)(iii). I beg to move that The Liquor Licensing (Amendment) Bill, 1989, be withdrawn.

MR. PRESIDENT: The Motion is that the Liquor Licensing (Amendment) Bill, 1989 be withdrawn. Does any Member wish to speak? I shall put the question then.

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

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: THE LIQUOR LICENSING (AMENDMENT) BILL WITHDRAWN.

MR. PRESIDENT: Bills, First Reading.

FIRST READING

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1989.

CLERK: The Misuse of Drugs (Amendment) Bill, 1989.

MR. PRESIDENT: A Bill entitled, The Misuse of Drugs (Amendment) Bill, 1989, is deemed to have been read the first time and is set down for Second Reading. Bills, Second Reading.

SECOND READING

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1989.

CLERK: The Misuse of Drugs (Amendment) Bill, 1989.

MR. PRESIDENT: The Honourable Member for Health.

HON. D. EZZARD MILLER: Mr. President, I beg to move the Second Reading of a Bill entitled a Bill for Law to Amend the Misuse of Drugs Law, Second Revision.

The purpose of this Bill is to improve the ability and effectiveness of the enforcement arm of Government to go after the ill gotten gains of the drug trafficker, and those who find it convenient and profitable to assist them in legitimising or to conceal their profit.

All Members in the recent election campaign intimated, in one way or another, that the use of illegal drugs was one of the greatest problems or threats facing our country today and that something must be done to stem its growth.

Mr. President, this Bill seeks to do something about it. Increasing the risk and therefore it should be less attractive for drug traffickers to bring their ill-gotten gains to Cayman for investment purposes or to find people who are willing to launder the proceeds for them. It also seeks to tackle the drug problem at its roots, the profit, the proceeds and assets of the trade. In particular, those who help them convert dirty proceeds into clean ones.

Most countries today recognise the answer to the drug problem is education to change behavioural patterns. But in the meantime, most see the step proposed by this Bill today as a significant one in that, it will remove the profit from circulation when we send the pusher to jail today, his money and assets continue to work for him while he is incarcerated, so that in most cases he may be better off financially when he comes out of jail, therefore his punishment may not be as severe as he deserves.

It is internationally recognised that the most effective means of fighting the drug problem is to dry up the funds which support the trade.

Mr. President, Clause 2 of the Bill seeks to introduce two new definitions into the principal Law. Namely, "designated country" means a country or a territory outside the Islands designated by an Order made under subsection (1) of section 16P, and "External Confiscation Order" means an Order made by a court in a designated country for the purpose of recovering payments or other rewards received in connection with drug trafficing or their value.

Clause 3 seeks to correct a printing error to Clause 16(2) when the Law was last amended, and it does this by substituting a new paragraph (a) in section 16(2) as set out in this Bill before the House.

Clause 4 seeks to amend the principal Law by the insertion of the following new sections - section 16O, 16P, and 16Q after section 16N in the principal Law.

Section 16O creates a new offence under the Law by making it an offence of assisting drug trafficking. This section is broad and it is intended to be that way or it would not be effective. However, the section does contain safeguards when a person can report the matter, even after he has committed the offence, to a constable of the rank of Inspector or above. He does not commit an offence if he had a reasonable excuse for not reporting it before. The offence of assisting a drug trafficker must be done knowingly.

In fact, even if the Crown proves successfully that the person assisted was a drug trafficker, and the proceeds used in the transaction was from drugs, it shall still be a defence to prove he did not know, at the time, it was drug-related, or that he intended to disclose to a constable such a suspicion and had a reasonable excuse for not doing so.

Section 16P and 16Q seek to make provisions for the enforcement provisions in the principal Law to be applied to such orders of foreign countries as are in august to confiscation orders.

These are the intentions of the Bill before this Honourable House. Although I have had some minor representations about these changes and the new offence this Bill creates, I am satisfied that it is another improvement to our interdiction process which is necessary.

We are not dealing here with minor offences or breaches of our Law, but with something that is destroying the very fabric of our society, and indeed, maybe a race. Mr. President, I do not feel these measures are draconian nor are they retroactive but I see it as necessary measures. Either we are against the problem and want to solve it or we are not.

I urge all Members of this Honourable House to give this Bill their full support, including the amendment to be move by the Honourable Second Official Member.

MR. PRESIDENT: The question is that a bill entitled the Misuse of Drugs (Amendment) Bill, 1989, be given its Second Reading. The Motion is open for debate. The Amendment is being circulated. (pause)

If no Member wishes to speak I shall ...the Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I want to make it totally clear at the beginning that I am totally against drugs. I ran my campaign on that basis. I live my life on that basis. Either in my public or private capacity, my actions have been towards seeing that drugs were either reduced or eradicated in these Islands.

the Bill itself, is one which is good in principle, and to that extent there are many sections in this for which I have no objection. However, the Bill has not, in my view, even though it complies with the Standing Orders, been given in sufficient time to the public, and especially to the private sector who it will effect, to have a look at it and to make representations on it. That is one of the reasons why, at the end of this debate, I will be moving that it goes into a Select Committee which would give perhaps a week or so to be looked at in some depth, by the areas of the private sector it effects.

This Amendment was not introduced when all the other Laws from which it was lifted in the U.K. were adopted. It was not done, so I would think, because it has been a controversial section in the United Kingdom and it also would have been very controversial here. The area that becomes somewhat worrying, and which I would like to see studied in more detail and to get an input from the lawyers, accountants, bankers, and real estate people, is the substantive part of this Law which allows a mere suspicion to be sufficient for charging a person.

We know in the Cayman Islands if a person is indicted, whether there is a defence or not, then that person is destroyed within the community. The mere charging or indicting of a person for criminal offence in a small community has a very serious impact.

This Law in effect, allows the charging of a person in instances where there is a suspicion that a person has carried on, or is carrying on drug trafficking and with the amendment, which I have not had a time to look at, seems to go on to say, "has received a payment or other reward in connection with drug trafficking.". I agree that is a good improvement to it, because the word 'benefit' is a very wide word.

However, 'suspicion' is also a very wide word. It is one which is going to be difficult to properly define but I believe if it is left in there, Sir, we must have input from the private sector to see how best this can be made precise.

I know it has been lifted from the Drug Trafficking Offences Act of 1986 in the U.K. which does have that word in it but goes really to such a stage that a person, because of what are regarded as suspicions in the minds of the police or the Attorney General's Department in relation to a person, can actually result in that person being charged. While he does have a defence, once he is charged even if one raises a defence, then I think the damage has already been done.

It is in effect in a very subtle way substantially but not directly reversing the onus of proof in that a person can now be charged on a suspicion. The difficulty of what is a suspicion is one that can vary from person to person, but at present it is in such a wide form that one may say, "Well, look, if locally you know or you have heard that somebody is involved in drugs, do you not open a bank account for them? That may only be a rumour, you have a duty and you check further and you may find that you get good references on a person either locally or abroad, yet there may still be other areas that one may have to look at. He might have a Sicilian name that may be associated with or could be associated with drugs or Mafia or whatever. It is around the imprecise area of the suspicion that I believe the input of the banking community, the attorneys, the accountants and the other people involved should be properly consulted.

I know that it is being looked at by the Law Society and hopefully, if that input does not come prior to my completion of my speech, hopefully it is something that will be passed onto the Honourable Attorney General and he will have a look at it.

The war against drugs is important. It is important to me personally. It is something that I am totally against - drugs and the misuse of drugs. However, when it begins to border on an area which can materially affect the legal system of the country, then I believe it is not asking too much that we just slow it down a little bit and we be given the time to look at it.

All I am asking for at this stage and will be doing when I raise the question to put it into the Select Committee, is, let us give it time, let us look at it in conjunction with the private sector. A very good example of this was the Law which was brought, in relation to the Mutual Legal Assistance Treaty. That Law was put through very quickly and amongst considerable public dissent. Perhaps a lot of that may have been wiped away if sufficient time had been taken to study it in-depth through a Committee.

What are the results? Nearly three years later the United States have still not found the urgency which we found three years ago. What I am saying is, let us not commit the error of our duty to the public of not producing laws that have their input and are precise.

Thirdly, it has been shown that it materially effects the professional privilege between lawyer and client, to the effect that neither the lawyer or the client may be involved, or even suspected of being involved. It can allow discovery or production of documents because a third party involved is the person. Let me make it abundantly clear, I do not have any qualms, if it is a question there between privilege and catching somebody in drugs, I totally agree with it. But I do raise this as one of the things which the United Kingdom Law Society and the Government are now attempting to talk about and to deal with some years later after it was passed in the U.K.. If we have to sacrifice that for the sake of catching criminals in drugs, I do not know what the Law Society's will be, but my personal feeling is that the privilege is not that important.

What is very important is that we do not erode the legal system to such an extent that we can create another horror within the society. From what I have seen and read, which is not everything that has been produced on this matter in the U.K., because I have not received a reference I noted in a Law Journal, I think it was sometime back, I believe we have to be careful in the approach to deal with one horror within our society that we do not erode the basis of the legal system and have innocent people put up and destroyed same as they can be by drugs within this small community.

My concern is, also, that there should be someway, hopefully, of defining in a somewhat better form the word 'suspecting' or at least tossing around some building into the system, something that we may not have innocent people being charged, merely on the basis of the suspicion. Do not get me wrong, I believe the intent of this Bill is a good one. I do not think the Member intended anything other than for it to be good, and I accept that. My view, however, is to look at protecting and better defining innocent people who may be indicted and put on their defence rather than going the usual route the Crown has, to prove its case, in the more usual way.

One of the problems is, for example, and this example I am using was one that was raised by certain other lawyers, that there could be a local person who carried on, what appeared to be, a legitimate business, approvals being given by the Caymanian Protection Board and local people dealing with that person in good faith. It transpired that he is a drug dealer, let us say. Bearing this one scenario in mind and looking at the amendment, it may appear that everybody along the line who purchased equipment or dealt with the watersports business belonging to that person would equally be subject to prosecution. Particularly at a later stage, for example, if he was indicted in the United States.

While on this subject, there are other areas I would like to touch on, because from what I can understand another area of attack on drugs, such as the provision of a rehabilitation centre, does not appear to be in the line of coming on stream early by this Government. While the attack on drugs must be in this way, and I was one who voted for the minimum penalties, although as a lawyer I did not like it but as a legislator, I felt it was my duty to legislate those minimum penalties, which took the discretion away from the Judge, and which unfortunately have now been taken out of the Law.

On the other hand, I would like to see a very clear and concerted effort, not just talk by Government to push on in every direction, not just these little amendments or talking here and there about psychiatrist or psychologist. I think we have to deal with this full scale.

I am not worried at all about the other areas of this Law. I think the many sections relating to matters such as enforcement of external orders are good. They are retrospective, but so be it. It is, in principle, a good Law which I am prepared to support, subject to us having a slowing down of the process to get proper input from the public. We must not pass this section off lightly because it is a section that does carry fourteen years imprisonment. It is one which is obviously regarded as serious and so it should be.

There are very wide powers given to your Excellency in Council under these Orders. Those powers, if they are necessary to deal with the fight against drugs then so be it. I feel you are entitled to those. I dealt with the agreement on narcotics in 1984 and I know wide powers were given there. Extremely wide. I felt if that was what was necessary for the fight against drugs, then we should have those provision there. They worked effectively and, in fact, is still the working agreement subject to the Mutual Legal Assistance Treaty (MLAT) coming into operation when the United States so decides to ratify it.

The other areas of the Law which do not deal with that section, that I have merely expressed a worry about, seems to me to be necessary. I believe they will effectively deal with the taking away of the drug pushers' gains, their reward for dealing with drugs which is a killer. Let us be assured that the measures as far as dealing with the offenders, taking away the spoils of drugs, is one that definitely can hurt them. If it is made not profitable then we must expect there will be a reduction in it. The Government, in bringing this, has - and I support in principle the Law - brought a Law here that I think will go quite a distance toward dealing

with the profits of drugs. I congratulate them on bringing it, but I will be dealing with this in more substance at a later stage.

I am just a little bit worried at the speed that we are going with it and I would hope they will look at this as a constructive approach to this. What I am saying is, let us get it right at this stage because it is serious and it is important that it be as precise as we can make it. What is a suspicion to one person or to the police may not necessarily be to the person who should have known this. I believe we have to be careful with that type of legislation. It really only relates to one area of this Law and there are at least two main areas to it.

In closing Sir, let me reinterate. I am fully against drugs, both as a public figure and personally. I have not just stood by and not done everything possible both at the times when I was within Government and subsequently in a personal way. I support the organisations fighting drugs - CASA, the service clubs, the Churches and everyone in the society that is trying to deal with this. I am prepared to go to fairly extreme measures if it is going to see that drugs are reduced or wiped out in this country. I would like to make sure that in doing so, Sir, we do not create problems. In this instance the lack of preciseness around a word.

I welcome the amendment that I have just received here, which once again, does exactly what I was speaking on in principle. Hopefully in Committee we can work constructively towards getting a Law which is definitely going to be good for the community. It is going to fight drugs but it is going to protect the rights of innocent people. Thank you.

MR. PRESIDENT: Proceedings are suspended until 2:15 P.M.

AT 12:50 THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:52 P.M.

OBITUARIES

MR. PRESIDENT: Proceedings are resumed.

Before we carry on with the debate on the Misuse of Drugs Bill, I am sure the House would like to record its condolences on the death of Mrs. Ackermon, the mother of Mrs. Daphne Orrett (who, until recently, was a Member of the House). Mrs. Ackermon's death occurred suddenly this morning.

CONTINUATION OF DEBATE ON THE SECOND READING OF THE MISUSE OF DRUGS (AMENDMENT) BILL, 1989

Resumption of debate. The Second Reading of the Misuse of Drugs Bill. Would any Member wish to speak?

The Honourable Attorney General.

HON. RICHARD W. GROUND: Mr. President, in rising to speak to this Bill, I would like to begin by warmly welcoming some of the sentiments expressed by the Third Elected Member for George Town, and in particular, those sentiments as to his opposition to drugs in all forms. That is something, I am sure, everyone in this House will share without reservation also his general sentiments, in principle, about this Bill and its good intentions.

Nevertheless, I feel I should say, and I rise to do this, a few words about the way the specific offence relating to assisting a drug trafficker to retain the proceeds of his crime. I should say a few words about that specific offence because, with great respect to the Member for George Town, I think he may inadvertently have given the wrong impression as to the way it works and in particular, as to the significance of 'suspicion' in the definition of the offence, and the way 'suspicion' plays a roll in defining the offence.

May I begin, however, by just saying a few general words about Clause 3 where it inserts the new section 16O - what this part of the Bill does not do, and what it is not. It does not shift the whole of the burden of the proof on to the defence. The main burden of proof remains on the prosecution throughout. In a moment I will go through the Bill in detail to demonstrate that although the Clause does establish three defences which it is open for the person accused to raise, once the Crown has got beyond the burden of establishing the commission of the offence.

Secondly, it is not retrospective. It looks forward and will only catch acts in the entering into the arrangements that are done after the commencement of this Bill, should it receive a fair passage from this House. It is not an information exchange law relating to other countries. And I must stress this, it does not allow prosecution on suspicion only.

Now, if I might turn to the wording of section 16O. If we could begin by looking at subsection (1), what it does is to make it an offence for someone to enter into a financial arrangement, and I will look at that in a moment, with somebody he knows or suspects of being a drug trafficker, which arrangement relates to the proceeds of drug trafficking. To establish the offence and to get a prosecution off the ground, the Crown will have to prove that such an arrangement has been entered into and that it is with a person who first of all is a drug trafficker or has benefited from drug trafficking. Secondly, that the person accused, if I might use a colloquialism, "the alleged launderer", that person knows the person he is dealing with is a drug trafficker or suspects it, and I will come back to that in a minute, and thirdly, the arrangement does, in fact, relate to the trafficker's proceeds of drug trafficking.

If the Crown can prove those things then the accused has certain defences open to him. He only has to embark upon these defences if the Crown succeeds in proving those

three things. One of the defences is if the accused person can prove that he did not know or suspect the arrangement related to the proceeds of drug trafficking. In other words, the Crown has to prove he did relate to the proceeds of drug trafficking. The accused can then prove that notwithstanding that he did not know or suspect that. He can also exculpate himself, prove he did not know the effects of the arrangement, the proceeds of drug trafficking would be, again to use a colloquialism, "laundered". He could prove that he intended to disclose to a police officer that he had a suspicion, that he suspected the man was a drug trafficker or these things were the proceeds of drug trafficking and he was going to tell the police about it, but he has a reasonable excuse for not doing so.

I began by saying what the Bill does not do, and I hope by stressing the fact, the Crown has to prove from the start the arrangement, in fact, related to the proceeds of drug trafficking and was entered into by the launderer knowing or suspecting he was dealing with a trafficker, deals with that. I said also it was not retrospective, I think in addressing it, the Third Elected Member for George Town did implicitly concede the fact that this was not retrospective. But, I would like to stress that because other people, perhaps not as sharp in the law as he, had said to me; "Well isn't this retrospective? Is it not going to relate back to everyone's transactions for many years in the past, and what are we to do about it?"

I can assure the public and anyone who cherishes a suspicion on this ground that this particular criminal offence will only bite on arrangements entered into after this Law comes into effect. It will not penalise arrangements entered into prior to that. It is a way of saying at this point - and I cannot say this too strongly - that the offence is the entering into an arrangement. I would like now to turn to look at what sort of arrangement is contemplated by the Law.

> "It is an arrangement whereby the retention or control by or on behalf of some other person who is in fact a trafficker or someone intimately connected with trafficking, is facilitated whether by concealment, removal from the jurisdiction, transferred to nominees or otherwise, or the trafficker's proceeds of drug trafficking are use to secure that funds are placed at his disposal, or that property is acquired by way of investment for the trafficker."

In other words, the Bill and the Law, if it comes into effect, will not bite on all business transactions that anyone may have with someone who turns out to be a drug trafficker. It is only aimed at and bites on the entering into financial arrangements whereby the proceeds of trafficking are in someway laundered. In other words, in some way the keeping of them by the trafficker is effected or made easier, or they can be invested for the benefit of the trafficker.

I stressed that because there has been, both in public and privately to me, fears expressed about what happens with people who enter into normal business relationships with somebody they think is a bona fide businessman, and who subsequently turns out to be a trafficker. There was an editorial in the *Caymanian Compass* on Friday that dealt with just this point. I think I should now turn and deal with some of the points made in that editorial.

The editorial said, "There has been one instance that comes to the mind of the editor, and there may have been others, where an American investor, known to have legitimate business interests in the US, established a thriving and perfectly legal business here. But, after some years of operation he was tried and convicted by a US Court for heavy involvement with drug related money laundering. While it is not known whether or not funds used for the establishment of the business had anything to do with the man's illegal activities or any moneys he spent on anything were the proceeds of illegal activities, would those who had dealing with him or his company be suspects?"

The answer is, straight away, no, they would not. First of all, if all they were doing in dealing with him was the day-to-day business transactions that did not help him to launder his funds, (I was going to say his ill-gotten gains, but that might be a little dramatic) the funds that come from trafficking, then the Bill would not bite at all.

Secondly, even if what they did was aimed at the investment or the other management of money, in other words, it was a financial transaction, the Bill would only bite if the person concerned knew or suspected they were dealing with a drug trafficker. In other words, all those Caymanians, all those doing business here, who had no reason to suspect the man was a trafficker would not be caught, would not come within the ambit of the Law at all. If the paper is talking about the case I am thinking of, then for many years while the man conducted his business here there was nothing whatsoever in the way he conducted himself to give anyone any cause of suspicion that his funds had in fact being derived from some drug related source. So in those circumstances the question of prosecution simply would not arise.

Now, if I could just turn from that and go to the broader point about the meaning of suspicion. The Member from George Town said something which I must take issue with him if only to correct it, and I hope you will forgive me for doing this. That is this. He said; "This Law allows the charging of a person where there is a suspicion." He went on to say that; "Suspicions in the minds of the police or the Attorney General's Department can results in persons being charged." With great respect, that is not right. The suspicion has to be in the mind of the person entering into the money laundering arrangement. It is nothing to do with what I may think, it is nothing to do with what the police may think. It is nothing to do with what...

MR. TRUMAN M. BODDEN: With respect, Sir, he has read a part of what I said, I think he needs to follow it somewhat further down. I did say something before and something after that. I did not say any suspicion, I just want to make that clear. Its going to be suspicion within the Law and I think he knows this.

HON. RICHARD W. GROUND: Mr. President, the point I was making was that it is a suspicion which has to be held by the person entering into the financial transactions, a suspicion that the person he is dealing with is a drug trafficker or has benefited from drug trafficking. It is not a suspicion held by anybody else that matters. The public at large may suspect that somebody is involved in drug trafficking. That is irrelevant. It is what the person entering into the transactions suspects. It is irrelevant whether the police or the Attorney General - and I am quoting the Member. I can see him raising his hands - but he did say over and over again that the Law allows charging on a suspicion. It is not charging on a suspicion, it is not charging somebody with a guilty state of mind, and that guilty state of mind is made out by the knowing or suspecting.

Now it is a subjective test. It does not matter what other people may think or what other people may suspect. What the Crown has to prove is that the man entering into the money laundering transactions himself, in fact, suspected the man he was dealing with was a drug trafficker or had benefited from the proceeds of drug trafficking. The Member is raising his eyes again, I do not know whether he is dissenting from what I said...

MR. TRUMAN M. BODDEN: Mr. President, I fully agreed with the Member, and I just want to point that out. I never...

MR. W. McKEEVA BUSH: What is the Point of Order the Member is rising on, Sir?

MR. PRESIDENT: No, no! Please, one at a time. The Member speaking has given way and everybody must act properly.

MR. W. McKEEVA BUSH: But he should quote...

MR. PRESIDENT: I am sorry you must stand up to address the Chair. Please.

MR. W. McKEEVA BUSH: I am agreeing with you, Mr. President. The Member should point to a Standing Order when rising in this House.

MR. PRESIDENT: I am sorry. It is a convention that if a Member rises and waits until the speaking Member gives way... that is a normal procedure.

MR. TRUMAN M. BODDEN: Mr. President, I agree with what the Second Official Member is saying fully. I would never in my wildest dreams think that I would have meant that it had nothing to relate to the person accused.

MR. PRESIDENT: Fine, I think that is sufficient. You can rise on a Point of Elucidation but you are not permitted to make a speech about it.

HON. RICHARD W. GROUND: I am very grateful for what the Member has said and I am grateful we do not dissent on this point of view. Perhaps you will forgive me for reiterating my explanation, but I think it is important that the public understand what the Law says. What I think it says, and what the Member think it says is the same on this.

As I was saying, the prosecution has to prove that the accused person suspected the person he was dealing with was a drug trafficker or had benefited from the proceeds of drug trafficking. Once that is graphed, many of the difficulties that have been raised fall away. Various people have come to me and have said; well, what constitutes suspicion and when should we suspect somebody, or, can you give us guidelines as to when suspicion should arise?

The answer is no, it is not possible to give guidelines. The circumstances will be infinitely variable and the way to approach this and the way the Bill has approached it is to go to the state of mind of the person entering into the transaction. Not to say, does he have grounds for suspecting, not to say, should he have suspected, not to say, if he was a reasonable man would he, at this stage, had entertained the suspicion, but to look at it from the other angle and ask, Did he, in fact, suspect the man he was dealing with was a drug trafficker? Once you have answered that question and there are only two answers for it, yes he did suspect or no, he did not. Once that question is answered the case is clear because there is, with great respect, a moral issue and an important moral issue buried in the use of the expression 'suspicion'. It is this, and I put it as a question, Is it right to evaluate the financial affairs of a person that you suspect of being a drug dealer or being a drug trafficker, without first satisfying yourself the money you are dealing with is not tainted with illegality? Is it not in fact coming from a tainted source?

In other words, one looking at the state of mind of the launderer and asking the question - what did he think was going on? The reason that one does this is in the real world there are innumerable ways the drug trafficker when approaching somebody (whether it be a lawyer, banker, accountant or whatever) to deal with these funds, would not go up and say; "Hey man, I am a drug trafficker would you watch this money for me?" He will come up and represent himself as a straight forward businessman. But there may come a time when certain aspects of his affairs will ring a warning bell with the person with whom he is dealing that is, the lawyer, banker accountant or whatever.

It is impossible to say, in abstract, or in an hypothetical question, when that time will arise. But the moment it arises, then the banker, lawyer, accountant or whatever is put, in my submission, in a moral dilemma. The question is suspect. Does he go on and help this man or does he

not?

Now the Bill gives him a way out of this moral dilemma. He can reveal or report his suspicions to the police. This is set out in subsection (3) of the Bill. Were it not for this subsection, which came in at quite a late stage of the history of the Bill in the United Kingdom, the person dealing with the trafficker when he got his suspicion could have done one of two things. He could then have said to the client; "Go away, I want nothing to do with you" or he could have said; "Can you explain to me in more detail where this money comes from, can you satisfy me?". If the client did not satisfy him, then he could either say, go away or he could have gone on and knowingly helped him launder money that came from a dubious source.

the Bill provides him with a third way out, he can reveal his suspicion to a police officer. I cannot stress how much that has to be a Caymanian police officer of a fairly high rank of inspector or above. He can then seek the guidance of that officer, and it then becomes a defence if he then goes on with the consent of the officer with transactions with the person who, by that stage, will have been suspected of being a drug trafficker.

People have come to me and said, "This Law is terrible, what are we to do? Are we to turn over information relating to all our clients to the police? Surely, that is the only way that we can safeguard ourselves?". With respect, that attitude came from a lawyer on the Island. With respect, that again is nonsense.

The occasion of going to the police again only arises when you get to the stage in your dealings with the client that you, in fact, suspect him of being a drug trafficker. It does not arise before that. There has to be a suspicion on the part of the professional person, the facilitator, the launderer, call it what you will.

Mr. President, I have gone on at some length about the element of suspicion partly because it is a key part in the definition of the offence, but also because it is a key part in determining when a commercial financial transaction becomes morally reprehensible because there is nothing wrong with entering into elaborate financial transactions with people, either from within the Islands or from outside. If you have no reason to think they are drug traffickers or their funds are tainted, with the taint of being derived from drugs, there is nothing wrong with that at all.

Where it becomes morally reprehensible is where you start to think you are helping a drug trafficker and do nothing about it. It is that the Law is aimed against. It is casting wide and general terms, because as I have said, in reality it is impossible to define them in advance.

I have mentioned a couple of times while speaking what people have said certain things or that representations have been made. I have seen documents generated by Members of the legal profession which have addressed some of these points. I have also seen a letter from the President of the Law Society that makes some comments relating to this Bill. If you would excuse me just a moment while I dig it out of the papers in front of me. The Law Society addressed a letter to me, dated the 16th February. In fact, I have not received it, but it was copied to the Honourable Member responsible for this Bill, the Member for Health and Social Services, and he has kindly passed a copy to me.

The letter on its first page very properly records the concern of the Law Society itself, at the scourge, that word is coming a little over used, at the wrongness of drug trafficking and seeks to make it, and I am quoting, "unequivocally and abundantly clear, that the legal profession like all other professions and businesses on this island have no regard, respect, or even espouse knowingly, any person or entity involved with, or known to have been involved with drugs.

The letter written, as I said by the President, purports to be written on behalf of the Law Society, although he records that he had not had a full meeting of the Society, and it is copied to other members of the Law Society's Council. So, I think we can take it as a constitutional representation coming from that body. The letter raises four points about the Bill, and perhaps I might deal with them swiftly. I am doing this in part to address the concerns of the Third Elected Member for George Town that representations have not been received and people have not been considered.

The letter has four numbered paragraphs. The first of them deals with Clause 16(c) and that is not something I have addressed so far. All I want to say at this stage in answer to the President of the Law Society on that is simply to remind him that this Clause is a word-for-word reenactment of something passed during the last Session and only appears in this Bill, because the paragraphing was laid out wrong and the simplest way of correcting that paragraphing was to set out again the whole section. But not a word of it is new. This is pointed out in the Memorandum of Objects and Reasons. Indeed, though the Law mentioned that, Clause 16(c) is by no means clear to me what point they are making in respect of it.

It then goes on to deal with section 16O, the section that we are all concerned with. The writer says, "This section specifies how the offence of assisting drug traffickers can be committed in various ways. In this section the person accused of the offence must be shown to have known or suspected that a person had been a drug trafficker, but not apparently that the particular arrangement, which is the subject of the charge relating to drug trafficking.

This is a very wide section and can conceivably cover all of the people on the Island who dealt with the person in illustration one and two." The illustration the writer had earlier given was very similar to that which appeared in the *Caymanian Compass* Editorial, and I will not bother to read it out again. It is again posing the question of what happens when somebody operates here, what appears to be legitimate business and then to everybody's shock turns out to be involved in drug trafficking.

My answer to that is that normal business transaction where you sell drinks or food to somebody who runs a hotel or enters into the daily commerce of life are not caught by this. the Bill is aimed at financial transactions. Secondly, even if you have entered into transactions with such a person, and you have heard a rumour on the street that he may be involved with drug trafficking, that in itself is not enough

to constitute the offence unless you yourself genuinely give credence to that rumour you heard on the street and exposed the suspicion.

But as the Law Society points out - and it is a point that I would make - that even if you exposed the suspicion; even if you think the man you are dealing with may be a drug trafficker, you can properly deal with him if he satisfies you that the money he is asking you to invest or take into your bank or whatever, comes from a lawful source. This is an enormous protection for the lawyer, the accountant, or whatever, dealing with somebody who they think may be a drug trafficker because the word on the street is that he is a trafficker. They can ask him where are these funds coming from. If he is running a reputable business on the Island, if he can show you his books and say these are my takings, fair enough. The offence is not committed because you have that defence. If anybody pulls you up over this, you can show that you did not believe and had no reason to suspect the money came from drug trafficking. That is the importance of subsection (4), which provides specific defence where the accused can say he himself did not, in fact, know or suspect the money he was dealing with came from drug trafficking.

Now the Cayman Islands Law Society goes on to address this and they say, "Subsection (4) places on the defendant the burden of proving he did not know or suspect the arrangement related to the proceeds of drug trafficking. In this regard, any person not known to people in Cayman should be suspects.". With respect, that statement is quite misfounded and quite wrong. How could any reasonable person say just because I do not know you are a suspect or I ought to suspect you? Well I leave it to the public and to Members to judge for themselves whether there is any sense in that sentence.

It goes on to ask, "What standards, care or prudence must local business men take to ensure the person before them is not a trafficker?" To begin with, none whatsoever, unless they themselves begin to harbour a suspicion that he may be a trafficker. Once they harbour that suspicion then they should ask him, where have your funds come from? Show me that they have been derived from a genuine business or, take your business elsewhere.

The Law Society goes on. "It creates a heavy duty to prove one's innocence.". My answer to that is, it only creates a duty to prove one's innocence once the Crown has proved that you are dealing in relation to funds actually derived from drug trafficking, that you are dealing with somebody you knew or suspected was a drug trafficker, and the deal you set up helped that person to launder his funds. In other words, you have to go a long way down the prosecution road before the accused is asked to prove anything at all.

The fourth point the Law Society makes relates to section 16P subsection (3). I do not intend to deal with that at this stage because it is not a point which the House has expressed concern about. It is a point that relates to the mechanism of the Order, applying a foreign confiscation orders.

That is the total of the specific concerns addressed by the President of Law Society. He does go on and expresses one in general terms. It is under the heading of concerns and principle. "We", and I assume he means the Law Society, "are concerned about the retrospective effect of any Law or of wide sweeping powers of any official without due regard of separation of powers and the checks and balances of a democratic society.". Sentiments I would whole-hearted espouse. It has nothing whatsoever to do with the Laws. I have already pointed out, and I think Members here would concur, that the section dealing with money laundering is not retrospective nor does it confer powers upon officials, nor does it override the separation of powers.

The Law Society's presentation goes on in the last paragraph; "At present if the Law is passed as proposed, the great onus placed on persons who deal with foreigners would be very difficult to discharge. While no one wants to deal with drug offenders, it is difficult to determine who is and who is not and who has benefited and who has not.". Now again, I agree with him. It may be difficult to know whether you are dealing with somebody who has benefited or not.

The way the Law deals with that very difficult problem is to say you do not have to worry until you yourself have a suspicion. Once you, in your own mind, start to have doubts, then you do have to worry. That is when you try to clear up those doubts by asking your client or get rid of his business association. I should point out here that the offence is constituted by entering into an arrangement after the suspicion is being formed in your own mind, acts done to assist the client to invest his money or whatever, before the suspicion crystallises in your mind and not caught; the offence is entering into a financial transaction knowing or suspecting you are doing so with a money launderer. So the safeguard for the professional man for whom a warning bell starts to ring, is first of all to ask his client if he can lay those suspicions at rest. If the client is unable to then you can invite him to take his business elsewhere. You will not be penalise or made liable under the Law for transactions, assistance, advice or whatever given before that suspicion forms.

The letter goes on; "The risk imposed by the Law may require drastic steps to be taken by all persons using the Caymans which may or may not go over well. The Law should only apply to business undertaken after the passing of the Law.". It should and it does. I can assure Members that it is quite clear on the face of this Law that it only applies to business undertaken after it comes into effect and will also only apply to business undertaken after the suspicion has formed in the minds of the persons doing the business.

Now, Mr. President, I dealt with that letter at some length, because to date, that is a summary of the representations I have received. the Bill has been before the public for so little time. There was a lead story in the *Caymanian Compass* on the 6th of February, headed 'Drug Law Changes Hit At Those Who Help Smugglers', which I think is the first time that the proposals to bring this Bill forward became known to the public generally. Now that was two weeks ago, and it would be at the same time the Bill went out to Members.

Shortly before that, I also had sent out copies of the white copies of the Bill to the Chairmen of some of the professional bodies that would be effected by it. In particuar, to the President and Secretary of the Law Society of the Caymanian Bar Association, the Accountants Association, the Bankers Association and the Chamber of Commerce to ensure they would have a copy of the Bill at an early stage and would not have to wait for the green copy to come out, so they could circulate it to their Members as well. So in my submission there has been some circulation of this Bill, and an opportunity for representations to be put forward.

In closing, I would like to reiterate a point the Third Elected Member for George Town did touch upon. That is, that this Bill does follow the form used in the United Kingdom. People keep saying to me that it is very controversial there. I reread today while waiting to speak on this debate, the Second Reading debate in the British House of Commons, and I see no controversy raised there as to this specific section.

Now I have not seen the documents but I do understand the British Law Society may have had concern about this. The Member for George Town mentioned concerns about legal privileges but, with respect, that is not really a point in relation to this section because this section does not make the lawyer do anything. It does not make him hand over information to the police or anybody else. It sets up a system whereby somebody if they want to and if they had a suspicion about their client, can go to the police and reveal that suspicion. That is something that I would hope all citizens would do if they suspect they have knowledge relating to drug trafficking.

In the past there has been two barriers in the way of the lawyer, the accountant or the banker in going to the police when he has a suspicion that his client is a crook. There has been the bankers' duty of confidentiality under his contract with his client and there has been the Confidential Relationship Preservation Law. This Law removes those two barriers in respect of a professional person who suspects his client is a crook and only in respect of such a professional person, but does not say that the banker, the lawyer, the accountant or whatever, has to go to the police. He can, if he forms that suspicion, simply say to the client; "satisfy me that you are on the level or go somewhere else.". So the law does not compel him. The question of breaching legal privilege does not, with respect, arise under this provision.

With those words I have attempted to reassure the Members of this House and the listening public as to this provision that introduces the offence of money laundering here. It is a provision I would commend to the House. It is a provision which is finding its way into the legislation of many other countries. I understand that all the other Dependent Territories in the Caribbean, for instance, have either introduced it or have it on their statute books. We are following the United Kingdom's model in doing this.

It would, with respect, send a very wrong message to the world at large if we would set our faces against this provision. It is for that reason that I do so warmly welcome the words of the Third Elected Member for George Town when he says that in principle, and I understand fully his specific comments, he supports the tenor of bill.

Thank you Mr. President.

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

MR. ROY BODDEN: Mr. President, in rising to make my contribution to this debate I would like to record categorically and unequivocally my abhorrence with anything that has to do with drugs or drug trafficking in our society, because I believe if the matter is not addressed that would be the downfall of our good country. I am not in a position to debate the legal ramifications of this Bill, and even if I was, I think the Honourable Second Official Member has done that more poignantly and succinctly than I could ever do.

However, Sir, I would like to offer a few observations. With respect to the Third Elected Member for George Town I would like to say that his request for time to study the Bill at the Committee level is contextually inappropriate and may be somewhat irrelevant because I believe we are at the last island of resistance in a parameter of legal and societal defences that will crumble if we do not move rapidly and send clear and unequivocal messages to these people who would use us and destroy our society and people.

Perhaps, I am in a fortunate position, in that professionally and otherwise, I speak only for my constituents and with no offence to the Third Elected Member for George Town, Sir, that is why I rather like the American system because in cases like these we have to make clear declarations as to where we stand and who we are lobbying for.

I would like to share some observations with this Honourable House. Just over the weekend and quite coincidentally, I received a publication from an organisation of which I am a Member, on Studies in Third World Societies. The publication was dealing specifically with drugs in Latin America and the Caribbean. I was a little taken back and appalled at the fact that in Columbia, the Drug Lords have devised very ingenious methods of hiding the profits and drugs money. As a matter of fact, the article gave explicit details of the extent to which some of these Drug Lords have invested in professional soccer clubs in the major cities in Columbia. So with this kind of ingenuity, our defences cannot be second rate or we cannot lapse into a sense of false protection.

Often we hear about the small man being apprehended and everybody on the street is screaming and saying, 'Well, Northward is full of the little boys'. But the record for the 'big boys' is sadly lacking and poor, indeed. I think as legislators and as representatives of the people's interest, it is incumbent upon us to act, to send these kind of messages and to let these people know they are unwelcome here.

I listened with interest to the presentation given by the Honourable Second Official Member and I would say that one would have to be dense indeed, to conclude that the

whole explanation of the business of suspect and suspiciousness was not clarified. That leads me to conclude that those people who have nothing to hide need fear no ill-informed or unfair penalties. It strikes me that ample provision is made in this Bill. If we are as discretionary as I think we are and if our Courts live up to the records they have established, I see no reason for any undue fear or alarm.

So, in conclusion, I would like to say that I hope the Members of this Honourable House in their wisdom could stand for this Bill, Sir, because I think it is absolutely necessary that we have measures like these added to our Laws.

Thank you.

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

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support the Bill before the House, A Bill for a Law to Amend the Misuse of Drug Law, Second Revision. Having read in the newspapers and realising what elicit drug trafficking is doing to the whole world and to the Cayman Islands in particular, which is our interest, we must do everything within our power to close legal gaps that might exist in our legal structure to tighten and to prevent the further expansion of this.

I am not a lawyer therefore I do not attempt to go into the legal ramification of it, but I would like to take the opportunity to congratulate the Honourable Member for bringing this and for his presentation of it also the Second Official Member for his legal explanations.

I accept those explanations and I realise that if we do not act responsibly here in this Chamber, generations to come may not have the privilege of the intelligence and the financial resources to stand in this Legislature and to preserve our heritage. So I feel that it is incumbent upon every Elected Member of this Legislature to support any bill which will improve our standard of living and above all things else, curtail the misuse of drugs.

I thank you, Mr. President.

MR. PRESIDENT: The Honourable Member for Education.

HON. BENSON O. EBANKS: Thank you, Mr. President.

I intended to reserve most of what I am going to say on the amendment which the Third Elected Member from George Town indicated he would be moving at the appropriate time, but I believe that after listening to the very lucid and erudite manner in which the Second Official Member dealt with this Bill, the Third Elected Member from George Town is not going to bring his amendment as he indicated he was. So I would like to make my few comments now.

The first point I would like to make is that the Third Elected Member for George Town - and I will have to deal with him because he is the only Member so far who has opposed the Bill - said that he agreed with the general principles of the Bill. Well, if I read Standing Order 48, that is all in fact we are dealing with at this stage, because the Second Reading is confined to the general merits and demerit principles of the Bill. Nevertheless, Mr. President, I hope that you will give me latitude to deal with some of the submissions made by the Third Elected Member for George Town.

I believe he questioned why the amendments contained in this Bill were not included with the amendments brought in 1988, that is, the Misuse of Drugs Amendment Law, 1988. Since I am the Member who piloted that bill through the House I can tell him why and I have no reason to hide why this section was not brought. When that bill was considered for presentation to the House there was really one main objective to the Bill. It was to establish the National Drugs Advisory Council. Once the Bill was considered, it was thought expedient to include the sections for seizure and forfeiture of assets locally, for drug trafficking. But I took a conscious decision not to bring this part of the Bill at that time, because I believed that this section, together with the provision for forfeiture and seizure of drug-derived assets might have jeopardised the passage of the Bill, therefore, jeopardising the establishment of the National Drugs Advisory Council. I attached a lot of importance to getting that formed and so that is why we took the conscious decision not to bring this amendment at that time.

I have no problems with these amendments within this Bill before us. I think the Honourable Second Official Member made it quite clear what the intention of the Bill is, and certainly, the way it works.

Sometimes we get chatting here and we miss the odd contribution that has been made. I am not sure whether the Second Official Member really called the attention of the Third Elected Member for George Town to section 4 subsection (3)(a) and that basically is:

> "that any disclosure by anyone shall not be treated as a breach of any restriction upon the discloser of information imposed by contract or by any Law.".

I am calling attention to this merely to point out that, in my opinion, this takes care of the client/customer relationship, and I believe there is another section in the Law which also deals with the Confidential Relationship Preservation Law, that it absolves one who gives information from the penalties of that Law.

As far as those who feel they maybe somehow widely caught up under the provisions of this Bill, I would just like to say that the business atmosphere in Cayman has for many years not just today, dictated that banks, trust companies, lawyers and accountants take active steps to defend their businesses. Not just to defend it passively.

The reputation of these Islands are of paramount importance to

our continued success as an offshore financial centre. Anyone who is not prepared to practise active self-policing, in my opinion, should get out of the business. We would be better off without them.

I am not going to deal at length with the submission from the Law Society. I would only say this. The first example given in that letter is in fact an insult to my intelligence. Any man in his right mind who could have watched or observed the activities of that young man and not been suspicious of where his money was coming from, then I believe they are less than observant and prudent. No man makes the kind of money that young man spent, from running a concession on the beach in West Bay. I heard nothing about him patenting any great invention. I did not have to wait until the Senate Enquiry on narcotic trafficking flashed his picture across the screen of the television to know that young man was involved in drug trafficking. Thank God, maybe the Cayman Islands had something to do with putting him away.

I believe the Third Elected Member from George Town alluded to the urgency with which this Government implemented the enabling legislation for the Mutual Legal Assistance Treaty some three years ago and I think he said that is exactly what we are attempting to do today and also questioned why the urgency because the United States seems not to be anxious to put it into effect or ratify it.

I think this is a matter of public record. The reason why the Treaty has not been ratified in the United States today is because of the actions of, I believe, a maximum of two Senators on the Foreign Relations Subcommittee who, for the reasons best known to themselves, adopted there the identical tactics to what this Member is adopting here today. That is delaying tactics and therefore the last Senate died before it could get through the full Senate. In spite of the delaying tactics of that Senator and one of his colleagues, it passed 17 to 2 through that Committee. this Bill, I am satisfied, is going to pass here today unanimously. I believe that after the Member has listened to the explanation of the Second Official Member he too is going to withdraw his objections and, when he shouts, Aye, it is going to drown out everybody else's.

This has nothing to do with this Bill. It is irrelevant that the Member mentioned it and that is that he was, shall I say, concerned that the Government has not seen fit to build the drugs rehabilitation centre they have heard so much about. If it is one thing I have done in my political life that I am happy about is that I dragged my feet on that issue. The more I hear of this in countries where they are operated, the more I realise that it would have been money down the drain. The money we would spend on a drug rehabilitation centre is far better spent on educating our youth from kindergarten up against the evils of drug abuse or substance abuse.

If the Member has read his Budget properly, he will see there are provisions in there for a pilot project of half-way houses which will deal with persons probably who have been hooked and have been able to receive assistance elsewhere. But, even those institutions abroad have to be chosen with great care. I would also....

MR. PRESIDENT: Excuse me one moment. You did say you were going to digress, I think you have digressed. You are now going into what may be debate on the Budget.

HON. BENSON O. EBANKS: I just mentioned, Mr. President, that we have included those half-way houses not the rehabilitation house. I would just like to make one final statement on this whole question of rehabilitation, Mr. President, and that is, there is no known medical detoxant for cocaine. That is a simply medical fact and I will have it debated by anyone who cares to take me on. I have the information to back it up.

Suffice it to say, I support this Bill in its entirety including the amendment that will be brought at Committee Stage. I accept totally that sufficient notice was given of this Bill to the public and to those practitioners who might be concerned about it. Further, to the debate that is taking place on this little bill with the other bills that we have coming before us, it will be at least until tomorrow evening if not Wednesday morning before we get into a Committee of the House. And, I am anticipating what the Third Elected Member from George Town said he was going to do, I will not support any move to put this to a Select Committee. I believe that we must be strong enough to stand up and say in public what we might intend to say in private. Anyone that has any quarrels with this Bill let him go on record in this House as opposing it.

It is accepted internationally, as the Mover of the Bill said, the most certain ways to stifle and conquer this evil is to remove the funds that greased the wheels of the trade. This is the last bit of legislation that we have to put on our books to put us in a position to do our small bit to help remove the funds of drug traffickers out of the pool of funds that finances the trade internationally.

I would hope that Honourable Members, as I said, will accept this Bill unanimously.

Thank you.

MR. PRESIDENT: I think that this will be a convenient time to suspend for 15 minutes.

AT 3:20 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:38 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
Second Reading of the Misuse of Drugs Bill. The Third Elected Member for West Bay.

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

I would like to offer at this time, my contribution to the amendment of the Misuse of Drugs Law. First of all, I want to say, I think it is a fact that as legislators we all recognise the drug trade is an international problem and which is a big and profitable business even in the Cayman Islands. We must ensure that all persons guilty of engaging in this trade are appropriately and severely dealt with. However, I feel the approach to the problem of the drug trade has to be a comprehensive approach. We must not only consider the prosecution side, but the rehabilitation side as well. Let us provide innocent victims with a chance to kick the habit through the availability of a rehab centre. I agree that measures have to be taken to tighten the penalties against the drug trafficking. However I do feel that prudence must prevail and the input of the professionals effected, such as our lawyers, bankers, accountants, corporate management companies, company operators, must be taken into account.

I am aware that the financial community, at the present time, works very closely with Government to protect the financial community here in the Cayman Islands. Despite all of these efforts, some dishonest clients have slipped through the networks into our financial community. I am aware as part of their requisitions or requirements, the banks, when you approach them to establish an account, require character references and a financial reference to ensure that the people they are dealing with are legitimate, and that they are bringing to these Islands good business.

Mr. President, I am always concerned with the introduction of new legislation, and I think when new legislation is being proposed we should bear in mind the possible ramifications of that legislation. I personally feel, because of the severity of the penalties associated with this amendment, for the bankers, lawyers and other professionals who are involved in providing professional services to investors and local people that do business here, there is a possibility the amendment could discourage legitimate business because bankers, lawyers and the other professionals will be much more cautious in accepting business in the Cayman Islands. I feel personally, at the present time, if any of these professionals have a suspicion that the proposed client is suspicious and that his means are from illegitimate means, they do not accept that business.

I support in principle, the measures which are being brought forward and I hope that the concerns I have and the input from these other professionals I have referred to could possibly be obtained, maybe during the Committee stage of the House, in dealing with this Bill.

Thank you, Mr. President.

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

MR. W. McKEEVA BUSH: Mr. President, this piece of legislation, when it becomes Law, if properly administered, I believe history would show few pieces of legislation would have done more for the dent into drug trafficking than this would do.

The United Kingdom has passed its Drug Trafficking Offences Act in 1986. In the United States, the particular section in question was made part of their Drug Enforcement Law and enacted sometime back. Therefore, we know of two countries with which we have close legal business and political relationship which have the system of providing for confiscation of drug trafficking assets. The Bahamas passed their Act in 1986. So this should be nothing new to legal minds. It is not something unheard of in parts of the Commonwealth that are really having a hard time with drugs and in many ways these sophisticated crooks can escape the Law.

I think members of the community and Members of this House ought to know and would have to recognise that the drug trafficker regards drug trafficking as a very profitable business. The reason why he continually takes the chances with drugs is because of the enormous profit associated with it. At some stage, if the trafficker is caught and is brought before the Court, and if there are some Magistrates with the courage to send them to jail, he will only be on vacation. For when he comes out, if he does not want to go back into the business he could retire and live off the profits and interest which drug trafficking had brought him, and that is the key to this legislation.

If we are sincerely against the scourge of drugs; If we are aware of what drugs, cocaine specifically do to the young people of the world and to these Islands; If we are aware that the cream of our young people who should be the leaders of tomorrow, are being wormed out by the greed of these drug traffickers, these merchants of death, then we all should welcome this legislation. If we find enough evidence to convict then and if we have Judges and a Judicial Department who are willing to deal with them, then, on their return to the society from Prison he ought to be poor because the profit they have been making and the accumulation through the suffering of people should all be taken away from them. That is a powerful incentive to prevent people from getting involved in drug trafficking.

First of all if you are convicted you to go to jail. That is a good penalty, but that alone has proven to be not enough. As a matter of fact, it is a researched opinion that fines tend to make traffickers look even more glamourous than he is when seen by young people shelling out a hundred thousand dollars in cash, to pay a fine. Some of them would like to have that hundred thousand dollars. We, in this society, still fear the stigma of going to jail. I see that as a deterrent. But together with the fact that once you are convicted to lose all one have gained, that should be an even more powerful deterrent against these drug merchants.

There is talk about incriminating oneself. Well, if that is a possibility it should make our business community, which is very sophisticated, become that much more vigilant as to who they deal with. One only has to look around in our community and see the effects of this living death that is perpetrated among our young people and in even the older ones.

We look at the crimes. When it comes to crimes in this society a very high percentage of the crimes committed certainly those to do with house breaking and stealing are drug

connected. Why? Because the professionals will tell you, once one becomes hooked on cocaine, one must have it. Sooner or later you will run out of money. Then you must turn to other people to obtain money because you must have the drug. You will find that a lot of the breaking and entering which occur is done for the purpose of getting money or other goods with which to obtain a supply of drugs. Therefore, this thing stretches its tentacles in all different directions in our society. Because the persons on drugs is so irrational, he may decide to steal at anytime, at any place, at any hour. He therefore has no pattern of operation. He would steal from his mother, his brother, his sisters, his cousins, his aunt. I also maintain, that with that type of crime, if a man breaks into your home, he not only comes prepared to steal but to kill if necessary. That is my opinion.

Government is certainly taking the right course. We will be criticised. I have been told so and I figure we will get more of it. We heard from the Third Elected Member for George Town who is totally against drugs, but yet he would not support a move that would cramp the style of those who are reaping the benefits from the sale of this death. We heard words to the effect from him that unfortunately, the discretionary powers were put back in the hands of the Judge. It was because, in this community of so much protection, it was only the little boy on the street who was put in prison and sentenced. This was a move, as was said, to get 'the big man' where it hurts most; his pocket, his business, his profits.

All Members, including Opposition Members in this Chamber should support it without fear or favour. We hear talk about rehabilitation. It is informed opinion out of qualified research, I may add, out of ninety-nine persons hooked on drugs, only three are rehabilitated. That is what they say. They also say that even out of that three some keep coming back. There are all types of people calling for rehabilitation. I know of one crook in West Bay who campaigned bitterly against me getting into this House in the recent Elections - A known drug seller flying the Cayman flag. He should be ashamed of himself. What was his call? He said the country had no rehabilitation centre and the Members from West Bay were not doing anything about it. One Member was responsible for it, and he was all the time selling death to our young people in West Bay. I make no bones about it because I told him so publicly from the platform. I handed his name on several occasions to the Police and I hope they catch him so it will be seen that all those who cry God is not a Christian, believe you me.

This is a national problem. It is a problem that is threatening the survival of our society. Therefore we should put political and social business and other considerations aside in the national good and in the interest of our community. this Bill probably will not be the solution to the problem, not alone. We could pass this Bill and then go to bed saying I have done my part now, I leave the rest to others. No, Sir. The solution to the problem is eternal vigilance on the part of every well-thinking member of this society, and indeed of this House. No amount of propaganda can change the fact that drugs is a serious menace to these Islands. Therefore, we need the cooperation of everyone; bankers, accountants, real estate people, lawyers, everyone that could be involved in the handling of assets that may have been derived by the sale or otherwise of drugs. The country needs the cooperation of all the professionals we keep hearing about.

this Bill strikes the very heart of drug trafficking in these Islands. It hits where it hurts the most and it takes a Government with guts to bring it about. I trust this Bill will be followed up by other improvements in the material to combat drug trafficking and I give it a hundred per cent support. I trust that the opposing Members will all do the same.

I will not support any amendment to put it anywhere. I had sufficient time to study the Bill. I am no legal mind. I quite understand it with all the powers in this country, legal minds and what have you, they had sufficient time, we are going to throw out the amendment.

Thank you.

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

MR. FRANKLIN R. SMITH: Mr. President, I rise to give my support to a Bill for a Law to Amend the Misuse of Drugs Law, Second Revision. I feel that the legal ramifications have been explained very clearly by the Second Official Member. So, if we do not take steps in the right direction to help stop our young boys and girls from going down the drain, we will be wasting our time in this House.

I believe that we are moving in the right direction, because all too often we hear of the young or "small boys" being caught, but never the "big boys". this Bill is aimed in that direction to help catch those "big boys". There are young men and women out there who are living proof of what drugs have done and are doing to our society. I believe that if we are not involved in it we will have nothing to fear. So I support the Bill and will continue in every way I can to help our boys and girls.

Thank you, Mr. President.

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.

The amendment to the Misuse of Drugs Law, which is before this House, appears to be a piece of legislation which makes more comprehensive, the substantive Law. In particular, it puts this country in a position to assist external territories in the confiscation of property, monies and otherwise, which might be in the Cayman Islands. I think it is timely and also desirable and from that point of view, I certainly support the principles of this Bill.

However, I see no problem whatever in giving more time to examine it more carefully, because I have heard today in this House references made to a letter from the Law Society. At least two Members spoke on matters contained in that letter, I have not seen it myself. I think it might

have been a good thing if all Members could have seen exactly what the Law Society was saying, or if there are any other letters from any other societies or professionals in the Islands. I believe it is quite clear that all should have an opportunity to speak to, or comment on legislation which can have far-reaching effects, particularly when that legislation is geared to assist external forces to our own country.

I support just about any move or any legislation which will work against misuse of drugs and drug trafficking. I campaigned strongly against drug trafficking and the misuse of drugs in this country. During the recent General Elections campaign perhaps I campaigned too strongly in that I suggested that Government should spend any amount of money to strike at the suppliers and those persons who are suspiciously rich, right in our society. When it comes to 'suspicions', which is a word that has come into question in the debate on this particular amendment, I believe anyone thinking fairly or clearly would have lots of suspicions about a number of people right here in the Cayman Islands who apparently have become wealthy overnight and there are no visible means by which they have acquired the wealth that they so flamboyantly show in this country.

I believe that while we must do everything to assist other territories, we also need to take a very strong internal look at our own country. Indeed, in the same way confiscations may be made by other countries and other Governments, we ought to take a very careful look at what is happening in the Cayman Islands. When it comes to suspicions, I have a number of suspicions about monies that appear to be available to some people in this country and not to others who are as hard-working or more hard-working than some overnight millionaires that we have here.

I support the concept of rehabilitation for persons who find themselves addicted to drugs. I certainly would support any measure to create rehabilitation centres, which I think is the first step that has to be taken before one reaches a half-way house concept. I am made to understand that a half-way house is the place where an addict goes after they have been to a rehabilitation centre under rigid discipline and treatment. It is a sort of prolonged recuperation process, when they are put in the half-way houses to see how well they will function after being under such very strict discipline. I would hope that we do not put the cart before the horse in any attempts locally.

There is no question that there are serious concerns in the Caymanian society. It is expressed by various organisations and various societies. I applaud all those persons who work against substance abuse, in this country. However, I do not feel it is necessary to rush too quickly in attempting to stop it. I feel that we should give ourselves sufficient time to examine all the various avenues that are open to us.

I believe the amendment that is being brought by the Honourable Member to this House, as I said before, is something which is desirable and which is necessary. I do support this Bill in principle while I would not object to this whole House or a Select Committee examining it more carefully, or giving the opportunity within another few days, to persons or organisations who might feel they have an input which would guarantee that the fair application of it would not hurt or involve innocent persons.

Mr. President, I would support this Bill. Thank you.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I am pleased to see the Bill which is presently before the House. A bill for a Law to Amend the Misuse of Drugs Law. As everyone knows, I have always been against the misuse of drugs and it is my intention to continue that way in the future. The society we live in today is slowly but surely being destroyed by this cancer and we as legislators must take positive steps or action and do whatever possible to try to curtail this in whatever way we can. It is time that we try to cut the roots. For a long time, I would say, we have been shaking the leaves from the branches.

I totally agree with what the Second Elected Member for the Lesser Islands has just stated. I will not repeat it, because it is already on record, but constantly we can see around us those who spring up overnight. As one lady Member use to refer to them as, "those who mushroomed overnight," and are today in our society playing around with dollars and cents like they were going out of style. If this amendment can assist us in any way to deal with such calibre of persons then I am pleased today to be able to be a part of an Assembly that can have this amendment placed on our Books.

I am pleased we have groups such as CASA and the various Churches who have been working very hard over the years to try and curtail drugs in our society, but nowadays, Sir, it goes a little further. As the old people talked about, "we have to fight fire with fire."

I am pleased that the Elected Member of Executive Council responsible for Health and Social Services has taken, as his first bill, such an important one. I believe he will go down in history as being a brave individual to stand here and make a presentation as he has done.

I am also concerned with the problem of alcohol abuse in our society today. I am aware that much emphasis has been placed on the misuse of hard drugs and rightfully we should, but, at the same time we have to be cognisant of the fact that we also have a big problem with alcohol abuse. It is a proven fact that alcohol abuse continues to be a killer. Not only in our society but in societies throughout the world.

I also had a few queries about the Bill when I first read it, but I am pleased now to say, that after listening to the explanations given by the Honourable Second Official Member, that I am more satisfied and I hope and trust that other Members will see fit to join in and have this Bill passed into a Law.

Every Member in this Chamber has, at some stage or the other, pledged to their constituents their support to fight drugs in our community. I have done so for the last twelve years

and it is my intention to continue to do so, if it is God's will, until 1992 as a legislator, and in the event that I do not get back in here, thereafter as an honourable citizen. I agree wholeheartedly that we should look at rehabilitation centres not only here in George Town, but, I believe, it would work much better if an individual with a problem knew that they could be attended to or lectured to in his or her own district. I do not believe we should rule this completely out.

I sat here and listened to what different Members had to say on what statistics have shown. But, let us look at it from the point of view that these statistics are really not produced in Cayman, they have been produce for larger territories. While we do have a problem, other areas which were mentioned are much larger than we are. Charity begins at home. Let us deal with our own problem as we have it. After all, regardless of who may have this problem in our society, it happens to be one of us. We must attend to our own, and I am hoping that, with the foresight of the Member presenting this Bill and the efforts of the Second Official Member who seems to be snoozing now, they will work together hand in hand. I assure them I will give them my support in anyway to work towards having these rehabilitation centres established.

I believe today we are doing our country and our people justice in bringing this amendment here so early after a General Election. I have no apologies to make to anyone, because besides being a Member of the Legislative Assembly, I happen to be a young parent. A parent who is concerned over what is happening out there and a parent who is prepared to stand on his two feet to fight this problem with the support of other legislators and other concerned Caymanians alike.

So with this short but what I hope will be an important address, I hope and trust that other Members will see fit to come forward to offer their support to the Bill.

Thank you, Mr. President.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, as it is slightly beyond the 4:30 P.M. mark, I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do stand adjourn until 10:00 A.M. tomorrow morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

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

AT 4:32 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. TUESDAY, 21ST FEBRUARY, 1989.

TUESDAY,
21ST FEBRUARY, 1989
10:10 A.M.

MR. PRESIDENT: Prayers by Hon. Member for Education, Recreation and Culture.

PRAYERS

HON. NORMAN W. BODDEN: Let us pray.

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

Bless our Sovereign Lady Queen Elizabeth, 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated.

Papers, the Honourable Member for Health.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE CAYMAN ISLANDS MEDIUM TERM PLAN FOR THE PREVENTION AND CONTROL OF AIDS

HON. D. EZZARD MILLER: Mr. President, I beg to lay on the Table of this Honourable House the Cayman Islands Medium Term Plan for the Prevention and Control of Aids (1989-1991).

MR. PRESIDENT: So ordered.

HON. D. EZZARD MILLER: Mr. President, a Medium Term Programme for the Prevention And Control of AIDS in the Cayman Islands has now been formulated by the Cayman Islands Government in conjunction with the Epidemiological Centre in Trinidad and the Pan American Health Organisation. The Plan covers the three year period 1989 to 1991 and extends the provisions of the Short Term Plan introduced in 1988.

Funding for the Medium Term Plan is being sought through external donor agencies through the Pan American Health Organisation. The Plan calls for US$263,642.00, of which US$117,285 has been designated for the first year's activities. The decision of funding will be made at the donors meeting scheduled to take place on March 15th - 17th in Trinidad.

The objectives and activities for the Plan are based on the current data available on AIDS in the Cayman Islands and on the guidelines produced by the World Health Organisation's Global Programme on AIDS.

The objectives include stabilising and monitoring an evaluation capacity with effective epidemiological surveillance and behavioural change evaluation, prevention of sexual transmission through a strong public information programme aimed at promoting safe sexual behaviour and to maintain prevention of HIV transmission through blood and blood products, throughout the islands. Prevention of perinatal, that is mother to foetus transmission, and reduction of the impact of HIV and individual groups and the society as a whole by the provision of social, psychological and remedial support.

Specific indicators for the evaluation of the programme have also been identified and a work plan for the implementation of activities has been developed.

The Plan provides a frame work for further strengthening and the development of the AIDS control programme activities already ongoing in the Cayman Islands. This further strengthening will be very evident in the area of epidemiological surveillance and will be an essential tool for obtaining information on the disease distribution and associated risk factors that are necessary for public health management and policy formulation.

Surveillance of AIDS in the Cayman Islands consists of reporting of AIDS cases by physicians to the Public Health Service of the Health Services Department. HIV screening with informed consent and assured confidentiality was initiated in 1985 for blood donors, and of pregnant women attending antinatal clinics since 1987. Both are accompanied by the appropriate counselling services.

The Medium Term Plan makes provision for the continuation of this level of surveillance and for the encouragement of all physicians, including those in private practice, to report AIDS cases and HIV zero positive persons to the Public Health Service.

A new measure, however, will be the HIV zero surveillance among patients attending hospitals and health centres with sexually transmitted diseases, as well as among homosexual, bisexual males and prostitutes with their consent. HIV testing will be conducted, currently on a routine basis on blood samples obtained for testing for other sexually transmitted diseases. Confidentiality will be assured at all times and counselling will be provided before and after the test.

Activities aimed at strengthening the whole area of AIDS and HIV surveillance will include the introduction of a new investigation and reporting form under development by the Caribbean Epidemiology Centre to ensure more complete and uniform data on AIDS cases; continued education and training of physicians and nurses in seminars and work shops, and the publication of a four page bulletin by the Public Health Department during the first six months of the Medium Term Plan. This will provide feed back to all health care workers in the Cayman Islands and the various aspects of the Surveillance and AIDS Prevention and Control Programme.

To achieve our objective in the area of the prevention of sexual transmission of the AIDS virus, changes in sexual behaviour are required. This involves long term planning and commitment to the process of education. Aspects of the information, education and communication component of this strategy were implemented under the 1988 Short Term Plan, and will be elaborated on and strengthened during the next 3 years of the Medium Term Plan. In this connection, efforts will continue to harness the resources of organised groups. For example, PTAs, High School students, social and service clubs, youth and church groups and antinatal mothers who can serve as agents of change in a small population, such as ours.

AIDS education is being introduced into the curriculum of the Cayman Islands High School within the context of a strengthening of the Family Life Education Programme. In the meantime, teachers and health personnel have sensitised the Middle and High School population about the issues of parenting as part of a long term strategy to prepare them for adulthood and to promote the concept of monogamy.

To strengthen this strategy, the services of a health educator will be secured for 2 years to establish a health education unit, and upgrade the health education capability in the Department of Health. Government will seek donor assistance to pay the salary of this health educator for the first 2 years, thereafter salary and accommodation will be the responsibility of Government.

Mobilisation of community support is another key element in the Medium Term Plan. The AIDS task force will try, as far as possible, to get national consensus on the approach and implementation of mass public information programmes. To this end, three seminars will be organised for health care workers and other key personnel such as journalist, politicians, religious leaders, social workers and senior government officials. In involving media organizations, the overall aim is to utilize all available resources for a broad multi-media production resulting in radio plays, in cooperation of the AIDS theme in local festivals and through music and drama, etcetera.

The AIDS Task Force will also seek to measure the impact of educational material disseminated in 1988. Two surveys are planned and data gathered will be used to further formulate and refine health education approaches during the life of the medium term plan and beyond.

In the area of prevention of transmission through blood, public education will be used to increase the pool of potential donors. For the purpose of donors selection, the questionnaire recently being used will be modified on, or developed for use in the region and adopted. Anyone found to belong in this category of high risk behaviour will be encouraged to refrain from donating blood. Physicians and surgeons will be encouraged to reduce the number of blood transfusions and to use whole blood only as a life-saving measure, employing alternatives such as plasma expanders for acute blood loss.

World Health Organisation guidelines on appropriate use of blood will be distributed to all concerned. Work shops will be organised for physicians, nurses and laboratory staff focus on the subject of HIV infection, and the use of universally safe precautions to further limit the risk of HIV infection to the health care workers. In addition, the laboratory supervisor will undergo study tours and attend conferences to have up-to-date information on laboratory procedures relating to HIV infection. The laboratory will also continue to participate in a quality assurance programme in collaboration with the Caribbean Epidemiological Centre.

In the area of prevention of prenatal transmission an estimated 400 pregnant women will be tested each year with pre and post testing counselling provided. In addition, women of child bearing age attending health centres, private practitioners and family planning clinics will also be educated about the risk of prenatal transmission. Women of child-bearing age found infected with HIV will be advised to avoid getting pregnant. Information on prenatal transmission will be provided with the general population, particularly to women of child-bearing age, through various methods such as printed material such as pamphlets and posters or through the mass media.

As a Government, we are deeply concerned that persons who have contracted AIDS or the HIV infection are not discriminated against, stigmatised or denied their fundamental rights to privacy and confidentiality.

At the George Town Hospital a number of measures are

already in place to ensure professional treatment at all times and are proven effective in limiting the knowledge of the identity of the patients to a few essential people. These measures will not only be carefully monitored but also strengthened during the period of the Medium Term Plan.

In the context of the policy to decentralise the care and treatment of patients and in anticipation of an increase of infections, the Department of Health will seek to organise community base volunteers to assist in home care. To this end, training programmes will be designed to equip volunteers with the skills to help patients cope with their illness. In general, the training of staff involved in the care and management of infected patients will be intensified. Four nurses will be in training in case management in Miami for four weeks. A physician will be identified for overseas training in AIDS management in counselling for four weeks, and twenty physicians in the public and private sector will receive training in the care and treatment of patients through local seminars. The psychiatric social worker currently involve in counselling terminally ill patients will receive extensive training to work with affected patients. There will be three two-weeks work shops for 15 nurses from our two hospitals and from the district health centres. Works shops will also be conducted with the ambulance drivers and attendants and the housekeeping staff.

The overall responsibility for the implementation of a Medium Term Plan will be that of the Technical Committee on AIDS, also referred earlier as the AIDS Task Force, headed by the Medical Officer for Health. Among members of this Committee are those with specific responsibility in regards to the AIDS programme such as the laboratory supervisor, information officer, the clinican, the Nursing Supervisor and Counsellor.

The National Advisory Committee on AIDS under the Chairmanship of the Chief Medical Officer will serve as the advisory body and provide support and guidance in the areas of policy and in the management and evaluation of the programme. Non-Government organisations are also represented on this committee.

I feel very confident that these comprehensive measures which have been very carefully drafted will, if everyone plays his and her part, provide optimum safeguard against AIDS and HIV infection for the entire community. In this respect, the programme places great emphasis on a strong public information programme designed to promote the kinds of changes in behaviour that are necessary to eliminate the spread of the AIDS virus. A strong objective of this programme will be to bring home to all members of the community that AIDS is a personal threat to everyone unless we take the proper precautions in our personal life-styles. The belief that it cannot happen to me is a very real reason why it could happen. Knowing the facts of AIDS is one thing, translating that into a personal code of conduct is another but it must be done if we are to avoid being invaded by the virus in massive proportions.

I appeal to everyone in the community to take the problem seriously, because of its very personal connotations, AIDS is everybody's problem and should be everyone's concern as members individually or as members of various organizations and as a society.

Given our small population, involvement of everyone in the type of systematic approach promoted in the Medium Term Plan should contain the problem. In the next several months, as this programme is implemented, individuals, community groups and organisations will be invited to assist in various ways and I appeal to you to get involve. If we achieve the level of involvement by the community we can be optimistic about containing the problem we now have of four cases of full blown AIDS with two deaths and nine persons infected with the virus. You will note when you review the Medium Term Plan that our figure has increased since that was written.

As the Member for Health and Social Services I pledge to do my part to protect the health and well being of all persons in the Cayman Islands and to do all that is possible in the mobilisation of all available resources in the fight against AIDS.

Thank you.

MR. PRESIDENT: We now go to questions. The Elected Member for East End, please.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 1: Would the Honourable Member give the present number of police officers in the Force, their nationality, rank and years of service?

ANSWER: The present number of police officers in the Force is 193. Their nationalities are as follows:

Caymanians	132
Jamaicans	36
British	8
Belizean	7
Barbadian	6
Guyanese	2
American	1
Canadian	1

Total: 193

The number broken down by rank and nationality is (A):

RANK	CAYMANIAN	BRITISH	JAMAICAN	OTHER CARIBBEAN	USA/ CANADIAN	TOTAL
Commissioner		1				1
Dep. Comm.	2					2
Ch. Supt.	1					1
Supt.	3					3
Ch. Insp.	5	1				6
Inspector	11	2	1	2		16
Serjeant	25	2	6	5		37
Constable	85	2	29	9	2	127
TOTALS:	132	8	36	15	2	193

The number broken down by rank and years of service is (B):

	NATIONALITY		YEARS OF SERVICE				
RANK	CAYMANIAN	OTHER	UP TO 3	3-6	6-10	10-20	20+
Commissioner		1	1				1
Dep. Comm.	2					1	
Ch. Supt.	1					1	
Supt.	3					3	
Ch. Supt.	5	1	1			5	
Inspector	11	3	2	1	2	11	
Serjeant	25	12	1	3	17	16	
Constable	85	42	49	27	40	11	
TOTALS:	132	61	54	31	59	48	1

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: Mr. President, supplementary. I wonder if the Member could say whether, from among the figures given to the House, there are officers who should man the East End Police Station 24 hours a day, or any other substation?

HON. J. LEMUEL HURLSTON: Mr. President the question as I understood it was that the Member was asking if given this number of officers, are there enough to staff substations 24 hours a day? Is that the question, Mr. President?

MR. JOHN B. McLEAN: If included in the figures given, are there officers for the sub-stations?

HON. J. LEMUEL HURLSTON: The answer, Mr. President, is yes.

MR. JOHN B. McLEAN: Mr. President, is it also yes to the 24 hours of surveillance on the stations?

HON. J. LEMUEL HURLSTON: The stations are manned 24 hours a day. It does not necessarily mean that there is someone present at each of those 24 hours but they are covered.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could elaborate a little more on coverage?

HON. J. LEMUEL HURLSTON: Coverage, Mr. President, includes mobile radio and automobile coverage.

MR. JOHN B. McLEAN: A further supplementary, Mr. President. Does this include when a member of a certain constituency call the police that they are directed to another sub-station?

HON. J. LEMUEL HURLSTON: Mr. President, that is perfectly conceivable and very likely. In certain circumstances yes.

MR. JOHN B. McLEAN: Mr. President I am asking these supplementaries with the greatest of respect, so I hope and trust the Member will it take that way.

I wonder if the Member is aware that quite recently, over the last few weeks, because of certain incidents within my district, the police were tried to be reached and could not?

HON. J. LEMUEL HURLSTON: No, Mr. President, I am hearing of this particular incident for the first time. If the Member had a concern specifically in relation to that incident, he could have called it to my attention before now.

MR. JOHN B. McLEAN: Mr. President, the Member is aware that is normally the stand I take, but since tabling the question the matter was brought to my attention, so I am trying to pass it on to him at this time.

A further supplementary, Mr. President. Can the Member say whether every effort is being made to Caymanianise the Force?

HON. J. LEMUEL HURLSTON: The answer to that question, Mr. President, is most certainly yes, every effort indeed.

MR. PRESIDENT: I think you are going on to the next question in effect with that. Anymore supplementaries? In that case question No. 2, 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. 2: Would the Honourable Member explain what considerations are taken into account in regard to the recruitment of officers for both the Police and Prison Departments?

ANSWER: Government's commitment to Caymanianisation is a primary consideration in recruitment and every effort is made to attract Caymanians who meet the minimum requirements for entry into the Police and Prison Services.

To be eligible for entry into the Royal Cayman Islands Police Force or the Prison Service, candidates must be physically fit, have a reasonable standard of education and be at least 18 years of age; or in the case of the Prison Service, 21 years of age.

Candidates are considered on the basis of qualifications, character and health. Caymanians are given first preference and persons already resident in the islands are considered before advertisements are placed overseas.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: A supplementary, Mr. President. Taking into consideration the last part of the answer, can the Member say whether it is correct that an administrative order is issued at the time of recruitment to officers, inviting them to notify their families to apply for vacant posts?

HON. J. LEMUEL HURLSTON: Mr. President, am I understanding that the question is if I can confirm whether Members serving in these departments are administratively given the first option of notifying their relatives to apply for vacancies that are coming up in the very near future? Is that the question?

MR. JOHN B. McLEAN: I will repeat it, Mr. President. Can the Member say whether it is correct that an administrative order is issued at the time of recruitment to officers inviting them to notify their families to apply for the vacant post?

HON. J. LEMUEL HURLSTON: Most definitely not. However, all vacancies are advertised internally and if, in that process, serving officers in these departments are aware of suitably qualified candidates, be it their relatives or not, they are most certainly invited to apply.

MR. JOHN B. McLEAN: In other words, Mr. President, the Member is saying that he

was not aware of the order. Am I to understand you correctly?

HON. J. LEMUEL HURLSTON: Mr. President, what I said was that there is no administrative or other directive issued in relation to the point the Member raised initially. Having said that there is no administrative directive issued, what I am saying is that vacancies are advertised internally and any serving officer having knowledge of any suitably qualified candidates, be they relatives or not, are most certainly encouraged to apply. Particularly if they are Caymanians.

MR. JOHN B. McLEAN: Mr. President, if you will permit me. The orders are given and for whatever reason one was stuck in my post box in an envelope addressed to me, and it reads as follows;....

MR. PRESIDENT: I am sorry. Would you put this as a question? In other words, is the Member aware of the following.

MR. JOHN B. McLEAN: I will come to my question, Sir.

MR. PRESIDENT: Fine.

MR. JOHN B. McLEAN: "A Recruiting Board will be held at the Bodden Town Civic Centre for male and female prison officers at 8 A.M. Wednesday, the 28th of September, 1988. You may invite your family members or friends, other than visitors to the Islands, to apply if you think they would make good prison officers." signed - Director of Prisons.

My supplementary is, can the Member say whether it is correct that certain officers had their relatives flown in from Jamaica and was successful with obtaining jobs, in preference to Caymanians with experience in police and customs works?

HON. J. LEMUEL HURLSTON: Mr. President, first of all, I am not familiar with that type of correspondence. I have never seen that particular matter before. However, notwithstanding the unfortunate wording in it, it fits in with what I said earlier and that is that anyone presently serving in the public service, who knows of a vacancy, and who knows of someone who may be suitably qualified for that vacancy, it is understood that those persons should be encouraged to make an application. If they are found to be suitable, they will be given every opportunity, particularly if they are Caymanians. I have no knowledge, Sir, of the particular experience the Member is referring to where a serving Jamaican officer may have invited a relative to visit from Jamaica in order to be considered, but I can assure the Member and the House that no consideration was given to any other nationality in detriment or in deference to a Caymanian.

MR. JOHN B. McLEAN: Further supplementary, Mr. President. I wonder if the Member could say what is the policy with regard to a husband and wife being employed at the Prison or in the Police Force?

HON. J. LEMUEL HURLSTON: There is no written policy to preclude the employment of a spouse of a serving officer, particularly if the person became a spouse after working in the service. There are situations in which officers marry whilst in the service and it would be unfair to their career development to expect them to give up their career by virtue of their marriage. Similarly, if married persons applied quite separately and are quite separately considered to be suitably qualified candidates, providing they are not deployed in the same shift of operation, there is nothing to prevent them from working in the service.

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

MR. TRUMAN M. BODDEN: Mr. President I would like to ask the Member what steps he proposes to take, if any, to increase the number of Caymanians in both the Prison and the Police Departments?

HON. J. LEMUEL HURLSTON: The Government is conscious of the ratio of non-Caymanians, particularly in the Prison Services. The current level is 42 per cent Caymanians and 58 per cent non-Caymanians and these are the percentages from the figures that are currently available, and because of that, every effort is being done to improve the quality of career prospects within the Prison Service to make it an attractive service for young Caymanians.

But one of the difficulties, as the House may appreciate from the answer I gave to the question earlier, is that the minimum entry age for joining the Prison Service as opposed to the Police, in the case of the Prison Service the minimum entry age is 21 and that, in itself, tends to present some difficulty in recruiting and attracting young persons to the ranks. However, to answer the Member's question, the ratio is of concern to the Government and everything that can be done is and will continue to be done to upgrade that service to make it an attractive service for career Caymanians.

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

MR. GILBERT A. McLEAN: A supplementary, Mr. President. Would the Member state whether in the Caymanianising recruitment process that it is confined to recruiting persons for the Police Force at a certain level or rank, and if not, is it not so that the Caymanian persons who are recruited fall within the lower ranks of the Police Force?

HON. J. LEMUEL HURLSTON: Mr. President, I think it is true to say that new recruit batches that are taken into the Royal Cayman Islands Police Force are generally recruited at the rank of constable for the purposes of induction and training. They have to commence their careers at that rank and then sit promotional examinations with assistance internally in order to compete for promotion to higher ranks. So I can confirm that initial entry by new recruits into the Police Force has to, by virtue of the responsibilities of the job, be at the constable ranks with internal competitive promotion for promotion within the Force.

MR. TRUMAN M. BODDEN: Mr. President, I just wondered whether the Member could say why the age is 21 for initial recruitment at the Prison?

HON. J. LEMUEL HURLSTON: Mr. President, I do not think there is anything scientific about this. Both in the case of the Prison Service and the Immigration service, recruitment is fixed at the age of 21, largely because of the level of maturity that is required of the persons discharging the responsibilities of those jobs. They have to be exposed to a fairly high level of stress and they have to make decisions, often times without the ability to refer it to a supervisor. Therefore, because of the level of maturity that is required to discharge the duties, it is generally felt that someone less than 21 years of age might have difficulty in coping.

MR. TRUMAN M. BODDEN: Mr. President, would the Member review that age and see perhaps whether this is not a hold over from the days when the age of majority was 21 and look to see if this would improve your chances of getting more people in the service?

HON. J. LEMUEL HURLSTON: Most certainly, Sir, I can give that undertaking to do so.

MR. PRESIDENT: I think we might now move on to Question No. 3. 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. 3: Would the Honourable Member give the present number of Prison Officers, their nationality, rank and years of service?

ANSWER: At present there are 67 officers employed in the Prison Service, twenty-eight of these officers are Caymanian.

The number broken down by nationality and years of service is:

Nationality	UP TO 3 years	4-5 years	6-8 years	9 years & over	Totals
Caymanian	4	6	14	4	28
Jamaican	18	4	2		24
Barbadian	5	1			6
British	3				3
Belizean	2				2
St Lucian	1				1
Nicaraguan	1	1	1		3
TOTALS:	34	12	17	4	67

The number broken down by rank and nationality is:-

Bank	Totals	Caymanian	British	Caribbean	Other
Director	1		1		
Chief Officer	1	1			
Principal Off	4	4			
Lead Officer	10	6		4	
Officer	51	17	2	29	3
TOTALS:	67	28	3	33	3

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. JOHN B. McLEAN: Supplementary, Mr. President. I wonder if the Member could give, from among these figures, the number of Prison Officers used to man the prison on any one shift in the categories of minimum and maximum security.

HON. J. LEMUEL HURLSTON: No, Mr. President, but I could undertake to provide the Member with that information in writing.

MR. JOHN B. McLEAN: Mr. President, I have another supplementary for which I guess the Member may need time also, and it reads as follows: Would the Member say whether the number of officers used are the same for day and night shifts, or is it greater for the night shifts?

HON. J. LEMUEL HURLSTON: I can confirm, Mr. President, that the number is greater for the day shift and less for the night shift.

MR. JOHN B. McLEAN: Mr. President, a supplementary. I wonder if the Member could say whether emphasis has been placed on localising the positions of Prison Officers?

HON. J. LEMUEL HURLSTON: Mr. President, I can only reiterate the answer that I gave in response to the Member's earlier question that Government's commitment to Caymanianisation is a primary consideration in recruitment.

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

MR. TRUMAN M. BODDEN: Mr. Member, can you tell me...

HON. BENSON O. EBANKS: On a Point of Order, Mr. President, the Member must address the Chair, not the Member opposite.

MR. PRESIDENT: I am grateful for the reminder as I am sure is the Member speaking.

MR. TRUMAN M. BODDEN: Mr. President, as you said yesterday and as I understood it, once I address the Chair I do not have to keep on addressing the Chair.

MR. PRESIDENT: You still should not address any Member directly.

MR. TRUMAN M. BODDEN: As you wish, Sir, I will now ask questions through you each time.

Would the Member say what he proposes to do, if anything, to further recruit Caymanians to this post, perhaps considering the policies used in the Police Force which has a much larger Caymanianisation? I did ask part of that question before, I appreciate, but the gap is now considerable?

HON. J. LEMUEL HURLSTON: Mr. President, I can simply say that the matter is presently under review and the Member's earlier suggestion along with any other suggestions any other Member of the House may wish to make will be most welcomed. The matter is of paramount importance and we are eager to find ways and means of increasing the proportion of Caymanians within the service generally, but in particular, within the Prison Service.

MR. PRESIDENT: It is now past eleven o'clock.

SUSPENSION OF STANDING ORDER 23(7)

HON. THOMAS C. JEFFERSON: Mr. President, I move the suspension of Standing Order 23(7) to allow the other questions to be asked.

MR. PRESIDENT: The question is that Standing Order 23(7) be suspended in order to finish the questions on the Order Paper.

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

AYES.

MR. PRESIDENT: The Ayes have it.

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

MR. PRESIDENT: Before we go on to Question Number 10, perhaps I might say

that it seems proper to me that questions should be fully answered and supplementaries fully taken, but I think that it is almost inevitable when we have nine or ten questions on the Order Paper that this will lead to us going on beyond 11:00 o'clock. As long as this is comfortable with Member then that is what we shall do.

Question Number 10 then, the Second Elected Member for the Lesser Islands. Were there more supplementaries?

MR. JOHN B. McLEAN: Yes, Mr. President. I had a final supplementary.

MR. PRESIDENT: Please.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say if there are in the Prison Service any born Caymanians in line for the two top posts?

HON. J. LEMUEL HURLSTON: At this point in time, Mr. President, I could not confirm that.

MR. JOHN B. McLEAN: Can I have an undertaking, Mr. President, to have it in writing as with the other two questions.

HON. J. LEMUEL HURLSTON: Mr. President, I can answer that question more fully by saying that it is the Government's desire to Caymanianise all posts within the Civil Service as quickly as possible, with due regard to efficiency.

MR. PRESIDENT: Question 10, the Second Elected Member for the Lesser Islands.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 10: Will the Honourable Member say whether Caymanians are being professionally trained to qualify for the senior posts in Government Computer Services? If in the affirmative, which institutions are they attending and when will they be qualified?

ANSWER: If "professionally trained" is intended to mean training at a college or university or technical school, the answer is that there are no Government staff undergoing such training. However, one Caymanian attending Emory University in Atlanta, Georgia, on an Education Council Scholarship is due to graduate in the summer of 1990 with a degree in computer studies. This student is bonded to return to Government employment.

There are presently five (5) Caymanians on the staff of the Computer Services Section who have degrees in computer related studies and plans are underway for two more to attend courses resulting in a diploma in systems and programming, and an associates degree in computer electronics, respectively.

In April, a senior Caymanian on staff will be moving into one of the three management posts in Computer Services. With the on-going training provided by the local Training Unit and appropriate on-the-job experience, all three senior management posts should be filled by Caymanians perhaps by the end of 1991.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. GILBERT A. McLEAN: Would the Member say if Government does provide any scholarships or otherwise for Caymanian persons to train in Computer Services?

HON. J. LEMUEL HURLSTON: Yes, Mr. President, I can confirm that on the list of priorities agreed upon between the Public Service Commission and the Education Council, reflected on the list of priority subjects is the field of computer science, but one has to bear in mind that computing to Cayman is a relatively new concept and it takes a minimum of four years to acquire a first degree. It will, therefore, take some considerable time in order for Caymanians to go through the process, acquire academic qualifications and then gain relevant experience on the job in order to be able to be promoted to management post. The academic qualifications is one thing, on the job experience to compete for management promotional post is another.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. Have there been any Caymanian school leavers included who have applied to Government to undertake courses of study in any specialized area of computer services? As I understand it, there are various specialised areas.

HON. J. LEMUEL HURLSTON: Indeed, Mr. President, I mentioned in my answer that there are presently five Caymanians on staff who hold degrees and from that nucleus is where the future management is

likely to emerge. Indeed, one such person is already emerging in April of this year to take one of the three existing management positions in Computer Services.

MR. GILBERT A. McLEAN: Perhaps I am not understanding correctly, Mr. President. I was thinking of persons with GCE qualifications and the like, who might have applied to Government for scholarships to be trained. I think what was said is that there are already persons who are academically qualified who are working towards top management. I would like to ask if there are persons like school leavers, qualified with GCE and so on, who have applied to Government for scholarships to attend universities or technical schools?

HON. J. LEMUEL HURLSTON: Thank you, Mr. President, I am aware that the manager of the Computer Services has been inviting all graduates who have an interest in computer studies or computer science as a career, to make their interest known to the Government and, indeed, Computer Services does invite and have these students come along on day release programmes, or summer release visits, in order to give them the opportunity to see what computer careers are like as a means of preparing themselves for scholarships for further studies, etcetera. So there is an on-going programme to invite persons who have this interest to make that interest known and to come forward. This was well publicised during the Career Conventions through the Careers Officers in all schools on the Islands.

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

MR. TRUMAN M. BODDEN: Mr. President, have you done anything which would attract experienced persons from either the private sector or overseas who may have the experience and qualifications to fill some of these top posts?

MR. PRESIDENT: The question is, I think, has Government done anything?

HON. J. LEMUEL HURLSTON: I cannot answer that question with any degree of certainty except in general terms. I cannot answer in any specific terms. Yes, every effort is being made to attract persons who are legally resident here, as well as persons who are qualified, perhaps Caymanians living abroad who are qualified, to try and attract those sort of individuals to come forward and fill vacancies. Yes.

MR. GILBERT A. McLEAN: A supplementary, Mr. President.
Could the Honourable Member say if the training which some members of staff are undergoing is aimed specifically at them assuming the duty of specific posts within the Computer Services?

HON. J. LEMUEL HURLSTON: No, Mr. President. Academic training is in specific subject areas. However, promotion to management posts are competitive and officers are expected to broaden their experience by working in more than a limited specific area. The broader the experience, the better the management capabilities. The philosophy, therefore, is to have persons academically qualified with the broadest possible experience range and then promotion to management post.

MR. GILBERT A. McLEAN: A further supplementary, Mr. President. Would the Member say if there are Caymanians in the Computer Services who now hold academic qualifications of a level suitable and required to fill the top post in that section?

HON. J. LEMUEL HURLSTON: The answer to that Mr. President, is no.

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

MR. JOHN D. JEFFERSON, JR: Having a great concern with regard for the training of Caymanians, Mr. President, I would like to ask the Honourable Member if an established time frame is in existence for the eventual promotion of a Caymanian to the top position in the Computer Services Department?

HON. J. LEMUEL HURLSTON: The time frame in respect of that post is the same as the time frame in respect of any other post, and that is as soon as possible.

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

MR. ROY BODDEN: Mr. President, I would like to ask the Honourable Member what are the qualifications deemed necessary or desirable to become the head of the Computer Section?

HON. J. LEMUEL HURLSTON: Mr. President, I would prefer to undertake to answer that question in writing, unless the Member is prepared to accept the general statement that I made earlier and that philosophy is to have appropriate professional academic training coupled with appropriate years of experience in a variety of computer related areas before going into management. If the Member wishes me to be more specific than that, then I would have to undertake to answer him in writing.

MR. ROY BODDEN: Mr. President, through you Sir, I would prefer the more specific answer in writing. Thank you.

MR. PRESIDENT: Perhaps we can move on now then to Question No. 13? The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President.

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

NO. 13: Would the Honourable Member say what were the findings of the Member and the dredging inspection team from the inspection recently carried out on the Safe Haven dredging project and what action has been taken or is to be taken by Government?

ANSWER: The dredging inspection team found that the siltation caused by the dredging at the Safe Haven site at the time of inspection was no worse than what could normally be expected from an operation of this magnitude. Government is continuing to monitor the situation carefully to ensure compliance with the terms of their licence.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. Would the Member say if he and the team are satisfied that all reasonable and necessary means are being taken to minimise the siltation occurring in the area of dredging in the North Sound?

HON. LINFORD A. PIERSON: The answer, Mr. President, the dredging inspection team are comprised of technical individuals and yes, I am satisfied that they are doing all that is necessary in this respect.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. In this process would the Member say whether screens are being used to reduce siltation and if not, why is it not being used?

HON. LINFORD A. PIERSON: The answer, Mr. President, is no. Siltation screens are not being used. The reason for this is it has proven ineffective in other dredging operations carried out on the Island.

MR. GILBERT A. McLEAN: Mr. President, a supplementary. From the inspections done, did the inspection team find any instances where marine life is being affected to an appreciable or considerable extent in the North Sound?

HON. LINFORD A. PIERSON: The answer to that supplementary, Mr. President, is no.

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

MR. JOHN D. JEFFERSON, JR: Thank you Mr. President.
Would the Honourable Member state whether or not there has been any consultation with the operators in the North Sound area as to their findings of the effect of dredging in that area?

HON. LINFORD A. PIERSON: Mr. President, if I could get a bit of clarification on the question. By operators, I assume the Member means boat operators? Yes, there has been consultation with some of the boat operators, and there were no major concerns expressed by them.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. Would the Member say what is the approximate time the dredging operation might be over on this particular project?

HON. LINFORD A. PIERSON: Mr. President, the licence calls for 18 months which will be over at the end of this year, December, 1989.

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

MR. TRUMAN M. BODDEN: A question, Sir. Would the Honourable Member say what is the monitoring process that he refers to in the answer?

HON. LINFORD A. PIERSON: The monitoring process, Mr. President, is that the dredging inspection team periodically visits there to check the turbidity and siltation caused from the dredging operation. Also, I would mention that the Director of MRCU is also a member of this team and the National Resources Group from that Department has been out there on diving expeditions to check the effects of the dredging.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. In the diving operations done by MRCU, have they found extensive depths of siltation in the project?

HON. LINFORD A. PIERSON: The specific answer to that question, Mr. President, is no. There are no extensive depths of siltation.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. Would the Member say or could he confirm that they have found depths of up to three and a half feet in this dredging project?

HON. LINFORD A. PIERSON: The answer to that question, Mr. President, is yes there were some siltation found but this was due to the area not being swept immediately after the dredging was done, but this is a part of the licence, that sweeping of the area should be carried out and this has been done, according to my understanding.

MR. PRESIDENT: Question No. 14, the Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President.

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

NO. 14: Would the Honourable Member state whether the licence or permit granted by Government to Safe Haven allows dredged-in fill to be used anywhere other than on the site; and in recent times has any amount of this fill been made available to other persons or site - if the answer is in the affirmative, to whom and where?

ANSWER: PART I: NO.

PART II: Yes, due to a general shortage of marl on the Island, a variation to the licence was granted to allow Hurlstone Construction Co., to borrow 6,000 cubic yards of marl from Safe Haven. The marl is to be returned within six (6) months.

PART III: The marl was delivered to various projects of Hurlstone Construction Co., including work on the Port Authority Building.

SUPPLEMENTARIES:

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

MR. TRUMAN M. BODDEN: Through you, Sir, would the Member please say which projects of Hurlstone Construction Company it was delivered to?

HON. LINFORD A. PIERSON: Mr. President, I could get this information from Hurlstone Construction. I am not that close to them, but if the Member would like to have this in writing I would be very happy to provide this.

MR. TRUMAN M. BODDEN: With respect, Sir, the question itself has asked whether it is being made available to other persons or sites, and that is really what I am now pressing for that this part of the question be answered.

HON. LINFORD A. PIERSON: Mr. President, this question was answered. The answer was yes. The variation to the licence granted to Safe Haven did not specify the areas or the jobs on which the marl could be distributed. It gave Hurlstone Construction the permission to borrow 6000 cubic yards of marl. It did not specify the sites that this could be used on. The condition of this was that it should be repaid within six months.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. In view of the fact that there is a shortage of marl available, what steps have been taken to ensure that there will be 6000 cubic yards of marl available to be returned to the site?

HON. LINFORD A. PIERSON: Mr. President, it might be of clarity or interest to the Member if I let him know that a licence was granted to Mr. Jay Bodden's Company, Caymarl Limited to dredge up to 2,000,000 cubic yards of fill. He will be using only about 850 cubic yards of this fill for his project. The other 1,150,000 cubic yards will be available for sale as soon as his project operation starts. Also, Mr. President, there are other individuals digging marl.

MR. GILBERT A. McLEAN: A supplementary, Mr. President. Was the Member satisfied at the time that the licence was varied that there was no other fill available on the Island to Hurlstone Construction, rather than getting it from Safe Haven?

HON. LINFORD A. PIERSON: Mr. President, the answer to the question is yes.

MR. PRESIDENT: We are getting very close to the normal time to break for coffee, I would suggest to Members that we finish this question and the remainder of the questions go on to the next Order Paper. In other words, when we come back from the break that we would carried on with the next item of business. Would that be agreeable? Fine, supplementaries continued.

MR. TRUMAN M. BODDEN: Through you, Sir, did the Member ask Hurlstone Construction what sites they delivered the marl to?

HON. LINFORD A. PIERSON: The answer to the question, Mr. President, is no.

MR. TRUMAN M. BODDEN: Supplementary, Sir, why not?

HON. LINFORD A. PIERSON: This was not my business, Mr. President.

MR. TRUMAN M. BODDEN: Was this not a part of the question? It seems clear to me.

MR. PRESIDENT: I think I should intervene, the question does not refer to the price, nor did the application for the licence.

MR. TRUMAN M. BODDEN: I am sorry, Sir, I was not asking him about the price, I am asking him about the place. What I am really asking is whether marl was made available to other persons or sites, I am also asking you, why did you not find out what sites the marl was made available to?

HON. LINFORD A. PIERSON: Mr. President, obviously the Member did not listen carefully to the answer. I will read it again if this is necessary. I think he has come here with preconceived questions. The answer to the question was there was a general shortage of marl on the Island. A variation was given to the licence for Hurlstone Construction to borrow 6000 cubic yards of marl. I did not ask Hurlstone Construction what individual sites they would be using the marl for. They are conditioned to repay this marl within six months. They might have used the marl on a hundred different sites. I do not know.

MR. TRUMAN M. BODDEN: A supplementary, Sir. Would the Member looks at part three, would he please look at that, it says the marl was delivered to various projects of Hurlstone Construction Company including on the Port Authority Building. What I am asking you is what other various projects?

HON. LINFORD A. PIERSON: Mr. President, the terms of the request was that they would need this for various projects including, the Port Authority Building. The condition was that they would be given the permission to borrow 6000 cubic yard of marl to have it returned within six months. I did not ask them what other projects. There could have been a hundred or two hundred other projects. I did not ask them what other projects it would be used for and I feel, Mr. President, that is really irrelevant.

MR. PRESIDENT: The Member is entitled to decline to answer a question, whatever the House makes of it. Any Member answering a question is entitled to decline to answer, it is a matter for the House, what they make of it.

MR. TRUMAN M. BODDEN: Lastly, on this. What do you understand by the word 'site', as put in the question, and used in your answer?

HON. LINFORD A. PIERSON: Mr. President, my definition of 'site' would be simply what would be found in the Concise Oxford dictionary, not necessarily what the Member might want to use as a definition.

MR. PRESIDENT: I think at this point we all need a break. The House is suspended for 15 minutes.

AT 11:34 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:56 A.M.

MR. PRESIDENT: Proceeding of the House are resumed.

Government Business, Bills. The continuation of the Second Reading debate on the Misuse of Drugs (Amendment) Bill, 1989.

Does any Member wish to speak? The Honourable Member for Tourism, Aviation and Trade.

GOVERNMENT BUSINESS

BILLS

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1989

(Continuation of second reading debate)

HON. W. NORMAN BODDEN: Mr. President, I rise to support a Bill for a Law to amend the Misuse of Drugs Law. I will be one of the first to admit that the legal technicalities of this amending Bill might have escaped me as I am not a lawyer nor do I profess to be. However, I am very grateful to the Honourable Second Official Member for the able manner in which he explained, in detail yesterday, the various concerns raised by some Members of this House, as well as the concerns raised by the Cayman Islands Law Society, the Caymanian Bar Association and other Members of the public who have contacted me, and I accept his explanation.

I honestly believe that our country is fortunate to have someone of the ability, honesty and integrity of the Honourable Attorney General who serves in our Assembly as the Second Official Member and who advises Government on legal affairs. I believe that we are in good hands when we seek his advice.

I see this Bill today as a continuation of the work which was started in 1988, when the Misuse of Drugs Law was amended in April of that year to strengthen the Court's hand in dealing more seriously and more effectively with drug traffickers and their ill-gotten gains. This might sound dramatic, but that is the case and that is the truth. I see this Bill today as one more piece of hard evidence that this Government is determine to escalate the war against drugs.

Everyone claims to be against drugs. Everyone wants to see drugs use stamped out in these Islands and I honestly believe that we are unanimous in that regard. Where we differ is how we go about continuing the attack. As far as I am concerned the only way is to hit drug traffickers hard and where it hurts most - in their pockets, in their million dollar homes, fat bank accounts, fancy yachts, and fast cars.

Let it be known that this country has taken a strong and serious stand against drugs and business derived therefrom. I believe that respect for these Cayman Islands can only grow stronger as it has with the signing of the Mutual Legal Assistance Treaty. I remember at one time there were many who predicted that the signing of that Treaty would bring economic doom and damnation to Cayman. I am sure that the Third Elected Member for George Town remembers this very well but time has proven them wrong and I believe that they will be proven wrong again.

It is wrong to assist drug traffickers to dispose of their proceeds. If we are genuinely serious about cleaning up any appearance of condoning or being involved in the illegal drug activities then we must support this Bill. There must be no doubt about our stand on this matter. Our message must be loud, forthright and clear. That is where I am casting my vote.

In Clause 4 of the Bill, dealing with Section 16O, I note that in the marginal notes it states the offence of assisting drug traffickers, and I maintain that anyone who knowingly assists traffickers in dealing with the proceeds of drugs are just as guilty as the traffickers themselves. The new section refers to anyone who enters into an arrangement and if that arrangement is to help conceal or assist in anyway through reinvestments or any form of money laundering from drug trafficking, those persons involved in such arrangements must be brought to justice and dealt with harshly.

I believe it is far-fetched to use hypothetically cases carried to the extreme to prove that this Bill is wrong. People conducting business in our country are surely responsible and serious enough to realize when a deal or an arrangement appears suspicious or becomes shady. I recall years ago, there were banks which would accept, without question, large cash deposits. Today that is not the case and I think that this is commendable. Care is being exercised in the banking area in dealing with large cash deposits. Is it expecting too much to have similar care, caution and scrutiny exercised in dealings and transactions with others?

The suggestion has been made that this Bill be sent to a Select Committee to give Members and various associations more time to comment. I honestly do not see the purpose for this. In the normal process of the journey of a Bill through this House it will reach Committee stage and I believe that at that stage there will be ample time for any representations or concerns to be further explained and that should justify any request that it be sent to a Select Committee. I think it can be debated and discussed in the open and whenever the Bill reaches that stage, we will all have an opportunity to make our contribution.

I maintain that we cannot afford to just pay lip service in this war against drugs. We must have close cooperation and full support on the local scene as well as internationally. This cooperation and support cannot be optional or voluntary therefore, we must have the proper legislation in place to see that these requirements are met and carried out.

I believe this Bill is timely. I think it meets what we are trying to achieve in this country and I believe it merits the support of all Members of this House and all members of our public who are genuinely interested in seeing us clear these Islands of any tarnish to our image of dealing with drugs. I support this Bill, Mr. President.

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

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

I rise in support of the Misuse of Drugs (Amendment) Law, 1989. This is a needed amendment as heretofore drug traffickers were allowed to benefit from the proceeds of drug trafficking without fear as they regarded imprisonment as no more than the cost of doing business.

There are a few sections of this Bill which appear to have caused concern, not only to the Law Society, the Bar Association and others but I also have had individual representations from various persons in the community who have expressed concerns. However, I am sure that much of the public's misgivings about this Bill were laid to rest after the excellent contribution made by the Second Official Member yesterday, in his debate on this Bill.

From the discussions, which I have had with various individuals, it appears that the insertion of the new section 16O dealing with the Offence of Assisting Drug Traffickers may be somewhat worrying to these individuals. However, I believe that most of this worry is unnecessary and should be laid to rest. I would therefore at this time wish to comment on a few of the concerns raised by the individuals who contacted me.

In section 16O (1) it reads and I would like to just briefly go through this, Sir, because this is the section which, according to these individuals, presents the biggest problem. It states, "The principal Law is amended by inserting the following three new sections immediately after section 16N". Section 16O (1) states:

> "Subject to subsection (3), any persons who enters into or is otherwise concerned in an arrangement whereby -
>
> (a) the retention or control by or on behalf of any other person, in this section referred to as "A", of proceeds of drug trafficking is facilitated (whether by concealment, removal from the jurisdiction, transfer to nominees or otherwise); or
>
> (b) "A"'s proceeds of drugs trafficking are used -
>
> (i) to secure that funds are placed at "A's" disposal; or
>
> (ii) for "A"'s benefit to acquire property by way of investment,".

It goes on to say;

> "knowing or suspecting that "A" is a person who carries on or has carried on drug trafficking or has benefited from drug trafficking is guilty of an offence.".

That is quite clear, Mr. President.

> "(2) In this section a reference to a person's proceeds of drug trafficking includes a reference to any property which in whole or in part, directly or indirectly represented in his hands his proceeds of drug trafficking.
>
> (3) Where a person discloses to a constable of the rank of inspector or above a suspicion or belief that any funds or investments are derived from, or used in connection with drug trafficking or any matter on which such a suspicion or belief is based -
>
> (a) the disclosure shall not be treated as a breach of any restriction among the disclosure of information imposed by contract or by any Law;".

So, Mr. President the question of conflict or breach of professional privilege is cleared up in this particular point.

> "(b) if he does any act in contravention of subsection (1) and the disclosure relates to the arrangement concerned, he does not commitment an offence under this section, if the disclosure is made -
>
> (i) before he does the act, being an act done with the consent of such constable; or
>
> (ii) after he does the act, but was made on his initiative and as soon as it was reasonable for him to have made it.".

Mr. President the amendment Bill does not stop there, it also provides a defence. And section 16O (4) of this amendment Bill states;

> "In proceedings against a person for an offence under this section, it is a defence to prove that -

(a) he did not know or suspect that the arrangement related to any person's proceeds of drug trafficking;

(b) he did not know or suspect that by the arrangement the retention or control by or on behalf of "A" of any property was facilitated or, as the case may be, that by the arrangement any property was used as mentioned in subsection (1);".

There is no question here. No one's liberties will be taken away within due concern to the due process of Law. Also, the words 'or otherwise concerned in an arrangement' was describe by one concerned individual as being extremely wide and incapable of precise definition. This is not so. It simply means that anyone in commercial life who deals with someone they know or suspect to be a drug trafficker and accepts from them money which they know or suspect to be drug money, is subject to prosecution. This would seem to be a just and reasonable course for the Law to pursue.

Another question asked was, how does one suspect that someone has benefited from drug trafficking? This question was properly addressed by the Second Official Member in his contribution yesterday, and I will not at this point reiterate on this. I would just point out the question is a subjected one. One must ask one's self the question, do I, in fact, suspect that someone has benefited? The Second Official Member cleared this up quite well yesterday. It is not the question as to whether the Judge or the Police or the lawyer suspects, it is a subjected one. It is, do I suspect that someone has benefited? It is then for the Crown to prove the state of the individual's mind. That is, whether he knew or suspected that the money was derive from drug trafficking.

Another question asked was the position in relation to an attorney, an accountant, a banker, or other professional persons and his client. One lawyer said to me yesterday that there is a growing tendency in the United States for attorneys to refuse to represent anyone accused of drug trafficking for fear their fees could be regarded as a benefit from the proceeds of drug trafficking and thus seized. He feared a similar trend could be taken here as a result of this Bill. I cannot subscribe to that. His question was: Should such an individual receive legal representation or should be turned away? Again, the lawyer must exercise his own judgement. I believe if an attorney has good reason to believe or if he knows or suspects that his client is guilty, he should use his good judgement. My advice would be that he should turn him away if he suspects or if he has good reason to believe or if he knows that he is involved in drug trafficking. Of course, if he reported this incident to a police officer, that he suspects his client was guilty, then he may be in a position to accept the fee.

In Clause 3, which is an amendment of 16C, the question of retroactive effect of the Law was also raised. However, we have been reliably informed by the Second Official Member that the Law is not retrospective in its application. This section of the Law Sir is just the correction of section 16C of the Misuse of Drugs (Amendment) Law, 1988, and for those that would wish to give the public the impression that this is a brand new idea, I would wish, at this time, to read the relevant portions of the Misuse of Drugs (Amendment) Law, 1988. Section 16C of the amendment to the Misuse of Drugs Law that we are now dealing with is just a correction of the 1988 Amendment.

The 1988 Section 16C reads, and this deals with the assessing of the proceeds of drug trafficking.

"The court may, for the purpose of determining whether the person against whom proceedings have been instituted for a drug trafficking offence has benefited from drug trafficking and, if he has, of assessing the value of his proceeds of drug trafficking, make the assumptions mentioned in subsection (2)," which I will read now. Those assumptions are:

"(a) that any property appearing to the court-

(i) to have been held by him at anytime since his conviction; or

(ii) to have been transferred to him at anytime since the beginning of the period of six years ending when the proceedings were instituted against him whether before or after the date of commencement of the Misuse of Drugs (Amendment) Law, 1988,

was receive by him, at the earliest time at which he appears to the court to have held it, as a payment or reward in connection with the drug trafficking carried on by him;".

The following areas of this section, Mr. President, further highlight the fact that this amendment in Clause 3 of the Bill before us is just a correction to a section that was placed in the Misuse of Drugs Law from 1988.

My contribution on this will be relatively short, because I feel that it is a good Bill and one which has been long awaited to round off the Misuse of Drugs Law. While I can appreciate in a small society such as ours that one has to be more circumspect, I also feel the innocent have

nothing to fear under this amendment Bill. I believe the objectives of this Bill is to hit the king pins in the drug trade where it hurts most in their pockets.

As I said earlier, most of the drug traffickers regard a sentence of imprisonment as just the cost of doing business. I would therefore ask the lawyers, accountants, bankers and all professional individuals or otherwise dealing with the interpretation of this Bill to see the Law for what it is. A piece of legislation which seeks to assist in ridding these Islands of the deadly scourge of drugs. It is not intended to permit the giving of information to the United States authorities.

However, I hope in appropriate cases that it will compliment both the Narco Agreement and Mutual Legal Assistant Treaty when that comes into effect. We cannot continue to pay lip service to the drug problems facing these Islands. We are fighting a war and we must therefore use effective weapons. If we do not, these beautiful Islands could be destroyed forever. In the words of the great President of the United States, Mr. Ronald Reagan, "we should not settle for anything less than zero tolerance".

I believe that the Bill is necessary and that it is a good one, and accordingly it gives me much pleasure to give it my full support.

Thank you, Mr. President.

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

The Honourable Elected Member for Health.

HON. D. EZZARD MILLER: Mr. President, I would like to thank those Members who supported the Bill, even if they did what my good colleague on the other side always said, they put it in one pocket and take it out of the other and there were others who were in full support of the Bill. On the other hand, I will attempt to reply and alleviate some of the concerns expressed by other Members who gave the Bill lukewarm support.

The legal concerns as expressed by the Third Elected Member for George Town, I believe, have been ably and properly dealt with by the Honourable Second Official Member. His main concern seemed to be the definition of the word 'suspecting' and he wanted a more precise and definitive word. Now, as a non-lawyer I would be quite happy to put in the Interpretation Law, or in the beginning of this Bill where definitions are found, that each and every word in this Bill means exactly that which is stated in the Websters Dictionary, Oxford Dictionary and the Random House Dictionary. But we all know that he would not want that because lawyers would have nothing to do, because their income and trade is plied and made on the various interpretations and definitions of words.

I would just like to share with him and other Members a joke which I think sums it up. It says: "If I were a layman and was to give my friend an orange I would say; 'here is an orange.' On the other hand, when a legal practitioner gives one an orange he says: 'I hereby give and convey to you all and singular my estate and interest, rights, title, claim and advantages of the said orange together with all its rind, juice, pulp, pits and all rights and advantages with full power to bite, cut and otherwise eat the same, or give the same away, with and without the rind, skin, juice, pulp or pits anything therein before or hereinafter, or in other deed or deeds; instruments of whatever nature, kind whatsoever to the contrary, is otherwise not withstanding.' That is, to give somebody an orange, and then another lawyer comes along and takes it away because he did not use the word seeds.

MR. W. McKEEVA BUSH: What is he talking about? The Third Member for George Town or...

HON. D. EZZARD MILLER: Yes, I am replying to him.

He also intimated in his debate that there was great controversy and concern in the United Kingdom during a debate in the House of Commons of a bill similar to this. Now, I have read some of that debate and looked at the record of the whole debate. Most Members spoke very briefly in support of the bill for 10 or 15 minutes and there is no time limit in the House of Commons like four hours as we have in ours. So, there was nothing confining them to be as controversial as they wanted. Only one Member gave very lukewarm opposition to the Bill. So I do not know where the great opposition to the Bill was in the House of Commons.

He also mentioned this bill was going to erode the legal system. I am satisfied this bill does not erode the legal system nor does it destroy or upset client/lawyer relationships or those of other professionals. But I can assure that Member if we do not do something about drugs and something to the magnitude that this Bill is suggesting, we do not have to worry about client nor lawyer relationships nor eroding the legal system, because there would not be one to erode. The drug traffickers will take care of that for him.

I would much prefer to have this bill succeed in someway of slowing the drug trafficking than have to leave it to resort to where, in our country, they are doing what they do in Columbia. If they do not like a Judge, they just eliminate him with the use of an automatic gun. They are not worried about client/lawyer relationship down there.

That Member also made a big deal at the time that he was supported in that by the Third Elected Member for West Bay and the Second Elected Member for the Lesser Islands. They seemed to be overly concerned about the lack of time with this bill. The fact of the way this bill arrived in Parliament yesterday does not support their claim.

On the 2nd of February the Attorney General mailed - and I

know there will be those who will say, well, the mail is slow. I have had correspondence delivered today by fax that says they did not get it until the 10th. Even the mail there was not as slow as the letter I got from the Chamber of Commerce which was hand-delivered because that is dated the 17th and their messenger only found me today, so they had better give him a compass the next time they are sending him out. But even if there was some delay in them getting the bill, on the 2nd of February, we sent copies of the bill to all the professional organisations and special interest groups, the Chamber of Commerce, the Cayman Islands Bankers Association, the Society of Professional Accountants, Caymanian Bar Association, Cayman Islands Law Society. Both the Bar Association and the Law Society got two copies, one to the secretary and one to the head honcho and we received no replies from anyone.

Last Friday a letter from the Law Society arrived in my office at about 4:30 P.M.. and I will deal with the contents of that letter later on in my reply because I believe the public has been mislead about what the letter says.

This morning the Honourable Second Official Member gave me a copy of a fax that was sent to him late, late, late yesterday afternoon. Today I got a hand delivered letter from the Chamber of Commerce. The Compass carried a headline on the 6th of February, 1989 that said; 'Drug Law Changes Hit At Those Who Help Smugglers.' That was the 6th of February. Today is the 21st of February and the bill has not finished its passage through the House. They have had fair time to discuss it. But you know, none of us have enough time to do everything that we want. We all have priorities, and I respect the priorities of the professional organisations if they have to deal with their clients to improve the bottom line and put this off until the eleventh hour. This is understandable. It is a rational decision they have to make and I respect that.

But do not have Members of the House believe that they have not had the opportunity. They had ample time to reply positively or negatively. Now my experience in Government is that one never gets the positive reply. All one hears is the negative side of it. So in this case, silence was not only golden but we thought it gave consent because every other time the Government has brought anything that was controversial or upset the Chamber of Commerce or any of the professional organisations, they usually go directly to the newspaper and send a copy to the Member responsible.

One private lawyer took the time to give me his written concerns about the Law and they were dealt with and he was answered in writing by the Attorney General. Now, I do not believe that giving them another couple of days to study this bill is going to produce any wonders or any magic words to replace 'knowing' and 'suspecting', because the few lawyers that talked to me were not happy with that, but in all of their legal brain and this is what they work with, they work with the law. I am not a lawyer but they could not find a better word.

The Third Elected Member for George Town had the bill a long time. He is a qualified lawyer and he has several other degrees, yet he has not seen fit to table an amendment with words which are better suited to the Law. He also muted that he was going to move at the appropriate time that this bill be sent to a Select Committee. Now, I am not going to support that. I think it will only mean unnecessary delays for this piece of legislation and the public must understand that this bill has to go through Committee stage anyway. The difference is in Select Committee the deliberations are not always recorded verbatim. Most times only the decisions are tabled in a report, so we can say anything and nobody knows what we said.

In the Committee which involves the whole House, which is the next stage for this bill, the deliberations, while they are not broadcast, are recorded verbatim and they are a matter of public record. That is the place where legislation like this should be debated in detail if we have something to say, we say it there. If professional organisations have something to say they put it in writing and we will look at it during Committee stage. I would like to add there is no time limit again on that Committee. That Committee could go on for several days, each Member has four hours to speak on each Clause and each amendment and each word that is filed in that Clause, so I do not want the public to be misinformed by anybody about the reason we are not going to a Select Committee. We are going into the regular Committee of the House because we want to save time. We will have all the time in the world to deal with the detail of the Clauses of this bill.

In an abundance of caution, the Government is prepared to delay the regular Committee stage of the bill until the Second Reading of the Throne Speech is completed, to give all those people, who did not study the bill over the weekend but went to the boat show in Miami, time to study the bill in the next couple of days to see if they can come up with any magic words that are better suited for this legislation.

Those three Members - the Third Elected Member for George Town, the Third Elected Member for West Bay, and the Second Elected Member for the Lesser Islands, also intimated there was great concern and a lot of controversy in the public about this bill. The public Galleries are empty except but for a few people. The press has not been inundated with letters to the editor against this legislation or articles by the various professional organisations detailing their objections to the bill or their concerns and their recommendations.

When we are talking about recommendations, it was the impression I got from people who referred to the Law Society's letter, that they expressed grave concern and offered a lot of criticism to this bill. With the indulgence of the House and permission of the Chair I would like to read that letter in its entirety just so the public can determine how serious or how strong or how weak the criticism for the law was.

This letter is dated the 16th February, 1989 and is addressed to:

"The Honourable Richard Ground QC,
Attorney General Chambers,

Government Administration Building,
George Town,
Grand Cayman.

Dear Richard,
Re: A Bill for a Law to Amend the Misuse of Drug Law

On behalf of the Law Society may I say we are most grateful to the Honourable Member for Health and Social Services for affording us a preview of the proposed Bill. Unfortunately, we have not had a full meeting of the Society, however, some of us view the propose amendment as of paramount importance, particularly in relation to Cayman as an offshore centre, affecting, as it must, all the businesses such as accountants, bankers, businessmen, developers, lawyers, etc.

We are conscious of trying to achieve a balance on the one hand, of individual freedom and client and professional privileges and on the other a desire to attract effectively the scourge of ever-increasing drug traffickers.

We appreciate too, this legislation comprises actions included and enacted in other countries in particular the United Kingdom. We need not enumerate the criticisms expressed in the United Kingdom at the time the Law was being passed.

We are, however, concerned that our offshore centre relies heavily on company registration, banks foreign investment, and acquisition and development of land.

Let it be made quite unequivocally and abundantly clear that the legal profession, like all other professions and businesses on this Island, have no regard, respect or even expose knowingly any person or entity involved with or known to have been involved with drugs. We are all too aware and conscious of the ill effects and ravages of promoting drug trafficking.

To that extent, at the same time if we analyse the proposed amendments we have concerns which we hope can be alleviated by appropriate amendments and if we can be of assistance in this regard please let us know.

Illustration of Possible Impact:

(1) Let us digress to the celebrated Leigh Ritch case. To most local people he appeared as an innocent businessman with Caymanian connections who, for sometime, operated a concession at one of the oldest hotels in the Cayman Islands, a legitimate business or so one may presume.

As it later transpired from Senate hearings, some people here must have known or suspected his connections with the drug trade. In this light and looking at the proposed amendments, it would appear that everyone who dealt with the hotel concessionaire would be equally suspect.

Illustration (2) (a) (44)(i) offshore investor of whom little is known until he crosses the thresholds of the local business community. He forms a company. Nothing is known about him. He buys real estate on the island, develops the condominiums, rents them and all of a sudden his trafficking would come to light. What happens to all the people involved with him in the Cayman Islands?

So with that, as an example let us examine the amendments.

The Proposed Sections:

Clause 16C is a section which provides for the court to make certain assumptions in the course of determining whether an accused person has benefited from drug trafficking. If an allegation is made that property acquired by him within six years of his being prosecuted is attributable to drug trafficking, the court may require the defendant where the defendant denies to indicate any matters he proposes to rely on. Failure to comply allows him to be treated as accepting the allegation. (See commentary on Drug Trafficking Offences Act 1986 in the United Kingdom current Law Statutes).

Section 16O specifies how the offence of assisting drug traffickers can be committed in various ways. In this section a person accused of the offence must be shown to have known or suspected that a person had been a drug trafficker and not apparently that the particular arrangement which is the subject of the charge related to drug trafficking.

This is a very wide section and could conceivably cover all the people on the island who dealt with the persons in Illustrations (1) and (2).

Similarly subsection (4) places on the defendant the burden of proving that he did not know or

suspect that the arrangements related to proceeds of drug trafficking. In this regard, any person not known to people in Cayman ought to be suspects. What standards, care or prudence must local businessmen take to ensure that the person before them is not a trafficker? It creates a heavy duty to prove one's innocence. What would happen to parties who dealt with the person in Illustration (1)?

Among other matters there is a further subsection which gives the power to the Governor to make external orders by far the most invidious of which is section 16P (3). The power to make an order includes a power to modify this Law in such a way as to confer a power or a person to exercise a digression.

Concerns in Principle:

We are concerned about the retrospective effect of any Law of wide sweeping powers of an official without due regard to the separation of powers and the checks and balances of a democratic society.

These amendments need to be tempered in the light of the concerns expressed. At present, if the Law is passed as proposed, a great onus is placed on persons who deal with foreigners which will be very difficult to discharge. While no one wants to deal with drug offenders it is difficult to determine who is and who is not, and who has benefited and who has not.

The risk imposed by the Law may require drastic steps to be taken by all persons using the Caymans may or may not go over well. The Law should only apply to business undertaken after the passing of the Law.

Yours sincerely,

C.S. GILL.".

I think two observations should be made about this letter. The first is that the Attorney General, the Honourable Second Official Member I think adequately, correctly and properly pointed out the inaccuracies in its interpretation of the Bill as it is proposed and secondly, no amendments or corrections were proposed by the Law Society to make the Bill a better piece of legislation.

MR. PRESIDENT: Would you like to break there and continue after lunch?

HON. D. EZZARD MILLER: Yes, Sir.

MR. PRESIDENT: Fine. Proceeding suspended then until 2:15 P.M.

AT 12:52 THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:22 P.M.

MR. PRESIDENT: The House is resumed. The Honourable Member for Health continuing.

HON. D. EZZARD MILLER: Mr. President, when we took the break I was discussing the concerns and controversies that some people felt this Bill was stirring; that it needed to be delayed and sent to a Select Committee and other things to alleviate this controversy. As I said, I have not had a lot of complaints, comments or hullabaloo about this basically simple Bill, but I do have several articles about countries which have been destroyed by drugs. One which comes to mind is an article in the 29th of January, 1989, issue of the Observer, 'The Decline and Fall of Paradise Island". Basically this outlines how St. Maarten was completely destroyed by drug barons, etc.

The U.S. News and World Report for the December 5th, 1988 issue had an article entitled, "Hitting kingpins in their assets. The Feds have started to go after drugslords' bank accounts and other properties". The new tactics work, but defence lawyers are screaming. There is evidence in here to show that even though the defence lawyers were screaming, the U.S. Government and now our Government is taking the right steps because, in a short time, the U.S. Government had seized assets at a total value of $1,097,600. So the magnitude of the problem is not to be glossed over and wool pulled over the layman's eyes by fancy legalese and delaying tactics to prevent us from getting at the root of the problem.

As I said, I am not going to support sending the Bill to a Select Committee for the reasons that I have outlined, of the secrecy and everything else. I think if we have a problem with the Bill we must deal with it in an open Committee where the public is fully aware of what was said and what was done in the Committee stages on this Bill. Let me repeat that, in an abundance of caution, I am prepared at the Committee stage, when the Bill is call to move for a deferral of the Committee stage of the Bill until after the debate on the Throne Speech.

I want to make it clear that this is in no part cold feet on my

part, and if anybody thinks it is cold feet they can test me and we will deal with it then. But since some people, as I said, went to the boat show or the Grand Prix in Miami or other things instead of spending their time dealing with the Bill, we will give them a few extra days or weeks, depending on how long people take to debate the Throne Speech and the Budget which is being debated together, until then to make their concerns known to us. I would only ask that the concerns be specific, and that the concerns contain specific recommendations as alternatives to what their concerns are, so that we can properly examine and evaluate what their proposals are. Not these innocuous wide charges and nothing of any substance to back it up or as an alternative for what the Government has proposed.

Now, a couple of speakers wandered into an area that I think they should have left for the Throne Speech debate, but since they have opened the can of worms, I am going to put the worms back in the can. And that is rehabilitation. Several Members - the Third Elected for George Town, the Third Elected Member for West Bay, the Second Elected Member for Cayman Brac, and to a lesser extent, the Elected Member for East End raised the issue of rehabilitation. As I understood what they were saying was that Government was not doing anything about rehabilitation because we had not put up a concrete white elephant somewhere over town. Nothing could be further from the truth. If the people read the local newspaper, they will see in an interview that I gave the Compass just after taking office that one of the priorities was rehabilitation. But, rehabilitation programmes not rehabilitation buildings because buildings do not help anybody. It is the programmes that help the person. That is what we are interested in doing. Helping the people, not building some monument to somebody else. We have enough of them over town now.

Further to that interview in the Compass, we had an official visit to Hazeldon Institution in Minnesota. That visit was reported in the press and it was made clear that while Government recognises the need, in limited circumstances of intense in-house detox and rehabilitation, it was my view at the time, that that service could be better provided and less costly provided by contracting for those services in reputable, recognised institutions abroad and spending our efforts locally in half-way houses. I identified two pilot projects, one for West Bay and George Town and one for Bodden Town for the eastern districts where we would take care of the aftercare, after intensive rehabilitation. What is happening now is that we are sending people off at fairly great expense, having them go through the intensive programme, having the after-care programme provided for three to four months in similar institutions and bringing the people back here and letting them fall back into the cracks from which they crawled to get rehabilitation in the first instance.

So let no Member be misled or try to mislead the public that this Government is doing nothing about rehabilitation. The facts do not bear that out. The consultants are arriving on the 3rd of March to design the after-care programmes, but I must emphasise that none of the people, the seven Members of this present Executive Council, are over anxious to build concrete white elephants, streets or schools or anything else to carry their names. It is the programmes we are interesting in, because it is the programmes that are going to help the people. If they think that is the end of it, I invite them to deal with it in more detail in their uninformed way in the Throne Speech and debate, and I will reply in kind.

The Government has always made it clear that the approach to the drug problem is a comprehensive one, attacking them on all fronts. We have also made it clear that it is our belief that education is the ultimate answer and on that basis that is where we are going to place the most of our resources.

One Member took issue with the fact that I said we might have to right off one generation. I make no apologies for that, Sir. That is a fact to life, whether he or anybody else wants to hide their head in the sand and say they can save them all, that is up to them. They have been doing that for the last ten years, telling people what they were going to do for them. They have not done anything for them, but the fact is that there are at least a generation of drug addicts in this country, that while we can provide through rehabilitation a safety net, that we can get some of them back to productive citizens. A lot of them is not going to come back to be productive citizens and we have to find other ways to deal with them and provide for them. The emphasis must be on the younger generations now, to educate them not to get started on the road to destruction.

They also made a big deal of the fact that the Law was retroactive and again, I am reading this as a layman and saying what I see here is what it means. We are not going to get back to the orange situation again. Section 3, which some people have made a point of saying is retroactive legislation and that we are amending it - we are only correcting a typographical error in printing arrangement. It is not even a typographical error, it was just the way that those paragraphs were laid out after they were passed into Law in April of last year. All we are doing is cleaning it up so that when the lawyers read it, they can understand what it says.

Clause 4 (160) the very first sentence, removes any connotation of retroactivity. It says, "subject to subsection (3) any person who enters" and in my layman's language that means in the future any one who enters. If it was the past it would say 'who entered'. Of course, the lawyers can probably find a way to make 'enters' mean 'entered', but we will not get into that. The offence that is created in this Law follows that sentence 'who enters into these transactions to commit an offence of drug trafficking'. So it is forward looking, it is not retroactive. The seizure of the assets is retroactive and it has to be because very few lawyers or accountants or business people are going to give drug traffickers credit by saying, 'Here is a house, go out and sell some dope and come back and pay me'. Because they are using the assets, they will have to have sold the dope before they pay them. They are not going to give them credit. Most time you have to put your hand in your pocket before you can sit down in the chair.

Having listened to the opposition to this Bill, I am satisfied that the Bill has had sufficient discussion and review by the public in special interest groups, and secondly, that the Bill is a step in the right direction. It is a step that is necessary in the development of our country at this time, I recommend the Bill to this Honourable House.

Thank you.

MR. PRESIDENT: I shall now put the question on the Second Reading of this Bill. I beg your pardon, I did not catch your eye.

MR. TRUMAN M. BODDEN: I am sorry, Sir, before you put that, I had indicated that under Standing Order 49(1) that I may have been minded to put that the Bill go to a Select Committee. But as I understand it and if the Member for Health would please confirm that, he is undertaking that his Government is prepared to adjourn the Committee stage of this Bill until the House has finished its other business.

He has mentioned it, I am wondering if he is undertaking that, Sir.

HON. D. EZZARD MILLER: With respect, Mr. President, I am not minded. I said that I would move that the Committee stage on the Bill be postponed not until all businesses of the House is complete, I said until the debate on the Throne Speech and the Budget Address, which are taken concurrently was completed.

So I will give you, and I have given and I am giving you the undertaking, the Third Elected Member for George Town, that when this Bill is set down for Committee stage, I will move that the Committee be postponed until the debate on the Throne Speech and the Budget Address is complete.

MR. PRESIDENT: That appears to me to be about as clear a statement as can be made. It is in the hands of the House's Business Committee. I understand it will be favourable received.

MR. TRUMAN M. BODDEN: Mr. President, in that case I need not put my Motion because the Government's oranges and mine are the same.

HON. D. EZZARD MILLER: With respect, Sir, now I want it clear now it is not mine that are the same here, because what he intimated was a Select Committee. Two different things, two distinctly different things. What this Member is talking about is the regular Committee stage of the Bill of the whole House. Not and I repeat, not a Select Committee of the whole House.

MR. PRESIDENT: I believe we are now all clear on this and in which case I will put the question. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: THE MISUSE OF DRUGS (AMENDMENT) BILL, 1989 GIVEN A SECOND READING.

FIRST READING

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1989.

MR. PRESIDENT: Bills, First Reading.

CLERK: The Development and Planning (Amendment) Bill, 1989.

MR. PRESIDENT: A Bill entitled The Development and Planning (Amendment) Bill, 1989, is deemed to have been read the first time and is set down for Second Reading.

SECOND READING

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1989.

CLERK: The Development and Planning (Amendment) Bill, 1989.

MR. PRESIDENT: The Honourable Member 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) Law, 1989.

Mr. President, this is a fairly simple and straight-forward amendment Bill which has the objective of increasing and slightly changing the composition of the membership of the Central Planning Authority. The reasons for the introduction of this Bill are to increase the membership of the Authority from nine to twelve members to enable a more comprehensive representation of a wider cross section on this most important Authority and to slightly change the composition of its membership to allow for a more realistic representation on the Authority from the Development Control Board.

As can also be seen from the present composition of the membership of the Authority, a greater emphasis is being placed on the technical acqumen of appointees to the

Authority. This, coupled with the expansion of the present membership, will allow the Authority more flexibility to cope with its ever-increasing work load. Also added to the recurrent work load are other areas of responsibilities which will, in due course, be dealt with by the Authority, such as the Building Code, the revision of the Planning Regulations, input into the Master Ground Transportation Plan and in other related areas.

The proposed amendment of section 3 of Planning Law (Revised) reads as follows: "The Authority shall consist of a chairman and twelve other members, one of whom shall be a member of the Board who shall be appointed by the Governor." Section 3(3) of the principal Law now makes provision for chairman and one other member of the Board, meaning the Development Control Board for the Lesser Islands, to be appointed members of the Authority. However, upon consultation with the Member responsible for District Administration, it was agreed the Board would be adequately represented on the Authority by one of its members rather than the two provided for under the principal Law. In further justification of the reduction of representation on the Authority from the Board, the view was also taken that not only was it an unnecessary Government expenditure to have to pay the travelling expenses of two members from the Lesser Islands to attend the Authority's meetings, but it was also causing the Chairman of the Board, who is also the District Commissioner, to spend a great deal of his time out of his office attending the meetings of the Authority.

As mentioned earlier, this is a short and straight-forward Bill and one that should not cause any undue concern. It is intended primarily to improve the efficiency of the workings of the Central Planning Authority. I would, therefore, ask for the support of all Honourable Members for this amendment Bill.

Thank you, Sir.

MR. PRESIDENT: The Motion is that a Bill entitled the Development and Planning (Amendment) Bill, 1989 be given its Second Reading. The motion is open for debate.

The First Elected Member for the Lesser Islands.

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support the Bill before the House to amend the Development and Planning Law, but I would like to make a few comments concerning it.

I have had the honour of being a Member of the Central Planning Authority for a number of years and also the Development and Control Board in Cayman Brac. I must say the Central Planning Authority has served as an education in itself for those of us in Cayman Brac on the Development and Control Board, as we do not have a qualified Planning Department in Cayman Brac. In dealing directly with the Planning Department here in Grand Cayman, our services at the Central Planning Authority equips us to better serve on the Development and Control Board. I know it has been very useful to the Chairman and it certainly has been useful to me.

One major concern that I have found with the Central Planning Authority on many, many occasions is we have had a problem having sufficient members present to make a quorum. I would like in your summing up if the Honourable Member would say what his intentions are concerning the quorum, because if the quorum is increased our problem will also increase in getting that number there.

In the First Schedule of the principal Law it says: "The quorum of the authority shall consist of five members and the quorum of the Board three members." So if we are now expanding the Board, if the number of the quorum increases, as I said before, our problem of securing a quorum will be more difficult. Again, I would reiterate that the Members from the Lesser Islands serving on the Board has been extremely beneficial, being in close contact with the Planning Department.

With those few words, I support the Bill which is now before the House and I hope that we will continue to have the close relationship between the Development and Control Board, the Central Planning Authority and the Planning Department.

Thank you, Mr. President.

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

MR. GILBERT A. McLEAN: Thank you, Mr. President.

I rise to comment on the Bill for a Law to amend the Development and Planning Law Revised. I must state that I am suffering quite a bit of confusion here because from what I am made to understand, there are presently eleven members on that Board and if I understand the substantive Law correctly it says: "The authority consists of a Chairman and nine other members who shall be appointed by the Governor.". Then in subsection (3) it says: "The chairman and one other member of the Board (meaning the Board from Cayman Brac and Little Cayman) shall be appointed members of the authority.".

I make that twelve people. The Chairman and nine members makes ten plus two from the Board in Cayman Brac and Little Cayman.

HON. BENSON O. EBANKS: Your arithmetic is bad.

MR. GILBERT A. McLEAN: That might be so, perhaps you can correct it when you speak.

Mr. President, be the number as has been presented here or what the number is as I see it, I would hesitate to give this Bill my vote. From what I am made to understand upon enquiry about the activities of the Authority, on many occasions there is not sufficient members for a quorum or staff in that Department have chase down members to form a quorum when there is a large number of absences.

Further, it is well known that the effectiveness of a committee can largely depend on how small a number there is on the committee, because there is always a percentage that

does nothing and there is a smaller percentage that carries on the work and the business of that committee. Therefore, I cannot see the need for increasing the number of persons on the Authority. If anything, I believe, the reduction of the Authority might be more helpful to the proper process of management.

As one Member interrupting while I was speaking, as is seen fashionable, perhaps he will correct my arithmetic and perhaps the Member who moved this amendment might, when he replies, explain the number on the Board and what is the further details and intention of increasing the number.

I would hope that increasing the number is not purely to satisfy some Member in the political directorate of the present Government to give a seat to some supporter of theirs, to say they are sitting on some Government Board. At this time I would say that unless there is some clarification in the position here I could not support the amendment to increase the number of persons on the Central Planning Authority.

MR. PRESIDENT: The Honourable Member for Education.

HON. BENSON O. EBANKS: Yes, Mr. President, it is not often that the Member for Education gets an opportunity to give a lesson in arithmetic. I wish I had a chalk and blackboard which I could use. Surely it is simple mathematics to understand that the Authority consists of a Chairman and nine other members who shall be appointed by the Governor. Full stop. That is a total of ten members. Subsection (3) then goes on to say: "The chairman and one other member of the Board shall be appointed members of the Authority.".

Now the Board is the Board in Cayman Brac, so what subsection (3) is saying is that the Chairman and one member of the Board in Cayman Brac must be included in the Chairman and nine other members of the Authority. This simply means that only eight members are left to be appointed from Grand Cayman. The amendment will increase the number to 13 and only one of whom shall be from the Board in Cayman Brac. So that is the explanation of the amendment. There is no proposal to reduce or to increase the quorum so this has to help the formation of a quorum for meetings.

I hope I have made it clear, if not, I can repeat it. The Authority which is the Central Planning Authority in Grand Cayman consists of a chairman and nine other members making a total of ten. Subsection (3) dictates that two, that is, the chairman and one other member...

MR. GILBERT A. McLEAN: Of the Board, that makes 12.

MR. PRESIDENT: I am Sorry. If I may interrupt you for one moment?

I did not break in earlier on but I thought we had established a convention in the House that if a Member wishes to interrupt and use the microphone he should stand, either seeking for a pause or the Point of Order, otherwise please do not use the microphone seated.

HON. BENSON O. EBANKS: Thank you, Mr. President, but it is clear that we have in subsection (2) the membership is laid out for the Central Planning Authority in Grand Cayman. That is, a Chairman and nine other members. It does not say nine other members other than the members mentioned in subsection (3). Subsection (3) merely ensures that the 10 members includes representation from Cayman Brac in the form of the Chairman and one other member of the Board from the Authority in Cayman Brac.

So the Central Planning Authority includes eight members plus the two mandated by subsection (3) from the Authority in Cayman Brac for a total of ten.

The amendment seeks to increase the total number to 13 and reducing the mandated number from Cayman Brac to one. So it would be a total of 12 unless, in the wisdom of the Governor in Council, he thought it advisable to appoint more than one member from Cayman Brac and Little Cayman. That is simply the explanation of the amendment.

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

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

I rise to voice my opposition to the amendment to the Development and Planning Law (Revised).

I campaigned on the promise of an honest Government on the basis that I would support issues and policies which I felt are in the best interest of the people of these Islands. I do not feel the request to expand the membership of the Authority from 10 to 13 falls within this category.

At the present time, the membership consists of a Chairman and nine members appointed by the Governor. I also understand that it has been the experience in the past, even with only ten members, that the Central Planning Authority has problems with attendance in constituting a quorum.

I personally feel that we do not need the appointment of any additional contractors to the Central Planning Authority who are basically there to promote their own personal interests. I do not feel that we need an increase in numbers but we need quality in members on the Central Planning Authority. I would support a request for a decrease in the membership of the Central Planning Authority, but not an increase.

I am aware that there may be some possible political favours that are still outstanding which have to be addressed at this stage, but those things are not going to be addressed with my support.

With those few words, I would like to say that I do not support

the Bill entitled a Bill for a Law to amend the Development and Planning Law (Revised).

Thank you, Mr. President.

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

MR. ROY BODDEN: Mr. President, I rise to support this Bill to amend the Development and Planning Law and I am going to be brief. I would like to make the observation because I think it is a poignant and important one.

I note with interest the battle lines are being drawn. I would like to say from this section of the gallery that when we think members of the Government need to be chastised, we will chastise them. We will not allow other people to insinuate and make Members that we have so much trust and faith in look bad. A warning to the wise, Sir.

Thank you.

MR. PRESIDENT: Perhaps, while we are waiting in case any other Member wishes to speak, I might say a word about interjections.

Interjections while a Member is speaking are a good, healthy, traditional, parliamentary practice. The only difference here is that we have microphones which, perhaps, is an undue advantage for the interjector. So, by and large, it would be better not to use microphones unless you are going to stand and seek an interruption. I hope Members could agree to that.

Does any other Member wish to speak on this particular Second Reading?

The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Mr. President, I do not support this Bill because I do not see either the logic or the good reasoning for it.

The Member now has a Board which already is comprised of ten people, then what is really the reason to increase this? It means the Executive Council can appoint more people to the Board. We have, at some stage, to attempt to sort out what is realistic, from what is politics. It is a known fact that the larger a committee, the more time it takes and the less it does and, believe me, if the Member is going to slow down the Central Planning Authority by adding more people there, some of them may or may not be politically motivated, then he is really not serving a good purpose by the increase.

The Member for Education got up and attempted to give his little lesson. But if he had looked really well, he would have found that someone, or perhaps several, on the Government bench cannot count because what is going to happen when this amendment is passed is the Government, in all its wisdom, is going to remove subsection (2) and (3) and replace it with one subsection (2). He is going to have a Law which is going to read section 3, 1, 2, 4, 5, and 6. So I would strongly suggest that he does his home work first and properly put the amendments before he begins giving his lessons 1, 2, 4, 5, and 6. It is unfortunate when things of the sort that we have heard here today do arise.

The First Member for Bodden Town said that when the Government needs chastising he seems to think that he is the only one of the Members on that side who can do it. But he is badly confused because when you get thrown in as supporting the Government time after time, when you get Members of your Government telling you that you cannot ask questions properly, then you are in no position to chastise those people.

The duty of the Backbenchers - and I think he, perhaps, needs to look at that aspect more clearly - is to ensure that the public's rights are protected. That protection was very clearly seen a short while ago when we had a delay of a bill that was very important. This same principle arises here, because I am not going to stand up and object when a bill is good to the people of these Islands or for the country. That is the reason why I am very careful on what I object to and what I agree to. My duty is a very simple one: If it is good for the country I go along with it, if I feel that it is not good for the country I do not go along with. If I feel that the public needs more time to look at a bill, I will delay it - and I do not mind how that is achieved within the Standing Orders of the House. The very important thing is achieving a purpose which is good for the country.

I cannot really see how adding more members to a Board which needs to act fairly expeditiously and get the planning applications looked at and either approved or rejected, is going to help the public. I think it is going to harm the public because it will slow down the process of Government. I think it was President Benjamin Franklin who said, 'the most effective committee is a committee of three, one of whom does not attend and one of whom is sick'. It has, you heard what His Excellency said.....

HON. BENSON O. EBANKS: On a Point of Order, Mr. President, His Excellency is not in here, Sir. The President is in here.

MR. PRESIDENT: I sit corrected.

MR. TRUMAN M. BODDEN: He seems to be better at taking Points of Orders, than counting, Sir. Well, let me go on.

The section which if they feel that the District Commissioner from Cayman Brac should be removed for the interest of the pubic is good and I will go along with that part. I do not see a problem there. I am against beefing up boards which, as I said, may or may not have people appointed to it that are politically involved. It is really going to slow down a board that needs to be expeditious. I am prepared

to support the part which removes the District Commissioner, but I am not prepared to support the increase in the Members.

I believe if there is a problem on the quorum then perhaps Members should seek something to ensure that they have a quorum. For example, there is a provision in the Constitution that being out of the Executive Council or the House, one or the other of these relates (I do not want to spend time to look it up) for three consecutive times without the permission of either yourself and Executive Council or in the Legislative Assembly, depending where it relates to, that you would then lose your seat. Perhaps something of this sort could be put on.

I sympathise with the Member in relation to the quorum. He must get a quorum for business to move on, if he has members that do not show up, then I would stand behind him such as I may, to see that something is done for the quorum to get there. I do not mind doing something towards that. But out of twelve, if five are not showing up he has some serious problems. I would be against reducing the quorum too low because different Members at different times could cause decisions which were inconsistent with each other. I think the quorum has to be high enough to create consistency and authority. If he is having that problem then he, perhaps, needs to discuss this with his members and see what can be done there.

So, as I said, I am prepared to support a part of the amendment, but not the increase. Thank you.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, it is not my intention to prolong the debate on this short Bill but I am not clear on something which the Honourable Member mentioned in his presentation.

One of the reasons given was that more comprehensive representation could be given to the Islands, I think that is what he said. I question this, and my question would be what areas of the Islands are presently represented on the Board? Maybe instead of increasing the number, consideration could be given to replacing two members who may not be as active as need be. These could be from areas which are not represented at present.

I think mentioned was made also of the District Commissioner from the Lesser Islands and I can see with this, if it is that his work load is too much to attend to the Board meeting properly or whatever the case may be, maybe this is an individual who could be replaced and in so replacing we still would not have to change the number.

Finally, I would like to know what cross section of the Island will be proposed for replacement. If it is that this Bill goes through in its present form. I believe that the Member piloting this Bill has every good intention. I am hopeful when he goes to wrap up his debate that he will be able to present me with the information that I can have a change of heart from my present stand.

Thank you, Mr. President.

MR. PRESIDENT: Would the Member in charge of the Bill like to... just in time, Sir. The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I wish to record my support for the amending Bill.

I cannot see what all this fuss is about. All we are doing is increasing the membership of the Authority. Members seem to be opposing for opposition sake. The Third Elected Member for George Town seems to be making a point that there is a typographical error in the amending Bill, which can easily be taken care of in the Committee stage. But the typographical error does not seem to me to be too offensive.

I remember sitting in the Gallery watching him put through the Education Bill. If you want to find typographical errors, you should have searched that one, Mr. President. Yes, even unparlimentary language. But these things happen. We are all human beings. You know there is nobody on the Government bench or on the civil side that profess to be a know-it-all. There are mistakes and that one is just a minor mistake. So we do not want to leave the public with the impression that there is some awkward thing about the Bill. The Bill is quite in order. The opposition's tactics in this House seems to be one of talking for talk sake and wasting time.

We heard them this morning on questions, half of the day was wasted. They were trying to find out where a load of marl had gone, and none of them had the brains to ask the Member where the marl went to. With all the professionalism and education that we hear being bragged about. God help us.

The Third Elected Member for West Bay seems to be keeping his promise. That is, he talks about his campaign, and he did tell the people in West Bay that he would not be working with us. The first time in our hundred and fifty years of parlimentary Government and the Members for West Bay are not sitting together. He says big joke. Well, if it is to him it is not to me. I do not think it is right for us to come here and castigate honest people who are willing to sit on those Boards, for half a night sometimes, doing the work of the nation and for them to come here and criticise them and talk about how they are protecting their own interests. I do not know of any contractor on the Planning Authority that has protected his own interest. By God, I think they are doing a fairly good job and I think they are honest people.

What the Member could tell us is whether it is right for a civil servant to sell over inflated buildings to Government. I am talking about prices, when we talk about inflated, not the building. I do not know who is paying any political favours. There is good reason the Member has said it. As far as

putting people on the Board that are politically inclined or connected, that would be a most difficult thing not to do because everyone in this country is, by some means, politically connected in some shape or form. But at least when this Government appoints people to Boards, they try to see that when material goes to them they can read it. I am not crying down anybody that cannot read, that is a fact of life for some people, we accept it. But when this Government appoints people the material that they are sent, they must know what it is.

Just to clear something up. I do not know who the Member talks about when he says questions are unintelligible. The Third Elected Member for George Town? When I have a question I ask it. He has made this reference outside of these Chambers and he has made it here, in the Chamber. I do not have any questions this sitting, so far. I am thinking about putting in a few. I am just waiting a little bit longer to see how well they are going to behave. But if I did put in a question you can believe I would know how to ask it. Four years have given me that much experience.

The Bill is a straight forward Bill and I think, in defence of the Planning Authority, we should say they are trying their best in the mad rush of this country. If they think that the Planning Authority is not doing their job, they can call a re-election and put on who they want. I support the Bill.

MR. PRESIDENT: Would the Member in charge of the Bill like to reply before we take the tea break? Afterwards?

In that case, the House is suspended for 15 minutes.

AT 3:24 THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:45 P.M.

MR. PRESIDENT: Proceeding are resumed. The Honourable Member for Communications and Works.

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

First, I wish to thank all Honourable Members who spoke on this Bill, those that supported the Bill and also those that felt, for some reason or the other, that they could not fully support it. I hope when we take the vote, we will have unanimous support of the Bill but I will attempt to deal with a few of the concerns raised by certain Members.

The Second Elected Member for the Lesser Islands raised the question regarding the number of members for the Authority, but I think that this was properly cleared up by the Honourable Member for Education. To further clarify this point, I would wish to point out to the Member that the two members appointed under the Development and Planning Law, the substantive Law, totals nine plus a chairman. If the Member has a copy of the Law I would refer him to section 3 subsection (2) and (3). Subsection (2) reads: "The Authority consists of a chairman and nine other members who shall be appointed by the Governor.". And subsection (3) continues; "The chairman and one other member of the Board shall be appointed members of the Board." I think by now it is perhaps quite clear to the Member that, in fact, he was somewhat confused with this particular point and the confusion was perhaps his own. But I, nonetheless, take the point that he raised.

I was a little concerned with the remarks made by the Third Elected Member for West Bay, but I do not think that the remarks were meant to be harmful. I would hope not and I am sure that on reflection he realises that he may have spoken out of turn on this particular point. I would like to make it abundantly clear that the increase recommended in this amendment Bill in membership to the Authority was not made with the view to appointing political supporters to this Authority or to pay political favours. That statement was most unfortunate.

Also, I wish to point out that representation from the Lesser Islands can be more than the one that we stated in here. There can be any of the remaining numbers. The amendment Bill specifically states that there shall be one member from the Board, meaning the Development Control Board for the Lesser Islands.

There were also a few points made by the Third Elected Member for George Town and a particular point that he made was on the question of numbering. He felt that there would be some confusion in this. I think that on reflection he will realise that the point he raised is somewhat misconceived. We did not renumber these sections because of the consequential cross-references that would have had to be done throughout the Law. This was the main reason why we did not tinker with the numbering. I believe, as I said, that on reflection, having had experience in drafting himself, he will realise that this was totally unnecessary.

Regarding the size of the Committee, knowing the Third Elected Member for George Town as well as I do, I am sure he can appreciate when I say that he, above all, can appreciate how ineffective large committees can be, at least this Committee is not one of forty.

The Elected Member for East End raised the point regarding the statement I made in the presentation of the Bill. That the increase was to enable a more comprehensive representation of a wider cross-section on this most important Authority. What is intended, and he has ask that I clarify this, is that we are able to get more technical input into this Committee, not necessarily to fill the Committee with political supporters but to be able to get a wider area of technical expertise on the Committee. This is seemed to be necessary in view of the increased work load on the Authority. Also, the technical areas of work that the Authority is now involved with including the Building Code, the Planning Regulations, the Master Ground Transportation Plan and in other areas. It is proposed, Sir, that one of the reasons for increasing the number of this Committee is to allow for small working committees to be set up, to work in those particular areas so as to make

the workings of the Authority that much more efficient.

Again, Sir, I want to make it abundantly clear that no political considerations were given when deciding on this amendment. Somebody just whispered that it was our intention of putting Mr. Dalmain Ebanks on it, but apparently one of his supporters objected.

However, Mr. President, this is just to say thanks so much to Members for their contributions, and I hope that when the vote is taken we will get their full support.

Thank you.

MR. PRESIDENT: I shall therefore put the question. Those is favour, please say Aye... Those against, No.

AYES AND NOES.

MR. PRESIDENT: The Ayes have it.

MR. W. McKEEVA BUSH: May I have a division, Mr. President?

MR. PRESIDENT: Clerk, please.

DIVISION NO. 1/89

AYES: 12	NOES: 3
Hon. Thomas C. Jefferson, OBE., JP	Mr. John D. Jefferson, Jr.
Hon. Richard Ground	Mr. Truman M. Bodden
Hon. J. Lemuel Hurlston, MBE	Mr. Gilbert A. McLean
Hon. W. Norman Bodden, OBE	
Hon. Benson O. Ebanks, OBE	
Hon. D. Ezzard Miller	
Hon. Linford A. Pierson, JP	
Mr. W. McKeeva Bush	
Capt. Mabry S. Kirkconnell	
Mr. Roy Bodden	
Mr. G. Haig Bodden	
Mr. John B. McLean, JP	

AGREED BY MAJORITY: THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1989 GIVEN A SECOND READING.

MR. PRESIDENT: Bills, continuing.

FIRST READING

THE SUCCESSION (AMENDMENT) BILL, 1989

CLERK: The Succession (Amendment) Bill, 1989.

MR. PRESIDENT: A Bill entitled, The Succession (Amendment) Bill, 1989, is deemed to have been read a first time and is set down for Second Reading.

SECOND READING

THE SUCCESSION (AMENDMENT) BILL, 1989

CLERK: The Succession (Amendment) Bill, 1989.

MR. PRESIDENT: The Honourable the Second Official Member.

HON. RICHARD W. GROUND: Mr. President, I beg to move the Second Reading of a Bill for a Law to Amend the Succession Law, 1975.

This is a short, but significant amendment and its significance lies in the effect it will have in relation to overseas investors who die leaving property in the Cayman Islands. Such investors, at the moment, may dispose of that property in the Islands either by having a local will here, or by having a will in their own country and their executors applying to the court here for the will to be resealed by our court.

At the moment, the practice in such cases is that the application to have the foreign will resealed or the application for probate in respect of the Cayman Will, is advertised by being put up on the Notice Boards of the Court and this identifies the deceased's investor, what property he had here and its value.

In a country which offers and prides itself in the confidentially for investors who come here, it will be readily seen that after they die, advertising it on the Court's notice board in

this way destroys that confidentiality and the benefits to their estate and heirs that such confidentiality would give them.

In order to meet this, the short amendment which is proposed is an amendment to section 12 of the Succession Law. Perhaps first of all I might read out the relevant passage of the Law as it now stands and then I will read out the amendment. The Law as it now stands says:

> "(1) The Clerk of the Court shall, immediately after any application made to the court for administration of the estate of any deceased person, cause notice thereof with the several particulars which may from time to time be required by the rules to be publicly posted in the Court House with three consecutive weeks; and no administration shall be granted by the court until the expiration of twenty-one days from the day of the application for the grant, nor, or unless the is same is unopposed, shall administration be granted except upon the judgement of the Court.".

Mr. President, that section refers to administration and, normally, administration would be taken to mean an application in the case of somebody who did not leave a will. However, the practice of the Court has been to apply this section in all cases, including applications for probate and the application for resealing of foreign Wills. The Chief Justice, both the present Chief Justice and his predecessor Sir John Summerfield, were unwilling to change that practice without a clear legislative direction from this House. So to obtain that clear legislative direction, this Bill is brought. I may say that it has the blessing of the Chief Justice.

The amendment simply adds on to the section that I just read out a proviso, and the Proviso reads as follows:

> "Provided that, and it is hereby declared that, unless the Court so orders this section does not apply to an application to the Court for a grant of probate (as oppose to letters of administration) nor to an application for the sealing by the court of a probate or letters of administration granted by a Court outside the Islands.".

In other words, applications for a probate and applications in respect of foreign Wills do not have go on the Court's Notice Board.

Now Members will notice straight away the amendment is cast in broad terms, so that it refers to all probates, not just probates of Cayman Wills that have been made by foreigners or foreign investors. By doing it that way, it avoids any difficulty over defining what is a foreign Will and what is not. It may also be, and Members may agree with this, they can see no real reason why applications in respect of probate for Caymanian Wills should be advertised by being pinned on the Court's Notice Board.

Notwithstanding that, I should bring to the attention of all Members that the Succession Rules, which are made by the Rules Committee in respect of applications for probate of people who die domiciled in the Islands have to be placed in that Gazette and that Gazetting reveals the amounts of the estate and so on. That applies to people who die domiciled in the Islands. It does not apply to people who are not domiciled in the Islands.

In other words, that class of foreign investor who it is sought to benefit and whose confidentiality is sought to be preserve by this amendment, are not caught by the Succession and Probate Rules in this way. So when taken together with the Rules, the practical effect of this amendment will be that it will be the Wills of foreign investors that do not get advertised.

If, after the debate in the House it becomes apparent and Members think that applications in respect of probate for the Wills of Caymanians who died domiciled here should not be advertised, then that is something that the Rules Committee of the Court can take up and consider. I would see no harm in Members expressing a view on that, though it is not necessary to this Bill.

As I have said, it is a short and quite simple Bill. It has the blessing of the Judiciary. It plugs a small loophole in the confidentiality that benefits overseas investors. It has been urged upon Government by permanent members of the private sector, and I would commend it to the House.

MR. PRESIDENT: The question is that a Bill entitled the Succession (Amendment) Bill, 1989, 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. I feel that it is good. It is something that is necessary for the advancing of the financial centre. It does not make sense for us, on the one hand, to advertise confidentiality of matters and then on the other we have probates of people domiciled abroad being publicly posted.

I think it closes a gap which, as the Honourable Second Official Member has mentioned, has sort of creeped into the practice over the years. I believe the amendment will clear this up. Clients abroad with property which many times is all vested abroad do not then have to go through this disclosure procedure. It is somewhat archaic anyhow, because it is a posting unto the Court's Notice Board and it is not too easy to find what is up there as there is so much posted from time to time.

This now clears up a problem. It is good and as I have assured the public when amendments or laws are good, I will support them. This is one of those examples. When

they are not good, then you must expect that I will oppose it. This is one of what I hope will be several of the areas where we can get assistance to promote the financial centre which, naturally, will bring in more revenue for Government as more and more clients come here.

Perhaps other areas which have been looked at relating to confidentiality by the United Kingdom, for example, I believe there is a Law that came in there some years back which dealt with the non-enforceability of multiple judgements. That sort of thing could be looked at because it could assist in areas that, I think, could promote the advancement of the offshore business.

Let us never to forget that the financial centre is one of the extremely large contributing factors to the revenue of this country and it has to be dealt with and looked at delicately when it come to the confidentiality areas. I would hope we will see a continuity of communications between the Government and the financial industry - banks, the trust companies' accounts, lawyers and management companies because I believe that it is only where there is good communications and the moving forward together that you are going to find this country is going to survive for a very long time, and keep its income up in this very important area.

With that, I am happy to support this. I think it is good and I congratulate the Member in bringing it.

MR. PRESIDENT: Does any other Member wish to speak?
Does the Member in charge wish to reply?

HON. RICHARD W. GROUND: Mr. President, I would just like to say thank you to the Member who spoke and say I hope the silence of the other Members will mean they go along with the Bill and that we will have a speedy passage.

MR. PRESIDENT: The question will therefore be put. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: THE SUCCESSION (AMENDMENT) BILL, 1989, GIVEN A SECOND READING.

MR. PRESIDENT: I think it is necessary to move the suspension of Standing Orders before we can go to Committee? No? Thank you.

The House will now go into a Committee to study a Bill entitled the Misuse of Drugs (Amendment) Bill and other Bills.

HOUSE IN COMMITTEE

MR. CHAIRMAN: The House is now in Committee.

As the Leader of the House, may I assume that as usual we authorise the Honourable Second Official Member to correct minor printing errors and such like, in these Bills? That is agreeable?

MR. W. McKEEVA BUSH: Yes.

MR. CHAIRMAN: Thank you. The Honourable Elected Member for Health.

THE MISUSE OF DRUGS (AMENDMENT) BILL, 1989

MOTION FOR THE DEFERRAL OF COMMITTEE STAGE

HON. D. EZZARD MILLER: Yes, Mr. Chairman, I would like to move to defer the Committee stage on a Bill for a Law to amend the Misuse of Drugs Law (Second Revision), until the debate on the Throne Speech and Budget Address is completed.

MR. CHAIRMAN: I think that seems to be the will of the House. Is that agreeable? Thank you.

MR. GILBERT A. McLEAN: Mr. Chairman, I am not quite sure if I have the right to speak here, but I would like to compliment the Member for Health who has taken the decision that he has, to allow some time as he has done, so that any body, societies or whatever who may have comments on this Bill and who say they have not been given enough time, will be allowed time to make whatever recommendation they may wish to make. Should they not do so, I am sure we will be able to form our own opinion as to the genuiness of their interest.

Thank you, Sir.

MR. CHAIRMAN: The Clerk is recording that as a Motion which I should no

doubt have put properly.

The Motion is that the Committee stage of the Misuse of Drugs (Amendment) Bill, 1989, be deferred on the Business Paper until after the conclusion of the debate on the Second Reading of the Appropriation Bill, 1989.

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

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED. COMMITTEE STAGE ON THE BILL STOOD DEFERRED UNTIL THE COMPLETION OF THE DEBATE ON THE THRONE AND BUDGET ADDRESSES.

MR. PRESIDENT: I have heard quite sufficient today about crossing the T's and dotting the I's. I am doing the same.

HON. D. EZZARD MILLER: Does that mean that I should ask for a Division?

MR. PRESIDENT: Right. In that case let us proceed with Committee business. Would the Clerk state each Bill and read the Clauses?

DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1989.

CLERK: The Development and Planning (Amendment) Bill, 1989.

Clause 1. Short title.
Clause 2. Amendment of Section 3.

MR. PRESIDENT: The question is that the short title and Clauses 1 and 2 do stand part of the Bill? Does any member wish to speak?

MR. TRUMAN M. BODDEN: Mr. Chairman, this amendment - and I have nothing against the removal of the Chairman of the Board in this Law - however I do feel the increase to twelve should have remained at what is originally was of nine. I set out my reasons in my debate and I am not prepared to support that section of the amendment. Therefore, if forced to, I will vote against the total amendments, Sir. It is a bit late, I appreciate, because I did not give notice of a motion to move that from twelve to nine but that probably would have been in vain anyhow, Sir.

HON. BENSON O. EBANKS: Mr. Chairman, he may just as well not move that because it does not have any support.

MR. JOHN D. JEFFERSON, JR: Mr. Chairman, one of the reasons given for removing the Chairman of the Board was the responsibilities of the Cayman Brac district. I personally feel if that is the case, then why is he is not going to be replaced by another Member of that particular Board or another Member from the general public of the Lesser Islands? I think too often the Lesser Islands are left out or ignored. I think they have every right to be well represented on any board and also in the Legislative Assembly.

HON. BENSON O. EBANKS: Mr. Chairman, if that is open for debate, Sir, I have a comment on it.

There is nothing in this Law that precludes extra members from Cayman Brac and Little Cayman being appointed to the Central Planning Authority. What we are doing is merely reducing the mandatory requirement of the membership from the Lesser Islands.

I thought I had convinced the Member in the Common Room that one of the intentions was to put his contractor colleague in the Election on this, but since he does not like contractors on the Board, we will not accede to our desire in that direction.

MR. JOHN D. JEFFERSON, JR: Mr. Chairman, I still believe even though that is a possibility, as far as other members of the public being elected to the Central Planning Authority, I think to ensure they get the representation they deserve, the stipulation should be laid down in the Law that at least two Members of the Central Planning Authority are from the Lesser Islands. Thank you.

MR. CHAIRMAN: As this cannot be moved as an amendment, I think that what you can ask for is that the Member take into account the point raised.

CAPT. MABRY S. KIRKCONNELL: Mr. Chairman, if I may say, I would like to clarify one point on this.

In the Lesser Islands we do have the Development and Control Board which handles all the development for the two Lesser Islands, Cayman Brac and Little Cayman. Sitting as a

Member of the Central Planning Authority, as I said in my contribution during the Second Reading, really has been an education for the Members and better equips us to serve the people on the Development and Control Board. But it is not necessary other than with the Development Plan that is beneficial to the Lesser Islands. So I do not think that people of my constituency will oppose if the District Commissioner is asked to be removed because of his commitments, because the Development Control Board does handle such applications and not the Central Planning Authority.

The only thing that the Development and Control Board does not handle is the authority to issue an Enforcement Notice. We have to get the Central Planning Authority to issue that for the Development and Control Board. But all other authority is vested in the Development and Control Board.

HON. LINFORD A. PIERSON: Mr. Chairman, I am pleased the First Elected Member for the Lesser Islands clarified that point because I believe there was a bit of misunderstanding as to the point regarding the Development and Control Board in the Brac. It appears as if Members felt that the representation for Cayman Brac was through the two members for Cayman Brac, and this is not necessarily the case. They are put on the Authority for more of a learning experience rather than in controlling development in Cayman Brac, because Cayman Brac has its own Development and Control Board which comprises a chairman and four other members.

MR. GILBERT A. McLEAN: Mr. Chairman, in this matter of two representative being named from Cayman Brac and Little Cayman, I am led by the opinion of the First Elected Member in this case. I can state from various statements which have been made to me, that the people of Cayman Brac are somewhat concerned, should I say, that the District Commissioner would have more time on Cayman Brac than in attendance, as I think it happens on a weekly basis. So I think from that point of view, Sir, we here are at least solving one concern from the district and I have no problem with that.

The other point I would like to make is that I still have some difficulty in believing that if the Board is increased to 13, it will bring about the desired attendance and things would operate more smoothly. Although I have taken into account what the Member bringing the Bill has said about needing technical persons and so on and I fully appreciate that, but I still have some hesitancy in accepting that increasing it will have any meaningful contribution so I would not vote for the increase when it goes to the question. Thank you, Sir.

MR. CHAIRMAN: I will put the question again then on Clauses 1 and 2 that these do stand part of the Bill. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: CLAUSE 1 AND 2 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 Ayes have it.

AGREED: THE TITLE PASSED.

MR. CHAIRMAN: I am afraid I got a little rusty during the last break in November. Perhaps I might just go through again, for my own benefit as well as everyone else, the order of how we take a bill in Committee.

The first thing is the Clerk will read the short title, and then start calling the Clauses with the description of each Clause, on the left hand side if, it has a note there. As she calls them out, I will keep an eye open for Members.

For instance, if she calls Clause 1 and somebody wishes to speak on Clause 1, she will stop and then the Member who wishes to speak will speak and we will debate that point. Then, having done that, I will call for the vote on that Clause, then continue with the Clerk reading Clause 2, Clause 3 and so on.

So please do not hesitate to interrupt when the Clerk is calling the titles. Then at the end, the Clerk reads the full title of the Bill and I put the question for your approval or otherwise.

THE SUCCESSION (AMENDMENT) BILL, 1989

CLERK: The Succession (Amendment) Bill, 1989.

Clause 1. Short title.
Clause 2. Amendment of Section 12.

MR. CHAIRMAN: The question is that Clause 1 and 2 do stand part of the Bill? Those in favour please say Aye...Those against No.

AYES.

MR. CHAIRMAN: The Ayes have it.

AGREED: CLAUSE 1 AND 2 PASSED.

CLERK: A Bill for a Law to amend the Succession Law, 1975.

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 Ayes have it.

AGREED: TITLE PASSED.

MR. CHAIRMAN: That concludes proceedings in Committee, on a Bill entitled the Misuse of Drugs (Amendment) Bill, 1989 which is deferred and other Bills.
The House will now resume.

HOUSE RESUMED AT 4:25 P.M.

MR. PRESIDENT: Please be seated. Report on Bills.

REPORT ON BILLS

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1989

HON. LINFORD A. PIERSON: Mr. President, I have to report that a Bill shortly entitled the Development and Planning Law, (Revised) was passed through Committee stage without amendment.

MR. PRESIDENT: The Bill is accordingly set down for Third Reading.

THE SUCCESSION (AMENDMENT) BILL, 1989

HON. RICHARD W. GROUND: Mr. President, I have to report that a Bill for a Law to amend the Succession Law, 1975, was considered by a Committee of a whole House and passed without amendment.

MR. PRESIDENT: The Bill is accordingly set down for its Third Reading.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, as it is near to 4:30 P.M., I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do stand adjourned according until 10 a.m. tomorrow.

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

AYES.

MR. PRESIDENT: The Ayes have it. The House is accordingly adjourned until Monday morning at 10 o'clock.

AT 4.27 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. WEDNESDAY, 22ND FEBRUARY, 1989.

WEDNESDAY
22ND FEBRUARY, 1989
10.02 A.M.

MR. PRESIDENT: Prayers by the Honourable Member for Tourism, Aviation and Trade.

PRAYERS

HON. W. NORMAN BODDEN Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth, 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Please be seated. Proceedings are resumed.

Questions. The First Elected Member for the Lesser Islands.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 15: Will the Honourable Member say if Government is considering a project to provide De-sal water for residents of Cayman Brac?

ANSWER: Government has formed a Committee to study a potable water supply for the Cayman Islands which will include Cayman Brac.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

CAPT. MABRY S. KIRKCONNELL: I wonder if the Honourable Member would say if there is any time frame as to when this Committee will report, or when will we be hearing something on it?

HON. LINFORD A. PIERSON: Mr. President, the supply of water to Cayman Brac will depend mainly on the demand for this water. I would enlighten the Member by letting him know that discussions have been held with the owners of the main areas that use the water in Cayman Brac, that is, the hotels. In other areas we have found that they are now getting adequate water through their reverse osmosis process and the demand otherwise is minimal. However, if there is the demand for this water in Cayman Brac, we will be happy to supply it.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say when or what time limit has he given this Committee to submit to him its final reports?

HON. LINFORD A. PIERSON: Mr. President, the provision of a water supply for Cayman Brac is to be a part of the National Water Supply Development Policy and as soon as we have indications that there is a demand for water in Cayman Brac we will be happy to provide this or to put it more concisely, whenever a request is made to have water taken to Cayman Brac we will consider it. However, I would point out that consideration of future water supplies to Cayman Brac will have to also bear in mind that this may have to be subsidised from Grand Cayman, as initial indications show us that there is not sufficient demand there now to justify putting a system in Cayman Brac.

MR. TRUMAN M. BODDEN: Supplementary question, Sir. Have you put a time limit on when you will find out whether there is a demand? I am really trying to find out when are you going to do something about it and make a decision one way or another.

MR. PRESIDENT: Just a moment, could I remind the Honourable Member that the form of address is not like in a Committee. He is to address the Chair directly as the Government etc., etc., rather than address the Member directly. All right?

HON. LINFORD A. PIERSON: Mr. President the answer to that as I have said earlier is, as soon as possible.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. I wonder if the Member is aware that the hotels which do have De-sal plants have it strictly for their own use and when the public does needs water is during the dry season when they also have a shortage of water and there is no water available? Even when water is in supply it is sold for an excess of five cents per gallon in the Brac? So, if a survey is needed would he institute one?

HON. LINFORD A. PIERSON: Mr. President, it is interesting to hear that supplementary. If the Member responsible for the Lesser Islands knew the need, perhaps he should have approached us on this. But to answer his questions, two of the hotels on Cayman Brac operate their own reverse osmosis plants and satisfy their own needs. During times of need they are able to supply some water to the local trucking company for distribution to other residents.

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. Is the Honourable Member aware when the Five-Year Economic Development Plan was presented to this house there was a provision of $350,000 for pure potable water in Cayman Brac? That it was decided because there was not sufficient ground water and that a survey would be made to provide De-sal water for Cayman Brac. This was some three years ago?

HON. LINFORD A. PIERSON: The answer in brief is yes, but to reiterate Mr. President, while a preliminary survey was carried out, that survey indicated that there was not sufficient demand to justify commercial consideration, or to justify establishing a water supply in Cayman Brac. However, if this is now a demand from Cayman Brac as I said earlier, it will certainly, based on the demand that we see there now, have to be subsidised from Grand Cayman if a water supply is put in the Brac.

MR. PRESIDENT: Third Elected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: Thank you, Mr. President.
Would the Honourable Member state or say what other districts the Committee is looking at as possibilities of supplying the De-sal water to?

MR. PRESIDENT: I do think that goes beyond the original question which was specific to Cayman Brac.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say whether he regards the supply of drinking water to Cayman Brac a priority?

HON. LINFORD A. PIERSON: Mr. President, the Member is asking me to express an opinion. I would say yes, in regard that drinking water is necessary in any area of the Cayman Islands. And my answer also would be that, from the information I have, there is sufficient drinking water available to the residents of the Island at present.

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

MR. GILBERT A. McLEAN: Mr. President, a supplementary.
Would the Member say whether consideration has been given to approaching Cayman Brac Power and Light Company Limited with the idea of them using the excess waste heat to produce water and keep the venture in private hands similar to what has been done here in Grand Cayman?

HON. LINFORD A. PIERSON: Mr. President, in answer to that supplementary, discussions have been held with the owners of Cayman Brac Power and Light Company Limited to determine their interest in manufacturing desalinated water. The company does not have sufficient waste heat to desalinate water but we are looking at the possibility of utilising some form of low temperature mechanical vapour compression for this purpose.

MR. TRUMAN M. BODDEN: Mr. President, would the Member say whether Government is or is not prepared to subsidise the water for Cayman Brac?

MR. PRESIDENT: That verges on a hypothetical question, I think, at the moment.

MR. TRUMAN M. BODDEN: Has the Member considered the subsidy?

MR. PRESIDENT: That is an admissible question.

HON. LINFORD A. PIERSON: Mr. President, we are getting a lot of hypothetical questions. Government will, as in other cases such as the airline and otherwise, subsidise Cayman Brac wherever this is needed Sir.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, a supplementary. Taking into consideration the problems in Grand Cayman, would it be in our interest to start the survey now, before the same crisis arises in Cayman Brac?

HON. LINFORD A. PIERSON: Mr. President, as previously mentioned to a previous supplementary, provision of a water supply for Cayman Brac is, indeed, a part of the survey being undertaken by the National Water Supply Development Policy Committee.

MR. PRESIDENT: We move on to the next question. The First Elected Member for the Lesser Islands.

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

NO. 16: Will the Honourable Member make a statement outlining the proper procedure to be followed by land owners of swamp, low and cliff land in Little Cayman which was awarded to the Crown during the Cadastral Survey?

ANSWER: An application should be made to the Registrar of Lands, providing satisfactory documentary evidence of title, block and parcel number of land being claimed and block and parcel of parent parcel.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

CAPT MABRY S. KIRKCONNELL: Supplementary, Mr. President. I wonder if the Honourable Member would explain what he means by parent parcel?

HON. LINFORD A. PIERSON: Mr. President, that parent parcel is the parcel owned by the proprietor supplying the claim.

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

MR. TRUMAN M. BODDEN: Mr. President, I would like to ask the Member whether Government has any policy on this matter and if so, what is it?

HON. LINFORD A. PIERSON: Mr. President, perhaps the Member could elaborate on that particular question because I have just read the procedures to be followed. I am not quite sure what he is asking or what answer he is trying to elicit.

MR. TRUMAN M. BODDEN: I am asking whether Government had any policy. I guess the answer is either yes or no, Sir. If it is yes, what is it?

HON. LINFORD A. PIERSON: Mr. President, if the Member is as astute as I believe he is, he would have done his homework on this.

A Private Member's Motion was passed, No. 18/87, on the 4th of November, 1987, dealing with swamp and cliff lands in Little Cayman. This Motion was tabled by the First Elected Member for the Lesser Islands.

The resolution to the motion stated:

> "Be it therefore resolved grants be made of the swamp lands, interior cliff lands that were dedicated in favour of the Crown in the Little Cayman dedication area in favour of claimants in such manner and to such extent as Executive Council shall consider fair and reasonable, having regard for the circumstances of each case and for the principals followed in making a dedication in the Islands of Grand Cayman and Cayman Brac".

So far, Mr. President only one application has been received from Cayman Brac.

MR. TRUMAN M. BODDEN: So Mr. President, is that still Government's Policy? Is it still current?

HON. LINFORD A. PIERSON: The answer to that, Mr. President, is yes.

CAPT MABRY S. KIRKCONNELL: A supplementary, Mr. President. Would the Honourable Member state if the decision to return the land or not will be made by the Registrar of Lands or the Governor in Council?

HON. LINFORD A. PIERSON: This decision will be based on recommendations made by the Register of Lands but the decision will be made by the Governor in Council.

MR. PRESIDENT: Question No. 17. The First Elected Member for the Lesser Islands.

THE FIRST ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 17: Will the Honourable Member give a progress report on improvements to the Gerard Smith International Airport, in Cayman Brac, which will allow night flights on the Boeing 727 aircrafts?

ANSWER: The Civil Aviation Authority has approved funds for the installation of an approach lighting system and an extension of the runway at Gerard Smith Airport in Cayman Brac, which, when completed will enable Cayman Airways to resume scheduled night time jet operation.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries, the Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President.
Would the Member say if any projected time frame or otherwise, has been set for this particular work of installation?

HON. W. NORMAN BODDEN: Mr. President, it is expected that this work should be completed by June of this year.

MR. PRESIDENT: We will move on to Question No. 18 then. 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. 18: Will the Honourable Member state, in relation to roads in the district of George Town, when each road will be repaired to the standard that such roads were prior to being excavated by the companies responsible for the laying of pipes for the sewerage, the water project and the fuel project, giving details, including the names of the roads, date upon which the laying of the pipes was completed, the date under the contract by which the contractor should have or is bound to repair the roads, and the names of the respective contractors responsible (if any), and whether the repairs are in accordance with the contracts?

HON. LINFORD A. PIERSON: Mr. President, this question can be likened unto the eternal circle - without beginning and without end.

MR. TRUMAN M. BODDEN: Mr. President, with due respect...

HON. LINFORD A. PIERSON: So, therefore, Sir...
[addressing the Third Elected Member for George Town] Sit down Truman!

MR. TRUMAN M. BODDEN: I am intervening...

HON. LINFORD A. PIERSON: I am not giving way! Sit down!

MR. PRESIDENT: Excuse me, you do not address other Members by name. I

have ruled on that. If you are on a point of order...

MR. TRUMAN M. BODDEN: That is right, Sir, the Member was making a statement, not answering the question.

HON. LINFORD A. PIERSON: On a Point of Order...

POINT OF ORDER

MR. PRESIDENT: Would you allow the Chair to deal with the matter? I do not consider the reply, so far, as out of order. Thank you.

MR. TRUMAN M. BODDEN: I accept your ruling, Sir.

HON. LINFORD A. PIERSON: Thank you, Mr. President.
In accordance with section 23(5) of the Standing Orders, with your permission, Sir, I propose to answer this question in writing as it is long and complicated and would serve very little purpose in my attempting to read the answer, which is some five pages long. I would propose, Sir, to provide this answer to the Member in writing, with your permission.

MR. PRESIDENT: That does seem to be appropriate having seen the length of the reply.

MR. TRUMAN M. BODDEN: Mr. President, under the Standing Orders it is for your discretion, and I will have to abide by whatever you so rule.

MR. PRESIDENT: Perhaps we might put it this way. In my time here this has not arisen, but it is an extremely long answer. I think what we might do, with the agreement of the House, is that if there are supplementary questions arising, these could be taken perhaps tomorrow or some separate day.

HON. LINFORD A. PIERSON: Yes Sir, I will provide the answer to the Member. I am not, at this point, agreeing to supplimentaries, but I will provide the answer to the Member.

MR. TRUMAN M. BODDEN: Mr. President, I wonder if you could try to clarify the position then, please. I accept your ruling, and if you rule the House has to accept it, both this side and the Government's, Sir.

MR. PRESIDENT: As I have said, this has not arisen in my time here and I am not sure whether it has arisen before, but frankly, I do not think it serves the business of the House to read out four pages of detailed information in answer to a question because by that time Members would have had time to read it, it will have been long past the time to be able to bring supplimentaries. That is my point.
I do believe that we have a right to determine our own procedure when we see fit. There are two ways of doing this: We can either defer supplementaries to a later business day, or we could waive the notice for further questions and the Member could put further questions. Now I am quite content whichever way the House would like to go and I suggest that we discuss what we do about it during the tea break.

MR. TRUMAN M. BODDEN: That is good with me, Sir.

HON. LINFORD A. PIERSON: Mr. President, if it is going to cause any problems here I would be very happy, with your permission, to read the answer Sir, but I believe you may need to suspend the Standing Orders.

MR. PRESIDENT: I think we should leave this for the moment and discuss it during the break, if that is agreeable to Members. Meanwhile, perhaps the written reply could be circulated. If I may say, the procedure in the House that I served previously was that a long question like this was broken up by the Presiding Officer into maybe 15 or 20 separate questions. That did not seem to me to be very useful because no Member may ask more than three questions at any one day's meeting, and you would never have gotten to the end of your question that way. So I thought initially, the best way would be for a full written answer. After all, the point about questions is to elicit information or action, and then whatever follow up might be appropriate.

MR. TRUMAN M. BODDEN: I am happy with the procedure set out, Sir.

MR. PRESIDENT: I am informed by the Clerk that the written reply is not yet available in sufficient numbers but it will be shortly. Shall we move to Question No. 19?

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE ELECTED MEMBER RESPONSIBLE FOR TOURISM, AVIATION AND TRADE

NO. 19: Will the Honourable Member state whether the temporary toilets at the tourist landing at Spotts are satisfactory for the use of tourists and others; and if not, has Government plans to build permanent toilet facilities there?

ANSWER: The temporary toilets at Spotts are not considered to be ideally suited for use by tourists and others. However, the land at Spotts is privately owned and the construction of proper facilities must await the procurement of such property by Government, for which funds are being requested in this year's Budget.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries.

MR. TRUMAN M. BODDEN: Mr. President, would the Member state at what time he made a decision that the toilet facilities were not, as he put it, ideally suited?

HON. W. NORMAN BODDEN: Mr. President, I have been hearing in the last three days a lot about policies and time frames. I think from the time the decision was taken that the only alternative we had until the land could be purchased that permanent facilities could be put there. From the time the decision was taken, the only alternative that we had was to put the portable toilets there. We knew at that time they were really not ideally suited.

MR. TRUMAN M. BODDEN: Why did the Member not, within the past four years, try to purchase the land at an earlier stage?

HON. W. NORMAN BODDEN: Mr. President, funds were put in, I think, on one Budget before this, it might have been two. However, the Member knows very well that Government had other projects that were considered of higher priority and it was a matter of distributing funds around to those projects.

However, I also have to wonder why this Member (The Third Elected Member for George Town, that is) is asking the supplementary. Why in the eight years that he was in Government did he not insist that permanent facilities for the tourist landing at Spotts be built?

MR. PRESIDENT: I do not think you have replied to a rhetorical question.

MR. TRUMAN M. BODDEN: I do not think the Member can ask a question to this side of the House.

MR. PRESIDENT: That is not a question, it is a rhetorical question, and I am sure that you have used the same device yourself. Anymore supplementaries?

MR. TRUMAN M. BODDEN: Mr. President, would the Member say if he has set a time by which he proposes to finish this project?

HON W. NORMAN BODDEN : Mr. President, if the Member will assist me when the Budget goes to the Committee to insure that the funds remain in there, I might be able to give him a definite time after that. Setting a time frame is dependent on many factors. The procurement of the property is one step, the plans for the building and the costing of that building is another. But just to go back to the Member's point of my not being able to ask a question, when a Member is responding to a question asked from the other side under the Standing Orders, we have a prerogative of making a statement or...

MR. TRUMAN M. BODDEN: Will the Member give an undertaking to expeditiously carry out the completion of this project?

HON W. NORMAN BODDEN; Mr. President, it will be done subject to availability of funds for the property and the building. I really do not want to have to use the words 'in due course', but it will be done as early as possible.

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

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

In light of the fact that Tourism plays such an important part or role in the economy of the Cayman Islands, can the Honourable Member state what other projects he referred to as priorities that Government undertook in order to delay the acquisition of the land at Spotts in order to build proper toilet facilities?

MR. PRESIDENT: I am sorry. That does go way beyond the original question also his reply was a general statement.

HON. W. NORMAN BODDEN: I could say though, Mr. President, if you would allow it, the

projects that I referred to were not necessarily tourism related projects. I think Government has other projects and that really was what I was referring to.

MR. PRESIDENT: Thank you.

MR. TRUMAN M. BODDEN: One last supplementary. In light of what the Member has mentioned here, subject to the qualifications he has mentioned, would the Member give an undertaking to endeavour to deal with it within 1989?

HON W. NORMAN BODDEN: Mr. President, with due respect, I have already made as much a commitment as I am prepared to make at this stage.

MR. PRESIDENT: Next, Question No. 20.

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

NO. 20: Will the Honourable Member say whether Government is monitoring the East End water lens so as to avoid its destruction?

ANSWER: The East End lens, as with the Lower Valley lens, is subject to detailed and comprehensive monitoring by the Water Authority in order to ensure that it does not suffer as a consequence of the development.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could explain exactly how the monitoring is done? Is it on a daily, weekly or monthly basis?

HON. LINFORD A. PIERSON: Mr. President, in answer to that supplementary, is that each of the ten production wells are monitored on a weekly basis and measurements are taken of total dissolved solids and other perimeters which would give an early indication of deterioration of water quality. In addition, water meters at each well measure the quantity of water abstracted from each well.

MR. JOHN B. McLEAN: Mr. President, a further supplementary, I wonder if the Member could say whether water checks have been made at any other laboratories except in Cayman?

MR. PRESIDENT: I wonder if you could perhaps repeat that question for me, I did not quite get it. I was wondering if it was not going a bit outside the original question.

MR. JOHN B. McLEAN: No Sir, I was just asking the Member if water checks have been made with other laboratories except the one in Cayman.

MR. PRESIDENT: Thank you.

HON. LINFORD A. PIERSON: Mr. President, the water checks were done through the Mosquito Research and Control Unit laboratory.

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

MR. GILBERT A. McLEAN: Mr. President, a supplementary. Would the Member say if the water taken from the well is still fresh or has it turned salty?

HON. LINFORD A. PIERSON: Mr. President, in answer to that supplementary, the comprehensive monitoring programme has not detected any reduction in water quality or any deterioration in the integrity of the lens. Therefore it can be very safely assumed that the development of the lens is absolutely no threat.

MR. PRESIDENT: No further supplementaries? In that case, we go to Question No. 21.

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

NO. 21: Will The Honourable Member say what steps Government is taking to secure, for both the present and future, an adequate supply of fresh water for this country?

ANSWER: The Water Authority and the Chief Medical Officer are charged with the responsibility of ensuring that adequate and safe supplies of water are available. The Water Authority is in the process of updating the demand for water, based on their experience associated with the first year's operation of the George Town distribution. It is also planned to establish a Committee, made up of the various interested parties, to advise the Government of the establishment of a National Water Supply Development Policy.

SUPPLEMENTARIES:

MR. TRUMAN M. BODDEN: Mr. President, would the Member say whether checks on the quality of the water are carried out and if so, at what periods?

HON. LINFORD A. PIERSON: I assume, Mr. President, that the Member is referring to the George Town supply, in which case this is done on a daily basis.

MR. TRUMAN M. BODDEN; Are there any checks on the other water supplies, such as along the West Bay Beach and up at the East End lens?

HON. LINFORD A. PIERSON: The answer, Mr. President, is yes.

MR. TRUMAN M. BODDEN: Did the Member say he may or may not know how often the safety of the water is checked in the East End and the West Bay area?

HON. LINFORD A. PIERSON: The water in the West Bay area, Mr. President, is checked as often as is considered necessary, usually on a weekly basis.

In answer to a previous question about the monitoring of the wells or the lenses in East End and Lower Valley, I gave the answer that this was monitored on a weekly basis.

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

CAPT. MABRY S. KIRKCONNELL: Mr. President, a supplementary. The Honourable Member stated in the first sentence of his answer that the Water Authority and the Chief Medical Officer are charged with the responsibility of ensuring that adequate and safe supplies of water are available. Is this also true in Cayman Brac and Little Cayman?

HON. LINFORD A. PIERSON: Mr. President, the answer to this would be, broadly, yes.

MR. PRESIDENT: Question No. 22.

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

NO. 22: Will the Honourable Member say how soon it is anticipated that Government will pipe water from the interior reservoir to the East End District?

ANSWER: Neither the Government nor the Water Authority has any current plans to pipe water from the interior reservoir to the district of East End.

SUPPLEMENTARIES:

MR. PRESIDENT: Supplementaries. The Member who asks the question gets priority.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could say whether the Government at this stage in time would consider piping water from the interior reservoir to the district of East End?

HON. LINFORD A. PIERSON: Mr. President, the answer to that supplementary would have to be yes. However, Sir, it is my understanding that the reasons why water was not supplied at the opening of the reservoir at East End in 1985 was that at a public meeting being held with residents of East End and the previous Government, the distinct impression was given by the residents that the well field development was unnecessary, and that the district of East End did not require water at that time.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Member could elaborate a little more on what public meeting he is speaking of?

HON. LINFORD A. PIERSON: Mr. President, this is a meeting during 1985 at which the then Member went to East End to discuss the possibility of water being distributed to that district.

MR. JOHN B. McLEAN: Mr. President, I am not aware of the meeting the Member is speaking of. However, I am asking that since so much time has elapsed since 1985 and the water situation throughout the Island has caused some concern, that the Government, at this stage, take a more positive look at the situation?

HON. LINFORD A. PIERSON: Mr. President, by implication, that question is suggesting that Government is not taking a positive look. This is not the case. We are, in fact Sir, taking a positive look at all districts requiring water supply and East End is no exception. We will certainly be giving that top priority.

MR. JOHN B. McLEAN Mr. President, it is unfortunate that the Member felt that way. I did not mean this Government, I was referring to what had taken place in reference to the meeting that he spoke about and the decision that was taken at that time.

MR. PRESIDENT: I am sure that is well understood. The word positive does sometimes carry different meanings to different people.

Are there any more supplementaries on that question?

In that case we proceed to Item 3 on today's Order Paper.

GOVERNMENT BUSINESS

BILLS

THIRD READINGS

THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1989

CLERK: The Development And Planning (Amendment) Bill, 1989.

HON. LINFORD A. PIERSON: Mr. President, I beg to move that a Bill shortly entitled, The Development and Planning (Amendment) Bill, 1989, be read a third time and passed.

MR. PRESIDENT: The question is that a Bill entitled, The Development and Planning (Amendment) Bill, 1989, be given its Third Reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED. THE DEVELOPMENT AND PLANNING (AMENDMENT) BILL, 1989 PASSED.

THE SUCCESSION (AMENDMENT) BILL, 1989

CLERK: The Succession (Amendment) Bill, 1989.

HON. RICHARD GROUND; Mr. President, I move that a Bill entitled, The Succession (Amendment) Bill, 1989, be given a Third Reading and passed.

MR. PRESIDENT; The question is that a Bill entitled, The Succession (Amendment) Bill, 1989, be given a Third Reading and passed. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED. THE SUCCESSION (AMENDMENT) BILL, 1989, PASSED.

MR. PRESIDENT: Government Motion No. 1/89. The Honourable Third Official Member.

GOVERNMENT MOTIONS

GOVERNMENT MOTION NO. 1/89

CINEMATOGRAPHIC AUTHORITY

MR. J. LEMUEL HURLSTON; Government Motion No. 1/89, Cinematographic Authority:

"WHEREAS under section 2 of the Cinematographic Law, Chapter 18, provision is made for the establishment of an Authority consisting of the Governor, three Elected Members of the Legislative Assembly, and one member nominated annually by the Governor, to carry out the stipulations of the above-cited Law and Rules made thereunder;

BE IT THEREFORE RESOLVED THAT the following elected members be appointed by the Legislative Assembly to the Cinematographic Authority for a period of one year, commencing the 28th day of February, 1989:

The Honourable Linford Pierson, MLA, JP
The Honourable D. Ezzard Miller, MLA
Mr. McKeeva Bush, MLA".

MR. PRESIDENT: Government Motion No. 1/89 has been duly moved. Does anyone wish to speak further upon it? [pause] Does any other Member wish to speak? Notice has been given of an Amendment.

MOTION FOR THE AMENDMENT OF GOVERNMENT MOTION 1/89

MR. TRUMAN M. BODDEN: Mr. President, to expedite things I would just move the amendment and speak on that.

In accordance with the provisions of Standing Order 25 (1) and (2), I, the Third Elected Member for George Town do duly move the following Amendment:-

Government Motion No. 1/89 entitled Cinematographic Authority, be deleted from there the names "Hon. Linford Pierson" and "Hon. D. Ezzard Miller" and be replaced with the names "Mr. Gilbert McLean" and myself, "Mr. Truman Bodden".

MR. PRESIDENT: Could I have a seconder, please?

MR. JOHN B. McLEAN; Mr. President, I second the Motion.

MR. PRESIDENT: The amendment to Government Motion, No. 1/89 has been duly moved and seconded. Would the Mover wish to speak to it?

MR. TRUMAN M. BODDEN: Yes, Sir. This Authority has for many years, since the passing of the Cinematographic Law, been made up of Backbenchers in the past. I believe that this is probably one of the few times, if any, that this specific Authority now have a majority of Executive Council Members. There is a constant complaint that Executive Council is overworked yet we find them taking on more and more work. Especially where it is the exercise...

POINT OF ORDER
Standing Order 25(4)

HON. BENSON O.EBANKS: Mr. President, on a Point of Order.
I wonder if the Member would forgive me? I have to admit that I was reading another document and I am not sure I was with the proceedings, but was the debate taken on the substantive Motion to the point where you were going to put the question? I am referring to, Sir, Standing Order 25 (4). If the original Motion has not reached that point, I think we are out of order to be debating the proposed amendment at this point.

MR. PRESIDENT: I take your point, but I think that when I implicitly said that; "Government Motion 1/89 has been duly moved. Would the mover wish to speak to it..." I think I declared the Debate open. I think the more formal wording should be, "The question... etc., etc." Forgive me if I did not say that. I think explicitly that it has been moved.

HON. BENSON O. EBANKS: Mr. President, the point that I am making is that the debate before the House now is on the Government Motion not on the *amended* Motion. That must come at the point where the question is being put.

MR. PRESIDENT: I think that the debate before the House at the moment is on the amendment. The Mover of the amendment is now speaking to this amendment.

HON. BENSON O. EBANKS: At what point will we have the debate on the substantive Motion?

MR. PRESIDENT: After the amendment has been disposed of one way or the

other.

HON. BENSON O. EBANKS: I bow to your ruling, Sir, but I do not agree with it.

MR. PRESIDENT: Fine. I think I might explain - I discussed this with the Attorney General before we started this morning, because I too was not at all certain. I came to the following line of procedure: That the Substantive Motion is moved and, because it is a Government Motion it does not need a seconder, I did say that it was duly moved and invited the Mover to speak if he wished. He did not wish to speak. At any point thereafter the amendment can be moved. Once the amendment is moved, if it is seconded properly, we must deal with the amendment before we can revert to the substantive Motion. So I take it now we are listening to the Mover of the amendment moving it. We will then debate on that and then we will take a decision vote on the Amendment and then revert to the Substantive Motion.

I hope that is all right.

MR. TRUMAN M. BODDEN: Mr. President, going on. The other aspect of this is that the membership - this is why I did not move this amendment, to remove the name, Mr. McKeeva Bush, who is the First Elected Member for West Bay - should remain in the hands of Backbenchers. The other aspect - and if I am wrong, the Second Elected Member for West Bay, the Member responsible for Education, will correct me - but I believe that this Member either is or has been associated with the only Cinema on the Island, and if that remains the same, then he is associated with it. I believe it is going to be very difficult for his two colleagues in Executive Council to appear...

POINT OF ORDER

HON. BENSON O. EBANKS: Mr. President, on a Point of Order, Sir. I think the Member is, by inference, imputing improper motives. I believe it is generally known that I sold my interest in Leopard Investments, Limited (which owned the Cinema) over three years ago. In fact, Leopard Investment, Limited has wound up. I do not have any interest in the Cinema.

MR. PRESIDENT; I think that that was a useful point of explanation, but I was in my mind considering whether there was an imputation of improper motives. I hope there was not. I will assume that it was just a question of whether the Member thought that he was referring to an interest. It is now clear that that interest does not exist.

MR. TRUMAN M. BODDEN: Mr. President, I very carefully said that the Member should correct me because the last thing that I would want to do is to impute anything improper here. As I understand it, then, he has nothing to do with the operation of the Cinema itself?

MR. PRESIDENT: I think we must leave this point now. The Member has made his point of order quite clear. You have accepted it and said that you did not intend any imputation.

MR. TRUMAN M. BODDEN: The effort, as I see it here, Mr. President, has been that Executive Council Members, with the very heavy burden that they allege they have on them, seem to be adding more to their plate. It is very important Sir, that this matter - especially in relation to contents of movies, that they are kept very strictly in line by the authority to what is going to be for the betterment of the Cayman Islands, especially in areas where the Members need to monitor and have the time to do considerable monitoring of what is shown. Therefore they need to be fairly free on their time and not restricted, as obviously the pressure of Members of Executive Council is shown to be.

So in moving this, I aim to Backbenchers who I think will be more effectively equipped, timewise especially, to see that the content of movies at the Cinemas are productive and good for the benefit of the Islands. To this effect we have moved two of the Backbenchers here, Mr. McLean and myself. With that I commend the motion to the House.

MR. PRESIDENT: The Honourable Elected Member for Health.

HON. D. EZZARD MILLER: Mr. President, I oppose vehemently the Motion moved by the Third Elected Member for George Town, the implications that entails, and what he has inferred in his speech. I accept any appointment offered me. To the benefit of this Country I discharge my duties with honesty, integrity, fairness and in fear or favour of no one. For the Member to suggest that I, being a member of such an authority in this Country, would lend special favours to fellow Members of Executive Council - whether they own one cinema or a million cinemas - is an insult to my integrity, and I wonder what qualifies him to get up and move that he, himself, should replace me on the Board? I know that Member regards his expertise in most areas above all others, but it so happens that I have a lot more expertise and experience in this particular area, having worked in the industry for a number of years.

That is the reason why the Member who asked if I would be willing to serve on the Board told me he was soliciting and asking me to serve on the Board, not to lend favour to anybody on Executive Council. This is twice now, Sir, in two days that this so-called Opposition have attempted to measure me by their standards and to cut my garment by their cloth. But it will not fit.

The Member mentioned that the Backbenchers have more time than Executive Council

Members. That does not appear to be so, as I have studied the Drug Bill, I have attended at least two, maybe three, Committee meetings since the Election. If that particular Member did have the time to attend... he did not show up.

[The Third Elected Member for George Town rose]

Mr. President, I am not giving way. If the man has a Point of Order...

MR. PRESIDENT: What is the Point of Order?

MR. TRUMAN M. BODDEN: No, he need not give way. I am talking about a personal...

MR. PRESIDENT: Gentlemen... Now, if it is not a Point of Order then you are to stand and wait for the Member to give way. I said that yesterday. So you were doing that?

MR. TRUMAN M. BODDEN: Yes, Sir.

HON. D. EZZARD MILLER: As I was saying, I think my track record in four years as a Backbencher attending Committee meetings speaks for itself. My record, since being elected to Executive Council and attending meetings, also speaks for itself. I fail to see how this Member can set himself up as better equipped to judge what is good that takes place at the Cinemas anymore than I, who know the rating system, know what it stands for and who is involved in the industry.

I am not prepared to support the Motion. I think it is groundless, and in moving the Motion the Member has done nothing to change my mind that he would make a better Member of the Authority than I would make. I am not going to support his Motion.

Thank you.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: May I start by saying that I have seconded the Motion before the House? In my mind there was nothing like what has come to light here a while ago. I have the greatest respect for both Members who were asked to sit on this Board because I have had the privilege of working with them both. The only problem I had with this appointment was that I thought it was in their best interests not to be on this Board as members, because my experience has been that many times we may find that something comes before the Cinematography Board that is not satisfactory to the person applying. I felt in their position as Executive Council Members, perhaps the matter would be referred to Executive Council. It would be like Ceasar appealing to Ceasar. This was my reasoning behind it. I have no strong feelings about it. I do not think that it honestly should go this far.

If it means just putting the Motion to a vote, let us do that. I am honestly appalled to know that we have gotten this far discussing what I thought was a simple, simple motion.

Thank you.

MR. PRESIDENT: If no other Member wishes to speak, would the Mover of the Amendment...

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: I rise to oppose the Amendment. I have been a Member of this Committee for the past four years and the work load is not at all great. If we meet once a year, that might be plenty and, as in all cases, to have someone with knowledge of the subject sitting on the Committee is most desirable.

The Member moving the amendment inferred that by the appointment of the two Honourable Members Government would have the majority. If we passed this amendment we would have not a majority of Government (which it should be) but a majority of Opposition Members who cannot be on any Government Committee. What government would be so naive as to put a majority of Opposition Members on their Committees? An Opposition that we have seen involved, at least some of them, in nitpicking. That has been going on for the last three days.

I have worked with both Members on the Committee, and I should say that they have discharged their duties in a most honest and fair manner. I cannot agree to this amendment. I do not know why these people want to get on the Committee. I have seen, Mr. President, the Member moving this amendment in the Cinema at times and he cannot find his way around there. I do not know what he would do on the Cinematography Authority. I will not support his amendment.

MR. PRESIDENT: The Honourable Elected Member for Education.

HON. BENSON O. EBANKS: Yes, I, too, must oppose this amendment. It is unfortunate that the law provides for the Authority of the Board to be made up of three inactive Members of the Legislative Assembly. That is the position with the Law. I personally would prefer to see any board mandated by law to be comprised of members of the public. I believe that we are here to legislate Laws and not to implement them. The Member moving this amendment is well aware of my views on that subject.

During his tenure on Executive Council (when, in fact, I did

have an interest in the Cinema) he did everything in his power to close them down. He will recall an exchange in the Committee Room between ourselves when I had to put him in his place - although he told me that I was in the minority and I had to accept what the Government of the day said.

The second point that I would like to make, is this: The submission made by the Elected Member from East End is totally baseless. This law has no appeal to the Governor in Executive Council, therefore there is no conflict with the Members of Executive Council serving on this Board, particularly the Member for Health and Social Services who spoke. As he has indicated, he has training and expertise in this area.

As the First Elected Member for West Bay has said, what Government in their right mind would elect to any Board a majority of Opposition Members, particularly when they have already demonstrated their ineptness in this Session? This, in my opinion, was a cheap attempt, as the Member for Health has said, to measure the Members of Executive Council by their bushel. That will not work.

I have been in politics in this House for 19 years. This is my twentieth year and no one can point their finger at Benson Ebanks and say that he has ever used his position to his own advantage. I would not expect any Member of this House or the Executive Council to do me any favours. I would not put my enemy in that position, much less friends. I believe that the laws of the country apply to me as well as to everyone else, therefore, I intend to abide by them. If ever I am involved in an accident, I am not going to leave the scene and plead immunity, I am going to face the music because I believe, as a citizen of this country, I am on equal plain as everyone else as regards to the law.

I maintain that the debate that we are now doing should have been under the substantive Motion. Nevertheless, you have ruled and I believe that we have adroitly disposed of the whole thing in a couple of minutes. Other than I know, the Member proposing the Amendment will dig himself out from under this heap of rubble which we have passed on him.

I oppose the amendment. Thank you very much.

MR. PRESIDENT: It is, of course, open to any Member to move a Motion of Closure at any time. Does any other Member wish to speak? The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President. I will have a few words on this amendment which I support. Prior to doing so, Sir, I would like to express quite a bit of concern about my experience in this Legislature to date on matters which come out here in the course of debate.

I cannot say, Sir, for a majority of what I have been hearing here - imputations of one person against the other, one Member of the Legislature against the other, one from the opposing side to the Government Bench, back to the opposing side of Backbenchers - but there is one thing I would like to go on record as saying and making very clear, that is that I view my being a Member of the Legislature as a job to do what is in the best interest of the Country, whether it applies to Boards, Laws, or whatever. I certainly do not fall into any category between 1976 to 1984, or 1984 to the present time. I do not like to be included in some remarks that I have heard being made.

Historically, Sir, I am aware that there have not been Members of Executive Council on the Cinematography Board. It has been made up of Members of the House and not of Executive Council. Although as I recall, from my days as a Civil Servant, I think Mr. Dennis Foster was Chairman of it once, and he was on Executive Council. I think the rest was made up of ordinary Members of the House.

My position is, that I see nothing wrong with the assigning of the duties of what is required on the Cinematography Authority to ordinary Members of the House. I believe that they have a position of being more detached from day to day workings of Government which would perhaps, influence any decision. Certainly the Law sets down what is required of this Authority to do. I think it is a very sad reflection of what must be the case in this country, if a Member can say that because there is not a majority of Members from the present majority Government, to imply that things could not be done properly. That seems to me, an imputation of integrity. If I was on this Authority totally led by what the law prescribes, the fact that I do not find myself as part of the majority Government has nothing whatsoever to do with it.

I do not believe as a Backbencher, or that any Backbencher here suffers from ineptness. Rather the contrary. There is substantial professionalism and ability in the Backbenchers. The main point that I would like to make is that I believe the selection of any board in this country would be better off if we avoided the situations which I have seen here and have heard in the past few days about the various time frames when the Government has been in authority, who should sit on which boards. If I am to believe that because someone from the Government side sits on the Board, he is going to something that the Law does not allow, then indeed I have great concerns about that.

Mr. President, I support this amendment on the grounds on which I have said and I see nothing wrong with making the amendments. I certainly could work as well with the First Elected Member for West Bay as any Member in this House. I would like to exclude myself from any of these remarks and these imputations that I have heard in this Legislature. I thank you Mr. President.

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

MR. ROY BODDEN: Before I commit myself to a position on this amendment Sir, let me say I agree with the Second Elected Member for the Lesser Islands when he says that the Backbench has some integrity, because, Sir, I know the position that I am sitting in, and surrounded by as I am by my colleagues, we can say that we have integrity. I share the same observations.

I am a newcomer here and I regard myself as an academic. I

came from the private sector and sometimes I am a little dismayed by the behaviour of Members in this House, seeing that we are supposed to be adults. When I lived in Canada, I think the people in the House of Commons got on worse. May I just tell that Member, Sir, that it is an occupational hazard.

I would like to say that since reference has been made to what is happening and time limits of the previous political directorate, it strikes me as a follower and chronicler of events that things now are no worse than they were in 1976 when the Unity Team political directorate was in power. In a document that I have (and the Third Elected Member for George Town would probably be interested in any document that I have written) I said that any distinction between politicians is a necessary part of any democratic process. Politicians as people with private virtue and prejudices is not known or appreciated. I believe that there is no clearer evidence of that than in the moving of this amendment, Sir.

I want to say that the imputations and inference of someone's integrity or motives is not good enough. Quite frankly, I have come here with an open mind and I would have supported other amendments were it not for those imputations and inferences made by the Mover. I see my position here as genuinely representing the interests of my constituents and the country as a whole. I come here with an open mind because, as I said yesterday, when the people on the other side who I put there need a little brushing up, I will brush them up, but I will do so with quality and class, Sir. I will not allow them to be thrown to the wolves.

I want to make a point. Perhaps it will be a lesson for the Third Elected Member for George Town. The next time he is moving a sensible amendment, he can count on my support if he does it in the right way. I do not consider the way which he moved it as satisfactory or convincing to intelligent representative like me. I have no other recourse than not to support the amendment. Thank you, Sir.

MR. PRESIDENT: Proceedings are suspended for fifteen minutes.

AT 11:30 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:58 A.M.

MR. PRESIDENT: The proceedings are resumed.

Continuation of the debate on the amendment to Government Motion No. 1/89. Does any Member wish to speak? In that case, does the Mover wish to make a reply?

MR. TRUMAN M. BODDEN: Yes, Mr. President. I must say this little Motion has sparked a considerable amount of debate.

What one Member has said is that the Government, including their Backbenchers, obviously want to put majority people on the Board as the authorities. To that, all I would say is in the interest of the country as a whole in every occasion, the problem seems to be the change that obviously has taken place in the House where there are now effective and substantial backbenchers to look out for the Country's interest and Caymanian's interest. Gentlemen of this House, that is the way it is going to be for four years, so you had better get used to it.

Now, one of the things, perhaps with politicians is their quickness to jump the gun, so to speak, when a Member is speaking, is to draw such conclusions as they wish, which sometimes provides it's own punishment. I believe and I would thank the First Elected Member from Bodden Town for his show and statement. There will be times when things in this House, he feels, are not good for our people and he will vote against it. Whether that will be in this Session or the next, I am not certain. That, I think, is in the real spirit of democracy that breeds a good healthy country.

The position was quite clearly put by me and other Members that the preference would be for backbenchers, which there are eight in the House and that is what is in the interest of this country. I hope that the attempt or the imputation to monopolise all Boards and Authorities and any other type of entities by Government is one that will prevail nor do I think it is healthy for a country. Certain Boards must have independent people on it or they are not going to function the way they should.

Here we are dealing with an important board. A board that can affect children and the youth of this Country. It can have the effect to enhance or reduce a child's approach to matters such as drugs, sex, crime and violence. It is very important that this Board be functional. I would hope whomever is on there, and ultimately I will be asking questions, that they are going to see that it functions; that they are going to look very carefully at the "R" rated films and the other films that come to this country which can affect the young people's minds.

Having said that Mr. President, I commend the amendment to the House.

MR. PRESIDENT: I shall therefore put the question on this amendment to Government Motion No. 1/89. Those in favour please say Aye...Those against No.

AYES AND NOES.

MR. PRESIDENT: Madam Clerk, please take a division.

CLERK:

DIVISION NO. 2/89

AYES: 5	**NOES: 10**
Mr. John D. Jefferson, Jr	Hon. C. Thomas Jefferson
Mr. Truman M. Bodden	Hon. Richard W. Ground
Capt. Mabry S. Kirkconnell	Hon. J. Lemuel Hurlston
Mr. Gilbert A. McLean	Hon. W. Norman Bodden
Mr. John B. McLean	Hon. Benson O. Ebanks
	Hon. D. Ezzard Miller
	Hon. Linford A. Pierson
	Mr. W. McKeeva Bush
	Mr. Roy Bodden
	Mr. Franklin R. Smith

AMENDMENT TO SUBSTANTIVE MOTION NEGATIVED BY MAJORITY.

MR. PRESIDENT: The motion was not carried.

We now return to the substantive Motion. Does any Member wish to speak? The Honourable Elected Member for Education.

HON. BENSON O. EBANKS: Yes, Mr. President. I wish to make the point that is in my submission on the amendment. I made the point that I would be much happier if no Members of the Legislative Assembly were on this Board. Unfortunately, that is a place where we find ourselves with the Law, and therefore I believe the most independent-minded people we can put on that Board are Members who share the views of the Government.

The Third Elected Member of George Town cannot defend his proposition, that Members of the Opposition are more independent-minded when it comes to dealing with matters such as what we are talking about. The fact is, we just came through a General Election, vigorously contested. In fact, it was contested up to the very night we were sworn in when the Third Elected Member and those now in opposition and minority in this House went to Bodden Town riding the Grecian horse, trying to present gifts to the two Members of Bodden Town and their constituents. Thank God, those two Members knew where the genuine horses and gifts were.

There is a simple explanation to all of this. To the victors go the spoil, and a Government would be less than prudent to put a bunch of obstructionists on any board which is appointed. There is nothing wrong with that, except we have to have one measure which the First Elected Member referred to yesterday and that is, we should put sensible, upright people on the Board. People who can read the agenda and submissions. Not like the Boards were some years ago, when the now Opposition, or at least part of them, were in Government, that some of the Members did not even know which end of the envelope that contained the agenda, to open.

As for a change in this House, the Third Elected Member for George Town must have a short memory because I happen to have said in this House, as did my colleague on my left, the Member for Tourism from 1980 to 1984 as a Backbencher - and might I say, a very effective group of Backbenchers we made - we made Government withdraw Bills, we made them amend Bills because they did not do their homework.

I would venture to suggest that at the end of this Session, that Member will never be able to boast that the now Opposition succeeded in making this Government withdraw any Bills that it brings to the House. We are going to consider well, any Bill which we bring here. We will have thought it out. The point that I would like to make, that Member had a favorite phrase; he did not use it so much in the open House - but in that Committee Room where he wanted to carry that Bill yesterday and the day before, he often told us in the opposition, "Look, you are in the minority and the majority is going to rule, shut-up!". Of course, you know I did not shut up but the fact that the majority is exerting its authority should not come as any surprise to him and that has not changed.

As far as I know, Government is in the process of examining the Cinematographic Law with a view to amending and updating it, as well as the Rules and Regulations that have been made under it. I would venture to suggest that when that Bill comes back to the House it will not be for Members of the Legislature to form the Board. If the Member who moved the amendment earlier had the convictions of his submissions, maybe he could have taken steps to amend the Law between 1976 and 1984 to make sure independent-minded people sat on the Board. He will not achieve the objective by suggesting that he and others, who have expressed different views from Government, sit on the Board. They are not independent-minded people. They have very fixed views. That is to try and make the Government look bad. Unfortunately, in so doing I am afraid the opposite has been the result, at least, up to this moment.

I believe that if we have to elect Members to the Board, as we must under the present Law, from the Legislative Assembly we can do no better than to nominate or elect The Member for Health who, as he said, has training and years of experience in this industry. I accept that it is an important Board that reaches all levels and strata of society. Who is better to help direct the path of this Board than one who understands the rating system and how it works, how it is done and how you effect changes? I am not talking wild talk here. I know the experience that the Member has and it goes much beyond just operating the Cinema. He was exposed to the industry generally and he certainly could find his way around the Cinema.

Having made those points, I would like to get on to the more substantive items such as the Budget Debate, so I am going to sit down. I vote for the substantive Motion.

STANDING ORDER 38

MR. W. McKEEVA BUSH: Mr. President, under Standing Order 38, I move that the question now be put.

MR. PRESIDENT: Under that Standing Order it is the duty of the Presiding Officer to decide whether the Motion is an abuse of the Rules of the House or an infringement on the rights of the minority - not an easy matter. But I do hope Members would agree with me that we have debated the amendment very thoroughly and it seems to me that little more can be said. Indeed it seems some Members have been guilty of repetition already.

I therefore consider that the question should be put forthwith, and I shall therefore put the question on Government Motion No. 1/89.

POINT OF ORDER

HON. RICHARD W. GROUND: On a Point of Order. Mr. President, I think that you have to put the question to a question.

MR. PRESIDENT: You are quite right. Sorry. Thank you very much. I have to put first, the question under Standing Order 38 that the question now be put on Government Motion No. 1/89. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED. AMENDMENT TO SUBSTANTIVE MOTION PASSED.

MR. PRESIDENT: Now the question on the substantive Motion, Government Motion No. 1/89. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: GOVERNMENT MOTION NO. 1/89 AS AMENDED PASSED.

GOVERNMENT MOTION NO. 2/89

THE CAYAMANIAN PROTECTION LAW, 1984 (SELECT COMMITTEE)

MR. PRESIDENT: As I said earlier, we are having a real education on Standing Orders today.

The next item of business today is Item 2, Government Motion No. 2/89. The Honourable the Third Official Member.

HON. J. LEMUEL HURLSTON: Mr. President, I beg to move Government Motion No. 2/89, captioned; The Caymanian Protection Law, 1984, (Select Committee).

> "WHEREAS it has been four years since the Caymanian Protection Law, 1984 has been comprehensively reviewed;
>
> BE IT THEREFORE RESOLVED THAT this Honourable House in accordance with Standing Order No. 24 (1) and 69 (1), do appoint a Committee of the whole House to review the Caymanian Protection Law, 1984; to consider whether any amendments to the said law are necessary or desirable; and to make recommendations to the terms of any such amendments.".

MR. PRESIDENT: Government Motion No. 2/89 has been duly moved. Does the Mover wish to speak to it?

HON. J. LEMUEL HURLSTON: As was mentioned in the Throne Speech earlier last week, the review that is contemplated in this Government Motion is a review that must be considered in the important context of formulating legislative machinery that is capable of guiding the Cayman Islands from the 1980's into the 1990's. Too much importance and significance can, perhaps, not be attached to that review because one of the primary

responsibilities in the process is to agree upon the future legislative capabilities of balancing the need for non-Caymanian participation in the development process of these Islands.

It is well known that the onerous responsibilities placed on the now Caymanian Protection Board are so enormous that the control of the economic development of the country is often triggered by its decisions.

We presently have a situation in which 40% of the work force in the Islands are of necessity, licensed under the Caymanian Protection Law. We know from the records that the non-Caymanian work force is growing at a rate that many people regard as too rapid. We know, for example, that the rate of growth in the last three or four years has been in excess of 30% annually. We now have in excess of 6,000 persons of non-Caymanian origin, licensed with gainful occupation licences in the private sector. Additionally, we have approximately 500 non-Caymanians employed in the public sector. There are over 2,000 dependent children and others living in the Islands under those licences.

It is well known that the sensitivity attached to the decisions of this Board has had to be taken in the context of enormous pressures for rapid growth and development, primarily by local Caymanian companies. Previous Boards have tried to discharge that responsibility with due regard to that particular sensitivity. Notwithstanding this, much controversy has arisen from time to time resulting in decisions made by the Board which were not favourable. The number of administrative appeals to the Governor in Council against the decision of the Board have increased substantially. The consequence of this is that the process of determining those appeals has now, by the shear volume of such appeals, have become a very burdensome and bureaucratic activity.

Because of the smallness of the community, many members of the public are aware of the bureaucratic and administrative difficulties that are being encountered. Many persons understand the legal rights and privileges under the Law, and exercising the legal rights and privileges often abuse the legal privileges with a view to maximising the length of time that decisions are drawn out.

It is generally believed that the Caymanian Protection Law has fulfilled its function for which it was designed some 16 or 17 years ago, and that successive Boards have done an admirable bit of work. This has been reflected on every political manifesto that I came in contact with during the campaign in the last general election. This particular matter figured very prominently on everyone's political agenda and it seemed appropriate that this respect, to keep the matter on a very high priority basis by bringing a Motion at the very First Meeting after the Elections, such as Government Motion No. 2/89. This is aimed at giving Government Representatives an opportunity to review the Law in detail in a Select Committee, with a view of coming up with any amendments considered desirable and prudent. This will hopefully set the pace and parameters for future guidance of the Board.

Too much significance cannot be attached to the review and I hope that it can commence with some degree of urgency. I hope that it can be concluded without undue delay that Members would make every effort to attend the meeting of the Select Committee and to make their contributions at that time. The Select Committee will determine how it will undertake it's responsibilities, whether it will invite input from the public and private sector, special interests groups or associations and whether it wishes to have an audience with such groups. At the end of the day it is hoped that the review will become the democratic exercise, reflecting the wishes of the majority of the people who live in these Islands. I commend the Motion to the House and urge Members' support.

MR. PRESIDENT: Does any other Member wish to speak? It appears that no Member wishes to speak. In that case, I shall put the question. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Just a question on the procedure. As I understand it, if the Members are not going to speak on the substantive Motion, they lose their right here? They can speak on the amendment and we go back and put it to the vote. Am I not correct in that?

MR. PRESIDENT: I do not believe that to be the case. My understanding of the Standing Orders is that any time after the Motion has been proposed, that has been done by the Chair inviting the Mover to speak. That has, in effect, opened the debate on the Motion. An amendment may then be put. Debate on the substantive Motion then stops and the amendment is proposed, seconded and debated. On the conclusion of that, we then revert to the substantive motion. Anybody that has not spoken on it, may then speak. But, you cannot speak twice.

MOTION TO AMEND SUBSTANTIVE MOTION

MR. TRUMAN M. BODDEN: I understand. I would like to move an amendment, notice of which has been circulated.

In accordance with the provisions of Standing Order 25, I, the Third Elected Member for George Town beg to move the following Amendment :-

"Government Motion 2/89, entitled the Caymanian Protection Law 1984 - Select Committee. Government Motion 2/89 being amended as follows (a) by the addition of the following recital after the recital: "Whereas the Trade and Business Licensing Law and the Local Companies (Control) Law are related to the Caymanian Protection Law and should be reviewed also..."

POINT OF ORDER

HON BENSON O. EBANKS: On a Point of Order, I have not received a copy of the amendment, neither have any of my colleagues, so we would like to see a copy of the amendment and have confirmation that proper notice was given.

MR. PRESIDENT: Proper notice of two days was given. The fact that it had not been circulated is clearly an oversight. The Clerk says that it had been circulated on Monday the 20th of February. I certainly had my copy on that morning. I think that all Members now have a copy, so would you please continue.

MR. TRUMAN M. BODDEN: "...by the addition after the figures, '1984', the words Trade and Business Licensing Law and the Local Companies (Control) Law and by the deletion of the word "Law" and the substitution of the word "Laws" therefore.".

MR. GILBERT A. McLEAN: I beg to second the Motion.

MR. PRESIDENT: The amendment of Government Motion 2/89 has been duly moved and seconded. So the question is that Government Motion 2/89 be amended as proposed. Would the Proposer wish to speak to that?

MR. TRUMAN M. BODDEN: Yes, Mr. President.

The Caymanian Protection Law, Local Companies (Control) Law and the Trade and Business Licensing Law are three Laws that are very closely related. They overlap in certain areas and I believe if a comprehensive review is going to be done then we should look at all of the laws within the group. Unless we actually get it in to the Committee then the formal part of looking at it could not be done. This is the only reason, I believe that the Government would like a comprehensive review. Therefore, since these are related to it, it may or may not need consequential amendments. Let us look at everything one time and come up with something good in this area.

MR. PRESIDENT: The Honourable Member for Education.

HON. BENSON O. EBANKS: Is it now open for Debate, Sir.

MR. PRESIDENT: Yes, indeed. The Mover has moved it, please.

HON. BENSON O. EBANKS: Sir, I would just like to say, that we have no problem with this. We welcome it because it would have been our intention to look at these laws as a natural course of amending and revising the Caymanian Protection Law. In any event, I agree with the Member that both of these laws need very careful scrutiny as well as the Caymanian Protection Law.

MR. PRESIDENT: It seems unlikely that you would wish to exercise a right of reply to that.

MR. TRUMAN M. BODDEN: Just to thank the Government Sir.

MR. PRESIDENT: In that case, I will put the question on the amendment. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: AMENDMENT TO THE SUBSTANTIVE MOTION PASSED.

MR. PRESIDENT: We now return to the debate of the substantive Motion as amended. Does any Member wish to speak?

The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: I compliment the Member bringing this Motion because I believe that it is very timely and what stems from the Caymanian Protection Law touches the lives of just about everyone in this country. Some of the actions which it generates, as a matter of urgency, need to be attended to. As he has noted, the Caymanian Protection Law is both politically and socially sensitive.

Politically, in the recent election all the candidates debated the merits and demerits of the Law one way or the other. That in itself gives good cause to bring the Law here for a major review. Socially, because it also deals with a subject that is ultra sensitive, that of Caymanian Status, who should or should not get it, who is eligible, who is ineligible, because of this, it should be carefully looked at in great detail.

Since the opening of the House I have received a letter from an individual in Cayman Brac. I think a copy of that letter was sent to all Members of the Legislature. The writer

points out certain views of her own on the matter of Caymanian Status and expresses the hope that as Legislators, we will come up with changes which will alleviate what she seems to think is a lot of bureaucratic bottlenecks.

The Caymanian Protection Laws do a lot of things in these Islands. It empowers a Board called the Caymanian Protection Board to regulate labour, in effect, to grant quota of nationalities. This same Board is an appellant body to which a person who is aggrieved by an action of an Immigration Officer, may appeal. I personally do not see how that is proper, in that when an Immigration Officer takes an action he should be answerable not to a number of citizens sitting on a Board, but to his Head of Department and from there to His Excellency the Governor and if above that, to Executive Council. Immigration, as such, involves national security and matters of that nature. However, the Board is an appellate Board and that is taken into account.

The Caymanian Protection Law, in my opinion, is too far reaching and attempts to do too many things. For one, I believe the matter of immigration should be separate and there should be a clear Immigration Law. If there is a need for a law to govern the question of recruiting non-Caymanian labour, then it could be more properly done by a department of Government.

I have had occasions in dealing with the Caymanian Protection Law and in so doing I have arrived at some queries and ideas that I would be happy to discuss with the other Members of the Legislative Assembly. First to arrive at a revision of this Law that could, as far as possible, be reasonable to achieve the purpose for which it was written. It would serve the purpose of the times. I feel that this Law needs some serious examination and perhaps some major changes.

I am very happy to say that I fully support the idea of review and revision of this Law. Thank you.

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

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

POINT OF ORDER

MR. TRUMAN M. BODDEN: Just on a point of order, Sir. The Member of Education is sitting reading a newspaper while a debate is going on.

MR. PRESIDENT: I will reply to the point of order. I am afraid that can be considered relevant to the proceedings of the House because it probably contains a report of yesterday's proceedings.

HON. BENSON O. EBANKS: Yes, Sir. I was reading a bunch of stupidness he talked about yesterday.

MR. TRUMAN M. BODDEN: Mr. President, surely it is up to the Member to defend whether he does fall within the Standing Orders?

MR. PRESIDENT: I am sorry. It is a matter of the Chair, please. The Third ELected Member for West Bay.

MR. JOHN D. JEFFERSON, JR: I want to say personally that I welcome the opportunity of a Select Committee of the whole House to review this very important piece of legislation entitled "The Caymanian Protection Law". I regard this Law as one of the most important Laws on our books today. I feel, as legislators, we must deal with this piece of legislation wisely and fairly. The social balance of our society is very delicate and it must be carefully dealt with. Whatever the results are of the exercise of the House, I feel that the interest of our people must be preserved.

This piece of legislation was the subject of considerable amount of discussion during the past campaign leading up to the General Elections. The reason for that is the concerns expressed by citizens of these Islands who are becoming greatly concerned that there is the possibility that they are becoming outnumbered by legitimate numbers who are not Caymanian, but through the process of granting Caymanian Status becomes a permanent part of this community.

I can assure my constituents that I will support any amendments to the Law that will be in their best interests, and that of the people of the Cayman Islands on the whole.

In closing, I would like to say that I welcome the opportunity as a Member of this House, to take part in this exercise. Thank you.

MR. PRESIDENT: It is close to the break for lunch. Does any Member wish to speak or is this our chance, several members wish to speak. Proceedings adjourned till quarter past two.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:20 P.M.

MR. PRESIDENT: The proceedings of the House have resumed. The House was

debating Government Motion No. 2/89. Would any other Member now wish to speak on this Motion? The First Elected Member for Bodden Town.

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

I rise to support this Motion. From my limited experience here, I would like to say that it gives me a great deal of pleasure because I believe that this is the one Motion that we have that will have some emphasis on some agreement and unanimity.

As I listened this morning, I was making some mental notes and I was glad that the disagreements, when they arise, will arise at the Committee stage. I wish you well at that stage and I hope when we meet it could be one of the days you are feeling very well as I am sure that your ears will be ringing and the debate will be intense indeed.

I would just like to remark that we have to be careful. I believe it was the Third Elected Member for West Bay and the Third Official Member for the Government who remarked that this Motion or some mention of it, figured and featured prominently on the platform of every candidate during the last Election.

I would respectfully like to remind this House that the Law, when it comes to us in the Committee, is one that we have to tread upon carefully and cautiously. I believe all of us in here are responsible and are concerned and nationalistic, but we have to be careful what kind of postures and stances we project. While we would wish to protect Cayman for Caymanians we would not want to send a message that we are xenophobic or that we wish to retreat into ourselves, because a society such as ours, with an economy such as ours, based on tourism and international finance, we would not last long.

So, in conclusion, whatever the end product of this Law is, it is incumbent upon on us, as representatives of the people, to be open and forthright and not to get carried away with any feelings of passion or nationalism which is not justified, which although may sound patriotic in the short term, may in the long term be of detriment to the economy and the good standing of this Country.

I believe that I have a tough challenge in debating this when it comes to the Committee stage and offering some input. I am sure that my position is not unique because in my constituency a fair number of the constituents are people who are watching, people who are not Caymanian in the sense that I am a Caymanian, but who would hope to be protected and who hope to continue to share the benefits of this country. So I suggest that we do not get carried away. As for my part, I shall always try to remain sober and sane in my input.

Thank you very much.

MR. PRESIDENT: The Honourable Member for Tourism.

HON. W. NORMAN BODDEN: I rise to make my short contribution to the support for Government Motion 2/89, as well as the Motion in amended form. I believe that there is not a single piece of legislation on our books that affects the future of our country more than the Caymanian Protection Law. I believe that the review is timely and necessary in light of the development which has taken place in our Islands since 1984. I believe that this Law provides the necessary checks and balances and that this is a very important piece of Legislation.

Quite a bit of discretionary power is given to the Caymanian Protection Board under this Law. Many times we can differ on that discretion, or the interpretation of various sections of the Caymanian Protection Law. In quoting the Governor (from the Throne Speech), "We should approach this matter with care and caution...". I believe that it weighs heavily on any Committee of this House to approach the revision of the Caymanian Protection Law with that quality of care and type of caution that should be exercised. I think that we will have, by the end of the day, produced a Law that will certainly not please everybody. That is not the intention. But in the final analysis we will have a Law that will continue to serve our country well and that it will be in the interest of Caymanians and to all who reside in our Islands.

I look forward to being a part of the Committee and in making my contribution when that Committee is selected and Meetings are called.

With those few words, I support Government Motion No. 2/89 as well as its amended form. Thank you.

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

MR. FRANKLIN R. SMITH: I rise to support Government Motion No. 2/89, the Revision of Caymanian Protection Law, 1984, to a Select Committee as well as its amended form. I believe that it is time for a review of the Law.

During the Election Campaign I campaigned for a change in the Law as I believe it is necessary for the people of this country if we are going to survive. I will say that we have to be very careful about the way we go about changing it. As my colleague from Bodden Town said, we cannot go into this in a haphazard way, we have to look at both sides of the coin.

So with those few words I support the Motion.

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

CAPT. MABRY S. KIRKCONNELL: I too, rise to support Government Motion No. 2/89, Caymanian Protection Law, 1984, and the amendment that was tabled here this morning.

I consider this a very important Law and the other Laws equally important. I welcome the opportunity to sit as a member of this Select Committee as I feel that the destiny of the Cayman Islands is in the hands of the Caymanian Protection Board to a certain extent and it is very essential that we, as Legislators, give them a Law and Directives from the Executive Council that will be workable to the advantage of all.

There are certain aspects in the Caymanian Protection Law which have given me great concern for many years. There are a lack of inherited rights from the mothers, which I feel should have been corrected many years ago. Children born in these Islands should have had the right to inherit from their mother equally as they did from their fathers. Unfortunately it was not in the Law and to date there are many that are suffering the loss of the right to work here without a gainful occupation licence because this was not corrected at an earlier stage.

There are many other things that will have to be brought to light. I agree with what the previous speaker said, that we will have to separate Immigration matters from the protection of Caymanians. I also hope that we will be given ample time with this Committee so that after we have had deliberations we will have the opportunity of taking it to our constituents and letting them give us their input, as we have a duty to represent the people who put us here. We had the opportunity in 1984 to have public meetings in my district which was very beneficial to my colleague and myself. When we came back to debate the Bill in the House and also in Select Committee, we knew exactly the feelings of our constituents.

We look forward to this opportunity to being close to our Members and I would like to use the medium of the radio waves to invite all members of my constituency when these meetings are held; please avail yourselves of the opportunity to come out and hear what is being said and make recommendations. Do not blame your Representative after the decisions have been made for not doing what you wanted if you do not give us the input at the time when it is allotted to you.

We are a small country with a relatively small population. We must realise that we do need people from the outside. We need their expertise and we must have Legislation that protects us but insures the right of tenure of people who have come here to help us, that they will be comfortable and will be able to contribute to the full extent of their ability to help us develop the Cayman Islands in the way we want.

With those few words, I again wish to state that I fully support the Motion.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I am pleased to see the Motion before the House - Government Motion No. 2/89 - The Caymanian Protection Law, 1984 to go to a Select Committee. It has been pointed out that this has been the concern of every Member in this House today and for a very long time.

I personally have received many, many complaints on what the public may believe is inadequacies in the Caymanian Protection Board. It is my honest belief that the present Law which the Board has to work under is becoming outdated. Therefore, for this reason, we have to act and act quickly on this very important piece of legislation to do so.

I am pleased to see that the Government has taken the stand to send this to a Select Committee. This will allow not only ourselves but each and every person who want to make an input into this piece of Legislation.

I am hopeful to have my say on it and it is my hope to hold public meetings in my district and have the input of my people. The destiny of these Islands depends upon what we do as Legislators and the Caymanian Protection Board plays a very important part in the day-to-day decisions. It is not an easy job for the Protection Board, especially with the tools which they have to work with. I am most pleased to know that we, as Legislators, so early after an election are willing to take the bull by the horns and deal with this very important piece of legislation.

I am pleased to support Government Motion No. 2/89.

MR. PRESIDENT: The Honourable Member for Education.

HON. BENSON O. EBANKS: Mr. President, in making my contribution to this debate, I do not intend to get drawn into the workings of the Caymanian Protection Board or even the Caymanian Protection Law at this stage. I will try to be more philosophical about the Law. I agree that the Caymanian Protection Law is one of the most important if not the most important Law on our books.

I am also happy to be able to stand here today in the unique position of having been one of the architects of the original Caymanian Protection Law.

It might be of interest to younger Members of the Assembly to know that in 1970 when this Law was introduced that it did not have the wide spread acceptance and acknowledgment of importance which it has today. I recall vividly when I rose to introduce the Caymanian Protection Law and its companion bits of legislation, the Trades and Business Licensing Law and the Local Companies (Control) Law, an attempt was made in the then Legislature to block its introduction. I also recall vividly that because of the delicate nature of this Legislation, it was sent to a Select Committee of the whole House under the Chairmanship of the then Attorney General. That was for very good reason because we were sailing in uncharted waters and we needed the guidance of an expert's legal opinion.

On the first day of Committee I had to do my best with every bit of political maneuvering because the Bill was almost sent back with total rejection. With the help of the

Chairman we got the meeting postponed and I approached the then Governor or Administrator as he was known in those days, and said if we, as a Government took this measure forward I am relying on you to keep the Official and nominated Members in line. Which he did, and we were able to go through the Committee and come out with a Law. While not perfect, it sets the stage for a more orderly development in this country, that, I believe, would not have been possible without it.

Successive Governments have amended the Law, quite rightly, as its application made amendments obvious and I believe that these, in most instances, have been for the general good for the country.

I would like to implore Honourable Members not to let sentiments and nationalism override common sense. I do not necessarily believe that the Caymanian Protection Law and its companion bits of Legislation, the Trades and Business Licenses Law and more especially the Local Companies (Control) Law, have all of the answers that we as a Country need if we are to continue on the path of stability that we have enjoyed over the years.

It is a frequent expression to hear people comment on how well the Caymanian people have responded to the rapid change which has taken place in our economy and society. I have been one who the records of this House will record has always urged caution on our rate of development and growth. I have always advocated, and I still advocate, a sensibly planned, controlled rate of development. In the past such statement has often resulted in much ridicule to myself. I have been branded a communist. I have been branded a socialist and a practitioner and an advocate of the 'isms', except capitalism. If there is a bigger capitalist in the Cayman Islands than Benson Ebanks, I want to see him.

I happen to believe in the maxim that all progress is of necessary development, but that all development is of necessary progress. The two are not necessarily synonymous. What we are witnessing in the Cayman Islands in the last several years is but the tip of the iceberg of a wave of nationalism which in my humble view has its genesis in the rapid rate of growth which these Islands have experienced. I believe that while we must protect the interest of Caymanians we have to go much deeper in to roots of society if we are going to really stabilise our population to the point where we will retain our friendliness and our charm as a people.

I can give this House and the country my wholehearted assurances that I, as the Member for Education and Culture, will do all that is humanly possible to ensure that a sense of pride is instilled in our youth and thus in our homeland. We as a people are rapidly getting to the stage where we are in danger for failing to accept ourselves for what we are.

I believe that the older generations of Caymanians accepted that any honest work was worthwhile work. We have to get back to basics. Caymanians are no different than any other race. We are the same as to be found in any other race of people. We will not produce all high school graduates who are capable, or more importantly, have the inclination to be doctors, or lawyers, accountants or teachers, but what is important is that whatever we do, we do it to the best of our ability. I was taught in my youth a very simple philosophy, and it has served me in good stead, throughout my short life. It is simply this, do not let anyone tell you in life what you should become. You do what you are happy doing. Just make sure that whatever you are doing, you be the best there is in that field. I am not saying that we will all achieve that envied height of being the best but if we aim for it we have to get off the ground. Once we are off the ground and climbing we are going in the right direction.

With those few words I want to say I support the Motion. I support the amendment which has been offered because I regard them as companion legislation and the truth of the matter is this big 'dragon' that all of us detest in Cayman - this dragon of fronting is usually done through companies established through the Local Company (Control) Law.

It is important that we understand that when we go into this exercise we are going to look at the total package. I do not believe that all of us on this Island understand totally all that has been done over the years for the protection of Caymanian rights and their identity. Up until the last Election campaign, there was something that someone had suddenly discovered - I think it was a team from the University of Tennessee - that we were going to be outnumbered as a people by 1990. I have news for them, we are outnumbered already. If anybody doubt that go and check the records.

We have, and I include successive Governments, over the years done what we have perceived as being morally acceptable and right to protect the interests of Caymanians. It was in early 1988 that we amended the Constitution to ensure that this hallowed Chamber would always be occupied by people who were either born here or had certainly given the greater part of their lives to the benefit of these Islands.

I know too, that Caymanians are unique properly in one special way and that is that many Caymanians over the years, found it necessary to go abroad to seek a living. In many respects that has been cushioned and has enabled our society to accept so warmly those from the outside who come here to work and live amongst us. For that I am eternally grateful.

On the other hand, those of us who could have gone abroad to greener pastures, but elected to remain and work to bring this country to where it is have to be sure to safeguard what we have worked for. Had we not succeeded transforming this mosquito ridden piece of rock into something desirable, many of those who are running back now and are claiming privilege would have laughed at us and said if you had any ambition you would have been up in big Texas like myself and made a killing.

I am saying all of that just to say one simple thing, while I love and admire those Caymanians that went abroad and did well, it is a human impossibility for us to open our arms to third, fourth and fifth generation Caymanians who have it made in the shade, probably with a secured social security pension at age 62 or 65 or whatever it is or probably pensions from jobs up there. It is a physical

impossibility for them to expect that we are going to allow them to come back and jump on to our little paradise now, unfettered. It is going to have to be a serious argument for me to be convinced that we should extend the benefits of Caymanian Status beyond children of born Caymanians. I might as well say that now in the hope that when this is heard it will start people thinking and hopefully cause some input from the public.

I have heard people put forth the argument that they left because there was no employment or educational opportunities. I am not as well known, but there was also those who went away but never cut there ties with this little rock. They came back and beat their share of mosquitoes and because they kept their ties they contributed in some way to the revenues of this country.

I, for one, am going to be very stubborn about any move to extend this hallowed status of Caymanian status on anybody that extends beyond a Caymanian born person. That also includes a spouse. We are not going to break up marriages. We are not in that business.

I want to make one other point clear and that is that the old Caymanian Protection Laws, of 1971 and 1983 or the 1985 or whatever it is as far as I know, makes provisions that once a person has had Caymanian status for 10 years or more they cannot lose it. I am going to put forth a proposal that they can lose it at any time that they misbehave themselves. People are welcome to come here but, if they misbehave and muddy up the good name of this country, they will have to go. Particularly, as the last time this Bill was amended, this privilege was extended to non-Commonwealth citizens. I objected then and I will be raising my objections again. If I am over-ridden, so be it. But if no one can convince me - I should not say that because I am always capable of being convinced - because I have a rather strong will, but I am a reasonable person. However, the arguments put forth will have to strong to convince me that someone, for example an American citizen should be given status in this country. My reasons are simple. If they wanted to get British Dependent Territory Citizenship and was prepared to relinguish his lifeline to the United States, then I have no problem.

I object strenuously to people getting status which puts them in a position to come and compete with a little country boy like myself, or my friends who probably do not even have any resources to compete. Resources do not necessarily mean money. Those people have resources at their disposal which are not available to Caymanians. Take the Small Business Loans Association or whatever it is in the United States, they can go to that and borrow money from down here and ruin someone that has probably borrowed money from a Bank and might even lose his house and all his possessions in the process. If these people burn up that money they can go back and get another loan from the same organisation, come back and start all over again. Then they would have the business all to themselves. There was a time when I thought if you failed in business, you would not be able to get loans from that organisation but from what I read recently, it appears the more often you fail the easier it is to get capital to start again. That is not so here.

I am only saying this, because I said I was going to be philosophical since I believe if we are going to do a good job on this Law we have to get input from all corners of society. I am trying to provoke thoughts and comments from Members and listeners of this debate. Anybody that knows me, knows that I thrive on controversy.

I remember the night we first published, or it became known, that the first Caymanian Protection Law was in force. We set, at that time, a general quota of twelve people per annum to get status. I went to a cocktail party and I was cornered by some irate women who asked me, "How dare you, as a liberal colony say that only twelve people could get status a year?" I said, "You know something, you had better leave me alone because that was a typographical error which we did not want to correct. If you annoy me tonight I am going to go back and correct it. It was intended to be one stroke two, meaning one or two but it came out as twelve, so we left it."

My stand on this is well known and well documented. When the history of this country is written, if they include any of the Hansards of this House, they will find that Benson Ebanks from the first day he came here, talked about planned, controlled development; development at a pace suitable to the needs and requirements of our population. It has made me unpopular many times but I have no regrets.

I would only make one comment and that is I would like to remind Honourable Members that this might be our last chance to get this legislation right. The pressure is not going to be easy. We are going to have to be prepared to stand and be counted as men. This exercise, in my opinion, is what is going to separate the boys from the men.

I support this Motion. Since I am anxious to get on with the business of the Committee to be established for this I am not going to speak any longer. I am just going to say I support it one hundred per cent.

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

MR. TRUMAN M. BODDEN: Thank you, Mr. President.

The Greek philosopher, Socrates, some two thousand years ago said, "No one undertakes a trade that he does not understand, even the lowest of trades. But everyone regards himself competent for the most difficult of all trades - that of government."

This Motion before the House today is one that I support and I commend the Third Official Member for bringing it. By the looks of it, it will be passed unanimously. This Law is a difficult one. My sympathy goes out to the Third Official Member who have had the burden, over the years, of dealing with it, the Members of the Caymanian Protection Board, and the staff of he Immigration Department who have to work under it. Immigration is, by nature, probably the most controversial of all the areas of Government. I hope that the new Chairman, Mr. David Ritch, to whom I wish him and his new Board a lot of luck, will see that this

difficult task is carried out in fullness and fairness to all.

We can sit here and legislate Laws till we are blue in the faces. We can produce Laws that are perfect, but unless we have the machinery and the people who can put those laws properly into effect, then we have nothing. In life, it boils down to the people who finally have to do the things under the written document. Whether that is the Constitution of this Country, or it is the Caymanian Protection Law, or the Garbage Disposal Law or any of the other laws here, the working of it is going to depend on the people and the support that those people get when they implement it.

To dwell a little bit, not too much, at the early stages on what we will do with the Law; to point out that the acts of the Board and the Immigration staff and of the Executive Council on appeals are extremely important to the workings of this Law. The Law is good or the Law is bad, it can still be made good or reserve good by the people that make it. I believe the Members of this House and the public are looking forward to getting good results. This is not just going to come about with just the changing of this Law.

The problems that we have seen in the past have been great in some areas. I believe that justice delayed can be justice denied. The Board and the Executive Council must make its decision within a reasonable time. When the Law is looked at, if necessary, it may have to be legislated as it has been done, I think has remained in the Trade and Business Licensing Law which the Member for Education passed back in 1972. If you can get a 'yes' or a 'no' you know where you are. If you are left hanging month in and month out then, in the end a decision is not necessary because people just give up in disgust. Therefore, I believe that one of the first things that this House and the Board has to face is that we have to get the machinery streamlined, to get decisions within a reasonable time.

I say this with all fairness. With all past Governments, the question of delay has been a problem. It was a problem during the eight years that I was in the Executive Council. It is a problem now. I believe in the past year or two it has become a chronic problem. When I say that, I am not referring to the present Board as they have just started, I do not know if there are any delays there or not. But up to the end of last year it did become a problem. This can only be resolved if the people are prepared to work it, are prepared to make their decisions and this is going to take a lot of hard work from all of us. Most of the gripes that I have heard are that they cannot get a 'yes' or a 'no', they do not know where they stand. That is not going to be corrected in that Committee Room by changing this Law. That is where the machinery of Government comes in.

Another area that has to be looked at is the rule which, in my opinion, has to me no logical or legal basis, that you have a person for two years and you send them back to break their residence. The Protection Board has the absolute discretion to decide who is going to be given status and who is not. Therefore if you are going to let someone come back on the Island after six months, I think it has been reduced now from one year, then, why put the Caymanian in hardship to have that person sent away at considerable expense and then have them brought back six months later? I do not see the logic. Either you want that person on the Island or you do not. In breaking this residency, what happens is that Caymanians then do not have some one employed during that period, whether it be a maid or whatever, and with the six months you wait around with no help and struggle till you can get the person back or you have to go through the problem of trying to get a new person and presumably send that person back after the six months or whatever. To me that does not make sense.

If we want to make a decision that a person should go back after a period of time and it is reasonable then make a decision as to whether the person can have them or cannot have them but do not give them a six month vacation and then you can have them again. I do not see the logic of that. Here I am being constructive, these are what I see as the problems and that is one that in the Committee, we may be able to change. It is now in the Directives. I would like to here input in that Committee from the Government as to why this should be.

I also agree with the First Elected Member from Bodden Town and the Member for Education who said that we have to be reasonable when we are dealing with foreigners. Caymanians must be first and that I agree with. The economy of this country depends on foreigners and we have to ensure that we do not cut off our nose to spite our faces. It is a fact that we need a certain amount of foreigners in this country and we would be naive to take any approach with this Law which would run back people that are needed here. So I agree with them that we have to tread carefully, never losing sight that Caymanians should be first under this Law.

I too, worry about Caymanians being outnumbered. While I do not share the pessimism of the Member for Education to that extent, it does worry me, and I think that the Law has to ensure that the priority for keeping Caymanians from being outnumbered is carried out.

Areas of hardship to Caymanians have to be looked at. It does not make sense for example, to have young Caymanians who need a maid to look after their children to be refused a permit. One of the members of that household, either the husband or the wife will have to stay at home to do that work, having to give up a job that is in a store or a bank or whereever and then that being filled by a work permit. That does not make good sense and it creates hardship on the Caymanian. I believe that within these guidelines we have to have a system that can ensure that Caymanians who genuinely need work permits for people, do get them, and that they are not put to any extreme expense, whether that is sending them back after a couple of years or attempting to be forced to bring them from too far away. We have to look at this. We have to balance this and once again I believe in spreading the work permits through the different nationalities.

The carefulness at which we have to look at Laws is very clearly seen. For example, the Member for Education talked about restricting status purely to persons, I think he said, who are Caymanian born. But let us really look at what was recently done and this is one that is integrally related to Caymanian status and the Caymanian Protection Law in the Cayman Islands (Constitution) Order of 1987 that was recently passed.

In both of these sections, the one to sit in the Assembly, Section 18 and the one to vote as an elector, the class in people was opened in one area to people born outside the Islands who had or has at least one parent or grandparent who was born in the Islands. I am saying this because you have to look at how large the group of people is, when you change one of these words. When you add a grandparent here, you are looking at the fact that in those days families had between nine and twelve children. When you multiply it out, it is an extremely large amount of people.

We have to be very careful with change and we have to be very certain that if we are going to open doors, that the amount of people that can come in are not the extremely large amount that when you bring in the class of a grandparent it would open up. I say this because it may have gone unnoticed, but the multiplier for grandparents in this day and age is probably ten to one. My family alone, have maybe a hundred people living abroad that could come in under the grandparent class. So as the Member for West Bay said, it has to be looked at carefully.

If we have a large opening up and bringing in and saying you must have Status, these are people that are given certain privileges. I am not against giving it, but I am saying that we have to look very carefully at the words we use. The best example for this was when the Member for West Bay was talking about the history of this Law. This came into operation, if I remember, on the 27th Day of March, 1972. At that time it was either the Legal Assistant to the Attorney General or the Acting Attorney General.

I was abroad during the time that this case came up, when the first test case on this which I dealt with in the Grand Court, dealing with the word "domicile". A very small, very short word but one that has meaning that was not precise.

The Law as it was then, could have opened up to every person on these Islands who was from abroad who was domiciled here which the Court held that the mental element was a very important ingredient. Did they come here to make it their permanent home? People that had only been here for very short periods of time would have had Caymanian Status. The group of people was very large.

At that time we could have been outnumbered. I am happy to say that it was one of the last things I did at the time that I was Acting Attorney General when I tried to block the loophole that existed in the Law. No criticism to the people that passed the Law. It is just a fact of life that mistakes are made and we just have to be careful, especially when we come to such a Law as the Immigration Laws and your dealings with status. We have to be very careful.

I would like to take that a bit further. The Member for Education said...

MR. PRESIDENT: I wonder if we could take a break now?

MR. TRUMAN M. BODDEN: As you wish, Sir.

MR. PRESIDENT: Before we do, I would like to say, as I have said before, I believe in Members having the utmost reasonable latitude in any debate on a motion or a bill, but I may have been a little too lenient on this occasion because this is, after all, a motion to establish a Select Committee, which would itself examine the issues that the Members are now discussing.

We will suspend for fifteen minutes.

AT 3:31 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:55 P.M.

MR. PRESIDENT: The House is resumed.

Third Elected Member for George Town, continuing.

MR. TRUMAN M. BODDEN: On this, and all Select Committees, while I appreciate that under the Standing Orders (I think it is Standing Orders 70 (7)) there is no specific time for the giving of notice, I would ask whoever Chairs the Select Committees of this House to please ensure that sufficient notice is given for the calling of meetings. I think that it is undesirable, and it is expecting too much, to call up one or two days before and say come down to a Committee Meeting tomorrow or whatever. I think proper notice should go out.

I just mentioned this because the Member for Health mentioned that I missed a meeting. I am just going to make a statement on this - I am not going to spend the time of the House on it. A meeting was held on the 30th of December, I left on the 26th. The notice must have come after that, and all I am saying is that with this Committee and all other Committees a reasonable amount of time must be given so that Members do not just come here but can try to prepare before they come. I think it is a waste of the Committee's time to send out papers just before, then you have Members in the Committee Meeting trying to go through and read papers and trying to figure out what is going on. If enough time is given, then Members should be prepared and the work of the Committee can proceed much more effectively and much, much more quickly. Sometimes a Committee can get drawn out.

I would also like to see with this Committee that the different organisations, such as the Chamber of Commerce and those related to the large work permit-holder areas, such as the hotels, stores, and banks, be given the right to give some input. We lose nothing by listening. Many times when one listens, one learns. In that learning can come a much better Law in this important area.

I would just like to deal with one thing that the Member for Education mentioned. This was about having people relinguish their citizenship. He spoke about sending them

home when they misbehave. Well, I think we have a choice here. If they relinguish their citizenship, you cannot send them home. I just mention this...

HON. BENSON O. EBANKS: Mr. President, I wonder if the Member would give way? I never had my speech written so it is possible the Member might have gotten the wrong impression. Certainly I thought I made it clear that I was speaking in terms of people having other nationalities and getting Status. If we naturalise them, I am very conscious that we cannot send them back, but I do not think we have to worry about that because there would be very few who would get naturalisation.

MR. TRUMAN M. BODDEN: Mr. President, in summary on that - and I do not agree with what the Member has said - status is not nationality. If we are going to go the extra step and let a person relinguish their citizenship we are going to lose the right to send them back. You cannot send them back if they have no country to be sent back to. This is the only point I am making. I think that when we go into the Committee, if the Committee so wishes we need to listen carefully to people who are affected by this Law. I would be all for having - and I know that this is subject to the Committee - representations made and input given from people locally, be they a housewife who needs one work permit (for a maid or whatever), to the Chamber of Commerce, which I hold a lot of respect for and appreciate that it represents an extremely large cross section of this community.

On some final notes, I think it is important that something be worked out for communication. The biggest problem many times in life, and especially in Government, is the lack of communication. There has to be some communication between the Caymanian Protection Board, the Central Planning Authority, the Labour Board and the Public Service Commission so that each one knows what they are doing and we do not have a work permit pulled by the Caymanian Protection Board and Government employing them or Government firing somebody and the Caymanian Protection Board giving them a permit. There has to be some type of monitoring and of working together.

That fits in with what the Member for Tourism said about Planning. To plan you have to communicate. My hope on this is that out of this Committee will come recommendations and subsequent amendments to the Law which, hopefully, will see amendments to the Directives that will be good for the people in these Islands, and will attempt to streamline, speed-up and make more equitable this important area of immigration upon which these Islands rely very heavily.

If it is done wrong, our future for us and our children can be prejudiced; and if it is done right, I believe that Cayman's future will continue to be bright.

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

MR. W. McKEEVA BUSH: Thank you, Mr. President.

There is no doubt that the present Caymanian Protection Law needs revamping. Statistics reveal a ratio of Caymanians against immigrants not too pleasing for social balance.

The now Honourable Member for Health, the Member for North Side, and myself moved a Resolution asking the Government to revamp the Caymanian Protection Law and to stop the giving of Caymanian Status accept to the children, grandchildren and spouses. Also included in that Resolution was the provision to give another form of security to non-Caymanians. That part of it was included in it because we recognised those people who have been living here for 10 or 15 years and over who should be given the assurance of what their positions are in this country since they have made their home here and have made contributions to the country.

There were some good sentiments expressed here today but nothing was said here that was not said on the 8th of September last year when I addressed the same matter now before the House. I am happy that the Government has seen fit to now move the Resolution that some people were saying was never going to come.

We heard Members talk here today about what was said in their campaigns. Some of those same candidates - who are today Members - displayed a great amount of hypocrisy. I well remember being taken to task for moving the Resolution, which they said meant nothing. I am indeed happy to hear their sentiments. As to what will be said in Committee is another thing. At that point they were telling the immigrants, the expatriates, the foreigners, the foreign nationals (however you wish to term them, it is the same person we are dealing with), that the Government is against them. Then they ran to the Caymanians and said to the Caymanians, that Government was against the Caymanian and doing it all for the expatriates. What I am saying here is that Immigration is a matter that cannot be handled through double talk. What we say now means much more than inflated statements outside of this House. What they will say in the Committee, you can believe will be put down for posterity. Protection of the birth right of any country must be foremost in the eyes of its representatives. Fairness must be exhibited to foreign nationals who have made these Islands their home. We cannot get away from that fact.

I am indeed happy that the Resolution I asked for in September is now before the House. What will come out of it is another matter. As the 12 of us who were elected (and even the three Official Members) are not persons of the same thinking, all of us have our different opinions and all of us have problems different from each other that we must tackle for constituents and otherwise. We heard some talk about work permits, we hear some talking about Caymanian status and at some point we have been given cases to work on, so we know what the problems are out there.

As I said, I made my point in September and I think it was well put. It is on record. I am not going to continue much further other than to say that I had a call about this Resolution and I can only say that I believe that the Member moving the Resolution wants some of the same things

that I wanted and the thought behind his Resolution, is designed to ensure a healthy social and political climate for Caymanians and that a healthy climate is continually provided for Caymanians. It must follow that these non-Caymanians will benefit as well and will continue to find the Cayman Islands a good place to reside, bearing in mind that the Caymanians will always be first.

To those who decried my attempt in September of last year, who made much that I was bringing the Resolution and that Government could not do anything about it... Well, the laugh is mine today. I will only say to them, in good spirit, that which I closed my debate with in September last; "The heights of great men reached and kept were not obtained by sudden flight, but they, while their companions slept, were toiling upward during the night.". My work started in September 1988, and hopefully it will finish on this particular piece of business in the Committee Room. I trust those Members who so willingly went out and told the Caymanians that Government was against them, and who told the foreigners that Government was against them, will now find it in their hearts to do the right thing. They will find out now how difficult it is to make a decision to please both sides.

I welcome them in that Committee Room. Thank you very much, Mr. President.

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

HON. J. LEMUEL HURLSTON: Mr. President, I would like to commence by expressing my thanks and gratitude to the Third Elected Member for George Town in proposing the amendment to Government Motion No. 2/89 so as to broaden the effective terms of reference of the Select Committee, because in so doing he has drawn attention to the often inseparability of certain sections of two additional pieces of legislation that are also administered by the same Board that administers the Caymanian Protection Law. If we are going to do a comprehensive review it is just as well to incorporate a review of those two pieces of sister legislation. I am indeed grateful to the Third Elected Member, as I said, for that.

I would secondly like to thank all Members for their contribution to the debate on this Motion and to say that in the interim two principal things are taking place that I hope will facilitate the work and the outcome of the work of the Committee. The first thing that is taking place is that, subject to Finance Committee approving the funds requested in the Budget, it is hoped to improve the office accommodation facilities with which this agency has to conduct its work. Secondly, to say that the services of a suitably qualified Immigration advisor is being currently solicited with a view to look at the resources deployed on the subject of immigration and to advise how best we might fill some of the gaps that currently exist in training of officers within this very important area of Government.

Simultaneously, if those two things fall in place along with the Report of the Select Committee on the conclusion of its deliberations, we may hopefully then be in a position to effectively implement the recommendations, speedily and efficiently.

I too recognise the emotional nature of the subject, and I continue to try my best to keep the emotions in some sort of perspective. I have always heard that one of the principal assets of these Islands is found in its people. One of the outstanding qualities often referred to by visitors is the sincerity, warmth and friendliness of the Caymanian people. That has certainly helped us to maintain the social, political and economic success that we boast about today. It is therefore Government's sincerest desire to maintain that balance in its true perspective. Not losing sight of the need of the foreigner on the one hand, and balancing the need, the desires and aspirations of the Caymanians on the other hand.

It is true that communications are vital to planning. It is true that perhaps coordination between the various arms of Government is going to be required in order to give a smooth effect to Cayman in the 1990s. Those subjects are being quite separately addressed in other areas of Government and they are going to be given the appropriate priorities. Therefore, I would just like to reiterate my thanks for the valuable contributions made. I look forward to the workings of the Select Committee and to Members' attendance and worthwhile contributions. Thank you.

MR. PRESIDENT: The question will now be put on Government Motion No. 2/89, as amended. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: GOVERNMENT MOTION NO. 2/89 AS AMENDED PASSED.

NOMINATION OF CHAIRMAN OF SELECT COMMITTEE
Standing Order 69(2)

MR. PRESIDENT: Under Standing Order 69(2) the Honourable Third Official Member is nominated as the Chairman of that Select Committee. Nominated in that sense does not require a seconder or a vote in Standing Orders.

Government Business continues. Government Motion No. 3/89. The Honourable the First Official Member.

GOVERNMENT MOTION NO. 3/89

HOUSING DEVELOPMENT CORPORATION

HON. THOMAS C. JEFFERSON: Mr. President, I move Government Motion No. 3/89 entitled, Housing Development Corporation - 7.5 per cent 20-Year Debenture.

> "WHEREAS it is proposed that the Housing Development Corporation should issue debentures up to the value of US$5 Million repayable after 20 years with interest at a rate of 7.5 per cent per annum;
>
> AND WHEREAS it is proposed that Government should guarantee the payment of the principal and interest of all sums raised by the said issue;
>
> AND WHEREAS the approval of this Honourable House is required, pursuant to Section 20(1) of the Housing Development Corporation Law, 1981, for such guarantee;
>
> BE IT THEREFORE RESOLVED in accordance with Section 20(1), Sub-Section (1) of the Housing Development Corporation Law, 1981 that this Honourable House approve the issue of a guarantee for the repayment of the Capital Interest of the proposed 7.5 per cent 20-year debenture stock, issued by the Housing Development Corporation, pursuant to its powers under section 19 of the said Law.".

MR. PRESIDENT: Government Motion No 3/89 is duly moved. Would the Mover wish to speak on the Motion?

HON. THOMAS C. JEFFERSON: Just briefly, Mr. President.

The guarantee presently in effect covers a similar sum of US$5 million. These debentures carry interest at 5 per cent and over a period of approximately 5 years has raised CI$1.2M or US$1.5M which I will continue to use.

We realise that, given the interest rates that are available today and are being charged by financial institution, those debentures no longer have any attraction to them. It is proposed to raise the interest rate to 7.5 per cent and there are indications from the financial market that an interest rate of 7.5 per cent will attract more institutions to purchase those debentures mentioned here.

It would make available to the Housing Development Corporation more funds which it would then lend to persons in need of mortgages for houses. I do not propose to have a long dissertation on this matter, I think that is sufficient information and I recommend that Government authorise the guarantee.

MR. PRESIDENT: Does any Member wish to speak? In that case I shall put the question on Government Motion No. 3/89. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: GOVERNMENT MOTION NO. 3/89 PASSED.

MR. PRESIDENT: Would the House like to proceed with the business since we are so close to the normal closing time?

HON. THOMAS C. JEFFERRSON: Mr. President, I think we should perhaps make the point that tomorrow morning Private Members' Motions take precedence and it may be in the best interest of the listening public if we take Government Motion No. 4, that we allow it to finish up before we go on to Private Members' Motion.

That is just my view, Sir.

MR. PRESIDENT: Either that Honourable Members, or we could finish it this evening?

MR. W. McKEEVA BUSH: As far as we on this side of the House are concerned, let us finish it this evening, Sir.

MR. PRESIDENT: That appears to be agreed.

HON. BENSON O. EBANKS: I believe that is an uncontentious Motion, Sir, so we will finish it in a couple of minutes.

I am sorry Sir, I should have stood up.

MR. PRESIDENT: I believe that we thought other Motions were non-contentious on other occasions. I think it appears that we should get started and, if necessary, continue on the subject tomorrow morning. In that case, would the Honourable First Official Member now move suspension so you will not be interrupted?

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: I am happy to do so, Mr. President. I move the suspension of Standing Order 10(2) to allow the Mover of Government Motion No. 4/89 to so do.

MR. PRESIDENT: The question is that Standing Order 10(2) be suspended. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: STANDING ORDER NO. 10(2) SUSPENDED.

MR. PRESIDENT: Government Motions No. 4/89, the Honourable Member for Health.

GOVERNMENT MOTION NO. 4/89

MEDICAL TERMINATION OF PREGNANCY

HON. D. EZZARD MILLER: Mr. President, I beg to move Government Motion No. 4/89 captioned, Medical Termination Of Pregnancy.

> "WHEREAS there is at present no law permitting abortion, save very exceptional circumstances;
>
> AND WHEREAS the occasions which abortions may be medically desirable, are increasing due inter alia to the fact that the AIDS virus can be transmitted from a mother to foetus;
>
> BE IT THEREFORE RESOLVED that this Honourable House appoint a Select Committee, consisting of all Elected Members and the Second Official Member to review the situation and if it finds it desirable to recommend appropriate legislation.".

MR. PRESIDENT: Government Motion No. 4/89 has been duly moved. Would the Member wish to speak to it?

HON. D. EZZARD MILLER: Mr. President, the Government has a responsibility to provide proper, adequate and complete health care for its citizens. Part of this is the termination of pregnancy for medical reasons. Presently the Laws of this country do not allow medical termination of pregnancy except in very limited and specific circumstances which does not include AIDS.

The latest publication on AIDS available from Pan American Health organisation states, "infected women already pregnant should be made aware of the high rate of vertical transmission and the likelihood of manifesting the disease in their offspring. In addition, infected women should be informed of the high probability that they may develop AIDS and die before their child is five years old. If possible termination of pregnancy should be offered to women who desire it. However, in many countries elective abortion is not legal.".

From a meeting about AIDS in the U.K. quite recently, this paper was presented which had been published in January, 1986. It gives this recommendation, "the women and her partner must be counselled by a trained counsellor and if less than 24 weeks, offered termination of pregnancy on the grounds of: (1) the likelihood of the offspring developing AIDS and dying and the risk of deterioration in the mother's condition.". AIDS is a terrible disease. At the present time, if a pregnant woman in the Cayman Islands gets AIDS and if she elects to have an abortion it cannot be done legally.

I recommend this Motion to the House to give consideration for this position to be corrected. Thank you, Sir.

MR. PRESIDENT: I am sorry I cannot hear you. Will you use the microphone?

MR. TRUMAN M. BODDEN: Did I understand that the Member was going to present it, and thereafter we would adjourn until tomorrow or are you just going to go on and finish the item tonight?

MR. PRESIDENT: I understood that the wish of the House would be to get started on it tonight and we shall see how long it goes on. If it goes on beyond the time that the House wishes to adjourn this evening, I understand that the proposal is to continue first thing tomorrow morning in spite of it being Private Member's day tomorrow.

So, does any other Member wish to speak?
The First Elected Member for the Lesser Islands.

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

I support Government Motion No. 4/89, Medical Termination of Pregnancy. This is a very serious issue. An issue which we must give due consideration in the Select Committee. I have had some medical experience. I realise the dangers that are now facing our three-Island communities with this dreaded disease AIDS.

I would say to all Members that I do not support legalised abortion and I certainly hope that we will be able to limit it to very specific cases. It will have to be very specific in nature. I do not think that it can be soon enough in getting legislation to prepare our country for the devastating effects that AIDS can have on our community. If there is any way we can possibly minimise the ill effects that the epidemic of AIDS can have, we must do it and do it immediately.

I compliment the Honourable Member in bringing this timely Motion. As I said, it is a very serious Motion and I do support the Motion.

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

MR. TRUMAN M. BODDEN: Thank you Mr. President.

I had hoped to deal with this tomorrow and it is unfortunate that I do not know the reasoning behind the moving of this and waving the Standing Orders at this stage. One of the things about it is that we have a listening audience and when this House sits for extremely long periods, I think it is unfair to the public in certain ways because a lot of what is aired is aired at a time when it does not reach the public. I feel if we are going to broadcast, we have to think of them at times too.

Since it is a wish of the House and I would say that we have Standing Orders, while they can be waived, it is the prerogative of the House, I hope we can look forward to some certainty within them and a lot less of this sort of action.

I oppose this Motion. We are dealing with one of the most serious issues that most countries have seen. The issue I will be dealing with are my reasons I think that there should be no Committee on it. To do this I have to state my feelings in relation to abortion itself. It has split the population in the United Kingdom some years ago. It is currently splitting up the United States. There is constant friction there because of it.

Now we have this brought up in the first working Session of this new House. This is an issue that is religious and moral. It is one which has to be looked at very carefully because this resolution is not limited, as I see it, to recommending legislation for abortions only for AIDS. The recitals give one of the reasons as being AIDS. As I see it, and I will read part of it;

> "BE IT RESOLVED THEREFORE that this Honourable House appoint a Select Committee consisting of all Elected Members and the Second Official Member to review this situation and if it finds it desirable to recommend appropriate legislation.".

It does not say appropriate legislation limited to dealing with AIDS. I do not regard the recitals as limiting the Resolution itself.

What we have before this House is a Resolution that could come back with recommendations on abortion. Not just a specific area. The present Law came into effect in 1975. Prior to that, I believe it was substantially in our Offenses Against a Persons Law of 1861, which specifically states:

> "whoever, with the intent to destroy a life of a child capable of being born alive by any willful act causes a child to die before it has existence independent of its mother is guilty of an offence and is liable to imprisonment for life.".

That is now in our Penal Code. To that there is very limited offences. I do not intend to get into those because I listed work on the subject when I was a Law student some 22 years ago. Happily the law had remained that way for a century before that.

If there are medical reasons for saving the life of the mother, then in those circumstances there can be an abortion. I am just speaking generally Sir, because I have not gone to any depth in that aspect of it. When we look at the reason we will see that this Motion cannot be what is stated in the recital. The occasions that an abortion are medically desirable is increasing due to the fact that the AIDS virus can be transmitted from a mother to a foetus.

If the Member for Health has studied his own Medium Term Plan for the prevention and control of AIDS, which I must say I have a lot of sympathy in relation to this specific document, if it is accurate, then on page 9 it makes it very clear in the sixth line, that there have been no cases associated to IV drug abuse or transmission of infected blood, nor has there been any cases among children. If we look further on in this, we will see that there has never been a case of AIDS in a baby in these Island. In fact, it goes

even further than that. On page 36 of his Report it says that no AIDS cases among children under 15 years of age have been identified. Not just babies, there is nothing even amongst children.

There is another section that I cannot quite point to it at present but it says that some 400, I am sorry that amount may be wrong but some substantial amount of women that are pregnant, it may have been 300, they have all been tested for AIDS and no pregnant mothers have been found with AIDS. Therefore I am at a loss as to what the real reason is behind an issue that is obviously going to tear this country apart.

I have just supported several constructive measures that the Government has brought. As I have said before, I am not prepared to, for no good reason, put this country in turmoil with issues that do not yet need to be raised. What really is this country coming to?

We have had Radio Cayman testing the waters for legalising gambling. We have seen here that by what I say that it is not justified on the facts that the Member has produced in relation to AIDS, to attempt to deal with one of the most difficult religious and moral issues in this country.

What is the feeling of Churches in this country on this issue? We have a country that is religious compared to many other countries. We have very deep feelings in this country relating to religious issues and I hope that the Ministers, Churches, service clubs and those that have strong views on the constant approach to legalising matters that for centuries have been illegal, whether it is gambling, abortion or whatever. I do not know what we will get next on a Motion to legalise.

In a country that is already riddled with crime, a country where drugs are rampant and here we are standing in this Honourable House dealing with legalising abortion in this country. What really is this Government thinking about? Where are we going? The Member for Health is trying to pass over lightly the issues here. The tactic of this coming on the air, or perhaps being closed out at midnight or one o'clock tonight...

MR. PRESIDENT: I am sorry, you are out of order.

MR. TRUMAN M. BODDEN: All right Sir, as you rule.

I feel that sufficient time should be given here and the issue is one that has to be debated in depth. I understand the approach taken by the First Elected Member for the Lesser Islands but I feel that the Motion before this House is a completely wide open Motion.

I was badly criticised by the Member for Health about secret Committees when I tried to deal with the Drugs Law. This is going out for debate in a secret closed Session. We have to understand that what is good for the goose is good for gander. There is this feeling, if it is genuine, against a Select Committee.

Why is Government and you see private Members using these Select Committees if they are so bad? I saw nothing wrong with it but I got the feeling that Government does not like having important things done in secret. Perhaps the time has coming when the whole question of secrecy around these Committees may have to be looked at, for issues such as these. The Committee may, if it wishes, remove that secrecy but as the Standing Orders go Select Committees, as the Member for Health has quite correctly said, are done behind closed doors.

MR. PRESIDENT: If I may interrupt you for a moment, I think 71(4) is the Standing Order that refers that it would not be possible for the Select Committee to hold its hearings in public. I think it would require a suspension of the Standing Order from this House which you might be coming to move. I am not quite sure of the drift.

MR. TRUMAN M. BODDEN: Mr. President, I thank you for your guidance here.

The whole idea here is that we have issues being taken against the procedure of Select Committees when it suits the Government to oppose it such as when I put it forward. On the other hand, when it suits them to use that machinery, it is good. It cannot work both ways.

I accept that the AIDS problem is a serious matter. Quite frankly, I will tell the Member for Health that he has a lot of support. I am now trying to go through his Plan in that area, and where I can assist, I will. On the other hand, we cannot take and use flimsy excuses which are not justified by the Member himself in his document, which to grind the moving of this matter to a Select Committee.

I am not going to vote for this to go into a Select Committee. To be frank, I would be condoning this if I should make some attempt to. I thank you for your guidance Sir. If I should make some attempt it would be to make it public, because I do not agree with it going there anyhow. We are seeing more and more legalising of harmful things.

This constant approach to picking up things from other countries whether it is the US where it is now a big issue, or the United Kingdom a decade or two back, or whereever. Putting them out to the public without cause is just creating problems and frustrations to the people of these Islands unnecessarily. My feelings on this is that it is a needless issue that should never have been raised at this time.

I am getting quite hoarse because I have been spending quite a bit of time on this. I am wondering how long the House or if they are minding to sit? I do appreciate having water service.

HON. BENSON O. EBANKS: I would like to suggest that you sit down because you are not making any points.

MR. TRUMAN M. BODDEN: With all due respect, you have ruled about people using that...

MR. PRESIDENT: Please do not use the microphone unless you are making a Point of Order, not while seated.

HON. BENSON O. EBANKS: Yes Sir, I accept that point and apologise.

MR.TRUMAN M. BODDEN: We are looking at considering the matter which presently carries a very serious penalty. We are not looking at a very simple offence; we are not looking at things like increasing the number of licensed premises or things of that sort. We are looking at and dealing with a serious matter. It has a serious penalty. It has serious impact on the community.

I want to spend a bit more time and read another couple of sections as to what is put up as justification for this and that is, that AIDS can be transmitted from a mother to her foetus. It is a fact but because it is happening in some other countries on a limited basis, there is no reason for us to get involved in something that has no impact on us. I am attempting to find some of these sections in his report, Sir. The Member for Health is not in the position to give any justification. He is dealing on a point of abstract...

POINT OF ORDER

HON. D. EZZARD MILLER: On a Point of Order, Mr President. The speaker is misleading the House because that document provides that the incidents of AIDS has not ceased. When I put that document on the Table, I indicated that there has been an increase in AIDS and he must not tell the people that I have no grounds on which to base my argument, because I do.

MR. PRESIDENT: That is a point of explanation rather than a point of order.

MR. TRUMAN M. BODDEN: If I had known that, I would not have sat down and would let him have his turn further down. But in any event, The document before this House has been put up for the Member of Health. I would hope that he knows what is in it and that he supports what is in it.

On page 10 it says: "Since September 1987, 300 pregnant women attending ante natal clinics have been tested and none were found to have anti-bodies against HIV.". That is a long period of time, Sir. We are looking here at 18 months or so. It is 300 people. The point is, that there are other areas of this and one of these relate to the possibility of transfer.

I would like to show in relation to the fact that it is not justified in the issue. It is not every pregnant women with AIDS that transmits it to her child. That part is set out in the Report. I believe what the Report used is 50 per cent, so that half of those children may not have AIDS. Even if the time does come, let us see a Report before this House where there is justification. We cannot deal with issues which have no present impact.

What I was looking for was on page 36 and I would just like to read this: "Transmission of HIV from infected mother to her infant during perinatal periods (both during and after delivery) is well established. Approximately 50 per cent, of HIV-infected pregnant women transmit the infection to their newborns and their prognosis for such a child is poor as approximately 40 per cent of HIV infected newborns may die in the first year of life. Current data indicates that most perinatal transmission occurs during pregnancy and rarely through breast milk. In the Cayman Islands no AIDS cases among children under 15 years of age have yet been identified.".

I can see some effort being made to deal with the AIDS problem. It is a serious problem. It is a killer. We cannot fool ourselves into believing that this matter is one of urgency which requires this type of treatment by the House. It is really an attempt to displace a Law which has stood the test of time. If there is some other reason to put this in to a Select Committee it has neither been given by the Member for Health nor has it been put into this Motion. I am not against having a hard look at what is the alternative to this, which is assisting the Member to stop AIDS from being transmitted.

As I understood from his Report, I think it was only 2 people living with AIDS. I could be wrong. Was it 6 or 8 with the antibodies? So we are looking at something that is a very small problem even from the AIDS point of view. I do not regard the moving of this Motion into the Committee as something that requires any urgency. I am not convinced that the second recital, which to me is a hypothetical recital, says: "Whereas the occasions on which abortions may be medically desirable are increasing;". They cannot increase because they do not exist at this stage; "increasing inter alia to the fact that the AIDS virus can be transmitted from a mother to her foetus.". That is a hypothetical recital. Where there is nothing, there can be no increase.

The whole Motion, in my view, is unfounded. I am not prepared to assist with attempting to spend the House's time on dealing with a matter that is neither eminent or factual at present. Especially not with something that is hypothetical. The first recital says: "At present there is no Law permitting abortion, save very exceptional circumstances;" is correct. Unfortunately the Member did not go into these, but abortion is on a very limited basis.

Taking a new area of this a bit further. I would like to say that if this does finally reach a Committee, the argument behind this is that abortions should be permitted because they are really self-inflicted. We can take that whole argument further, so are drugs. A person that takes drugs hurts himself 90 per cent of the time.

We have to be careful when we begin legalising these matters,

so the rationale behind it does not get away from this House. The fact that this may be self-inflicted does not make it any different from the legality of somebody taking drugs or inflicting himself with something. My position is very clear. I am totally against drugs and I am against this wide Motion that is dealing with permitting abortions.

MR. PRESIDENT: Would you care to have the Adjournment taken or do you feel you might be finishing in a minute or two?

MR. TRUMAN M. BODDEN: Mr. President, I would rather have the Adjournment. It is late in the day Sir, and we have all been speaking a lot.

SUSPENSION OF STANDING ORDER 14

HON THOMAS C JEFFERSON: Mr. President, before I move the Adjournment, I would suggest for the benefit of the listening public, that this debate will take precedence tomorrow morning rather than getting into Private Members' Motions.

That being the wish of the House, I would move that we suspend Standing Order 14 so that this particular Motion can be continued and completed tomorrow before we go into Private Member's Motions.

MR. PRESIDENT: I was just checking whether a seconder was necessary. It is not. The Motion is, therefore, that Standing Order 14 be suspended for the purpose that the debate on this Motion be continued tomorrow before Private Members' Motions are taken.

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

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED: STANDING ORDER 14 SUSPENDED.

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 stand adjourned till 10 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it. The House is accordingly adjourned until Thursday morning at 10 o'clock.

AT 5.15 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., THURSDAY, 23RD FEBRUARY, 1989.

THURSDAY
23RD FEBRUARY, 1989
10:09 A.M.

MR. PRESIDENT: Prayers, the First Elected Member for West Bay.

PRAYERS

MR. W. McKEEVA BUSH: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth, 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 the light of His countenance upon us and give us peace now and always. Amen.

ANNOUNCEMENTS BY THE PRESIDENT

MR. PRESIDENT: Proceedings of the House are resumed.

Before we go forward with today's business, could I inform Members that the funeral of the late Mrs. Ackermon, the mother of Mrs. Daphne Orrett, will take place at 4:00 P.M.

I understand that the House would wish to adjourn at 3:30 P.M as a number of Members will be attending.

Item 2 on the Order Paper. Papers, the Second Elected Member for Bodden Town.

PRESENTATION OF PAPERS AND REPORTS

REPORT OF THE STANDING HOUSE COMMITTEE
(Meetings held 5 & 12 December, 1988 and 9 & 17 February, 1989)

MR. FRANKLIN R. SMITH: Mr. President, I beg to lay on the Table of the House the Report of the Standing House Committee of meetings held on the 5th and the 12th of December, 1988, and on the 9th and 17th of February, 1989.

MR. PRESIDENT: So ordered.

QUESTIONS TO HONOURABLE MEMBERS

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 23: Would the Honourable Member say what is the total amount of rent for accommodation paid by Government for all contracted officers for the year 1988?

ANSWER: The total amount paid by Government for living accommodation for contracted officers during 1988 is CI$2,300,717.00. Deductions from salaries for rent during the same period totalled CI$1,125,744.00 leaving a net figure of CI$1,174,973.00.

SUPPLEMENTARIES:

MR. GILBERT A. McLEAN: Could the Member say what is the total number of contracted

officers?

HON. J. LEMUEL HURLSTON: During the year 1988, the average number of officers in receipt of rental allowances was 219.

MR. JOHN B. McLEAN: I wonder if the Member could say if these figures include persons brought in on short time contracts?

HON. J. LEMUEL HURLSTON: No.

MR. TRUMAN M. BODDEN: Would the Member say whether the rent is the same in relation to local contracted officers as against overseas, or if there is a difference?

HON. J. LEMUEL HURLSTON: Housing allowance is only payable to local officers if they were recruited from abroad or transferred on an inter-island basis. Otherwise rental is only payable to overseas contracted officers.

MR. W. McKEEVA BUSH: For the sake of clarity, can the Member say whether this is a new policy or whether this has been something ongoing in the Civil Service?

HON. J. LEMUEL HURLSTON: This is very much an ongoing commitment on the part of Government to provide housing accommodation to officers recruited from abroad or officers transferred within the Islands.

MR. GILBERT A. McLEAN: Could the Member say if there are any local persons who are on contracts which attract housing allowance at this time?

HON. J. LEMUEL HURLSTON: Yes, there are but unfortunately I do not have the precise number with me. I could undertake to provide that answer in writing to the Member, Sir.

MR. GILBERT A. McLEAN: That would be acceptable. Another supplementary, please.
Could the Member say whether the answer given is not quite correct, taking into account that the accommodation costs of people on short term contracts are not included?

HON. J. LEMUEL HURLSTON: Yes, I can concede that the answer is incorrect, because it does not include other accommodation costs such as short term consultancies. However I did not interpret the question as soliciting that as part of the answer. I interpreted it to mean rental accommodation normally paid on an annual basis and short term consultancies would not fall into that description.

MR. PRESIDENT: I think, perhaps in examining the question I might have taken up that point. I took 'offices' to mean Civil Servants' public offices.

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

NO. 24: Would the Honourable Member state what was the completion cost of the new Dental Clinic in Cayman Brac; how long it took to complete; and give the total square footage of the building?

ANSWER: The completion cost of the new Dental Clinic in Cayman Brac was CI$129,812.70. It took eleven (11) months to complete (from September 1987 to July 1988). The total square footage is 2,464 square feet. The cost per square foot is CI$52.68.

SUPPLEMENTARIES:

MR. GILBERT A. McLEAN: Could the Member say why the building took approximately 11 months to complete?

HON. LINFORD A. PIERSON: The reasons it took so long to complete is that that there was a severe shortage of labour on the Brac due to the construction of the Airport facilities, as well as other private work, such as the Tiara Beach Hotel. In addition, there were delays in obtaining material such as fill.

CAPT. MABRY S. KIRKCONNELL: Would the Honourable Member confirm that or is it not a possibility that one of the reasons for the delay was that during construction it was considered that we also needed public health facilities and that there was modifications to the floor plan?

HON. LINFORD A. PIERSON: Yes, that is correct.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE MEMBER RESPONSIBLE FOR TOURISM AVIATION AND TRADE

NO. 25: Would the Honourable Member say what is the total number of flight attendants with Cayman Airways, giving their nationality, how many possess Caymanian status, the number of attendants in each classification and their years of service with Cayman Airways, and what are the average salaries in each classification?

ANSWER: The total number of flight attendants presently employed by Cayman Airways is fifty-five (55); 23 possess Caymanian Status; 4 are Canadian; 5 are United States' citizens; 15 are Jamaican; 3 are United Kingdom Citizens; 1 is Brazilian; one is Finnish; one is Nicaraguan; one is Venezuelan; and one is Trinidadian. There are 12 senior flight attendants, and 43 junior flight attendants. The average salary for senior flight attendants is CI$18,521.00, and for juniors CI$12,715.00. Years of service are as follows:

SENIOR FLIGHT ATTENDANTS

Five Caymanians with 3 to 5 years service; 2 Caymanians with 6 to 7 years service; and 2 Caymanians with 8 to 9 years service; one Canadian with 5 years service; one United Kingdom Citizen with 7 years service; and one Brazilian with 10 years service.

JUNIOR FLIGHT ATTENDANTS

Four Caymanians with one year service; 7 Jamaicans with one year service; 1 United States' Citizen with one year service; 1 Trinidadian with one year service; and 1 United Kingdom Citizen with one year service; 9 Caymanians with 2 to 3 years service; 8 Jamaicans with 2 to 3 years service; 4 United States' citizens with 2 to 3 years service; 2 Canadians with 2 to 3 years service; 1 Nicaraguan with 3 years service; and 1 Venezuelan with 2 years service; 2 Caymanians with 4 to 6 years service; 1 United Kingdom citizen with 4 years service; and 1 Finnish with 6 years service.

SUPPLEMENTARIES:

MR. GILBERT A. McLEAN: A supplementary, Mr. President.
Could the Member say what is the cause of the high number of other nationalities in the total amount of flight attendants of Cayman Airways?

HON. W. NORMAN BODDEN: Mr. President, Cayman Airways makes every effort to recruit as many Caymanians as possible because our aim, like Government, is to Caymanianise the service as early as possible. Like other businesses and departments in Government, the Company is dependent on recruiting outside labour from time to time.

To give the Member that asked the supplementary an idea, the Company recruits flight attendants probably once a year. Last year we had 16 Caymanians trainees who were recruited. Out of those 16, there are only 4 left with the Company at this time. Twelve of them for various reasons, served only a short term with the Company and then left. We had 6 that had to have their services dispensed with because they were unreliable. We had one Caymanian who walked out of the class. There were 2 Caymanians who failed their classes, one Caymanian that resigned after being qualified and 2 that walked off the job.

So, our efforts are concentrated on recruiting as many Caymanians as possible. The reason for the large number of non-Caymanians in the employment of Cayman Airways at the present time is simply because the company has not been able to recruit all the needed flight attendants from the local labour market.

MR. TRUMAN M. BODDEN: A supplementary, Mr. President.
Could the Member tell us what is the process, like advertising, that he goes through prior to this recruitment?

HON. W. NORMAN BODDEN: With respects Mr. President, it is not the procedure that I go through, it is the procedure that the Company goes through. That procedure is to advertise the post in the local newspaper, the Personnel Department of Cayman Airways will receive all the applications, conduct interviews, and select the best of what they have of the applicants and then they will start a training course which is an established procedure. Those applicants that complete the course successfully are offered a position with the company.

MR. TRUMAN M. BODDEN: A follow up on that. Do you liaise with the schools, say the High School, Triple C and ICCI (International College of the Cayman Islands) to try to get a direct injection?

HON. W. NORMAN BODDEN: I am of the opinion that I would have to say, that proper liaison is carried out between the Personnel Department of Cayman Airways and the various schools. I know that, not too long ago, in fact the latter part of last year, the Chairman of Cayman Airways addressed the senior class at one of the High Schools, I think it was. The company also liaise with the Career Officers of those schools to try to encourage those Caymanians to look to Cayman Airways for a career.

MR. JOHN D. JEFFERSON, JR: Taking into consideration the attractiveness of Cayman Airways

which is the presence of Caymanian flight attendants, what measures are being taken by the company to address this sudden decline in attracting and retaining Caymanian members of staff in this category?

HON. W. NORMAN BODDEN: I do not know what sudden decline the Member is referring to. I think the situation, as it exists today in Cayman Airways, as regards to ratio to non-Caymanians to Caymanians employed with the company, that situation has existed for several years and is no different to other companies doing business in this country.

It is well known that we have an over-employment situation and I think that the Company offers benefits to all its employees. It does not differentiate between Caymanians and non-Caymanians, which it cannot do. I think the Company endeavours to make their offer as attractive as possible. I think the Company is also faced with the same difficulty that Government itself might be faced with.

If we look at the reply and the average salary, the salaries are not really the highest in the world nor the highest in the industry, I might add. For that reason, sometimes our own people are attracted to better paying positions in other jobs. That is the only reason I can give at this time.

MR. JOHN B. McLEAN: I wonder if the Member can tell us from the amount of 55 how many are true born Caymanians?

HON. W. NORMAN BODDEN: I take it, Mr. President, that when the Member talks about true born Caymanians, he is referring to persons born here?

MR. JOHN B. McLEAN: That is correct, Sir.

HON. W. NORMAN BODDEN: We have 23 who possess Caymanian Status. Of the 23 we have 15 born Caymanians.

MR. GILBERT A. McLEAN: A supplementary, Mr. President.

Could the Honourable Member say whether any formal survey has been made by the management of the Airline to identify whether a negative situation exists to cause an exodus of Caymanian flight attendants?

HON. W. NORMAN BODDEN: I cannot say whether a formal survey was carried out, Mr. President, but, in researching the information for my answer to the question, I asked the Head of that Department of Cayman Airways why 12 out of 16 attendants choose not to remain with the Company, and I have outlined the various reasons why those 12 are no longer with the Company.

I do not know whether a negative attitude exists in the Company which may cause flight attendants not to remain with it. I suppose it could be investigated further. I do, however, from time-to-time, get representations from flight attendants who disagree with decisions taken by the Head of that Department and they either leave in disgust or simply because they do not necessarily agree with decisions that are taken.

Other than that, nothing has been brought to my attention. I suppose I could request, from the management of Cayman Airways, that a formal investigation be carried out so that we have something documented.

MR. GILBERT A. McLEAN: Mr. President, I would just like to ask whether the Honourable Member would give an undertaking to look into the situation more formally?

HON. W. NORMAN BODDEN: I can give that undertaking, Mr. President - that is, to see if anything exists other than what I have already replied to in my substantive answer and in the supplementaries.

MR. GILBERT A McLEAN: In view of the fact, as noted by the Honourable Member, that the salaries being offered are rather low and apparently low even with the industry and certainly in terms of wages offered in the Cayman Islands, is anything being done by the management of Cayman Airways with a view of grading salary levels in this particular area, or generally?

HON. W. NORMAN BODDEN: Mr. President, the Company recently, that is just a few months ago, carried out a salary review and I believe that the figures I gave represent the scales in which junior and senior flight attendants are placed.

In discussing this matter with management, it is not felt that the Company is in the financial position to do any further review to upgrade salaries at this stage. I believe it is a matter of resources and also because the fact has to be taken into consideration that if flight attendants' salaries were to be upgraded or increased substantially, it would affect all other departments of the Airline, and the total could represent a considerable increase. However, this question of salaries, I would say, is constantly under review and the Company endeavours to make their salary scale as attractive as possible.

MR. TRUMAN M. BODDEN: Would the Member say, he may or may not have the figures on this, whether this percentage figure or ratio of Caymanians to non-Caymanians is similar to throughout the Airlines itself, or is it just peculiar to the flight attendants?

MR. PRESIDENT: I think that this is going well outside the question, but the Member may wish to reply.

HON. W. NORMAN BODDEN: Mr. President, I believe it might be more related to the flight attendants than throughout the other departments.

MR. PRESIDENT: Before we go on to the next questions, perhaps we should make it clear that in the procedure for questions, I would call the Member asking the question, then there is the reply. The normal practice is that the Member who asks the question gets priority in asking supplementaries. Normally, I will call the name of further Members asking supplementaries. This is more for the benefit of the radio audience than for anybody else. So that is how I intend to do it.

The next question, 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. 26: Will the Honourable Member state the number of criminal offences under the Liquor Licensing Law and alcohol related offences including those under the Roads Traffic Law for the years 1982 to 1988 inclusive.

ANSWER: With the exception of the 1988 statistics (not yet published), all previous years' figures are available in the Police Annual Reports, but are given below for convenience:

LIQUOR LICENSING LAW

Year	Number of Offences
1982	12
1983	10
1984	11
1985	17
1986	19
1987	18
1988	32

ROADS TRAFFIC LAW

Year	Number of Offences
1982	48
1983	80
1984	74
1985	94
1986	106
1987	157
1988	166

SUPPLEMENTARIES:

MR. TRUMAN M. BODDEN: This may or may not be a bit wide. Can the Member say whether the police have given any reason why there has been the rapid increase, say in 1988, nearly doubling, and the high amount of 166 offences there?

HON. J. LEMUEL HURLSTON: When the Police Annual Report of 1988 is laid on the Table on this Honourable House, hopefully during the currency of this meeting, it will be seen that the category of offences contributing most substantially to this increase is the category of driving whilst intoxicated. The continued increasing efforts of enforcement of this particular area is the main contributing factor. So it is increased enforcement that is contributing to the increased offences.

MR. W. McKEEVA BUSH: A supplementary, Mr. President.

Can the Member say whether any of the offenders were able to plead any kind of immunity?

HON. J. LEMUEL HURLSTON: No, Mr. President. I am not able to confirm that.

THE THIRD ELECTED MEMBER FOR GEORGE TOWN TO ASK THE HONOURABLE THIRD OFFICIAL MEMBER RESPONSIBLE FOR INTERNAL AND EXTERNAL AFFAIRS

NO. 27: Will the Honourable Member state the number of licenced premises in Grand Cayman, Cayman Brac and Little Cayman respectively at the end of each of the years 1982 to 1988 inclusive?

ANSWER: Figures released by the Liquor Licensing Board for Grand Cayman are as follows:

Year	Number of Licenced Premises
1983	87
1984	94
1985	122
1986	124
1987	128
1988	133

Figures released from the Liquor Licensing Board for Cayman Brac and Little Cayman are as follows:

Year	Number of Licenced Premises
1982	14
1983	14
1984	16
1985	13
1986	14
1987	15
1988	13

SUPPLEMENTARIES:

HON. BENSON O. EBANKS: A supplementary, Mr. President. I wonder if the Member has a breakdown of the number of licences in categories. For example, Retail, Bar and Restaurant or Hotel.

HON. J. LEMUEL HURLSTON: Yes, Mr. President. I do. Unfortunately, I do not have sufficient copies to distribute to all Honourable Members. Perhaps, I could read out the categories in respect to the year 1988 and give an undertaking to have copies of previous years circulated, if requested.

For the year 1988, in Grand Cayman there were a total of 59 retail Licences, 24 Packaged Licences, 16 Hotel Licences, 11 Distributor Licences, 12 Wine and Beer Licences and 11 Restaurant Licences. In respect of Cayman Brac and Little Cayman for the year, 1988, there were 5 Hotel Licences, 4 Retail Licences, no Distributors Licences, 2 Package Licences and 2 Night Resort Licences for a total of 13.

MR. TRUMAN M. BODDEN: Mr. President, I would like to ask the Member, is it not a fact from this question and the previous one that liquor licenced premises have increased as well as the number of crimes related to alcohol?

HON. J. LEMUEL HURLSTON: While I can agree that the number of licences have increased and the number of offences have increased, I have no information that confirms any correlation between the two.

MR. JOHN D. JEFFERSON, JR: I would like to address the following supplementary question to the Member. What is the main reasons for the sudden increase in the Liquor Licences issued since 1984?

HON. J. LEMUEL HURLSTON: The main increase is that there has been an increased number of applications that met the qualifying criteria.

MR. GILBERT A. McLEAN: Would the Member say if there was a restriction on the number of licences which could be issued in these Islands up to 1984 which changed since that time?

HON. J. LEMUEL HURLSTON: Yes, Mr. President. I can confirm, I do not have the exact date of the amendment, but there was a time previously when licences were issued on a geographic basis. This was based on the number of registered voters in that particular electoral constituency. That restriction was lifted by an amendment to the Liquor Licensing Law, which I believe, came into effect in 1985.

MR. JOHN D. JEFFERSON, JR: A supplementary, Mr. President.

The Member mentioned that the reason for the sudden increase was that more premises qualified for a licence. Why did so many, all of a sudden, qualify for a licence after 1984? Was it because the requirements were relaxed?

HON. J. LEMUEL HURLSTON: No. In addition to meeting the statutory requirements, applicants have to satisfy the Licensing Authorities in both jurisdiction that they have a Trade and Business Licence and that they are going to be providing a service to the public.

MR. W. McKEEVA BUSH: Can the Member say whether it is a fact that licences before 1984 were transferred, sometime in close proximity to churches?

MR. PRESIDENT: I think that does go rather beyond the scope of the present question.

There appears to be no more supplementaries. We will proceed to Item 3 on the Order Paper. Government Business. Continuation of debate on Government Motion No. 4/89. The Third Elected Member for George Town, continuing.

GOVERNMENT BUSINESS

GOVERNMENT MOTIONS

GOVERNMENT MOTION NO. 4/89

MEDICAL TERMINATION OF PREGNANCY

(Continuation of the debate thereon)

MR. TRUMAN M. BODDEN: Mr. President, late yesterday afternoon I was part way through the debate on the Abortion Motion on the aspect of the thrust of which I see the Motion itself as not justified. It gave no cause at all, much less good cause, that this Select Committee should be formed. This issue was not raised in the General Elections and I believe that all important issues should be aired to the public.

Issues relating to matters such as Constitutional change, I think, fall into this category. If Members feel that they should deal with the important matters shortly after an election, I think that the good testing ground is making them general issues then. My reasoning on this is that if there is a Select Committee, it will go there and unless, as you mentioned earlier, that Committee is held in the open where the public can hear it, more than likely though it will be held in secret where all these Select Committees have been held.

Prevention, not cure is what this Motion does not deal with. The present situation, that the Motion sets out, is one that there is no one to be cured as yet. Therefore to deal and discuss this issue and moving it to a Select Committee is, in my view, unfounded. There are no pregnant mothers with AIDS and there are no babies with AIDS, according to the Report. My question is this. What is the Member doing to prevent AIDS in pregnant mothers? I believe that at the time of that Committee could be much better spent on dealing with AIDS prevention problem with an AIDS Prevention Programme.

When there are motions such as this, which is to me a very heavy motion, it is one that is tied deep into the religious and moral fundamentals of this Community. I would hope that perhaps at some stage when we do look at the Standing Orders that perhaps a much longer time could be put for motions that have a very important aspect such as this one does. It could be done, for example, by saying that if you so certify it, then perhaps a months notice to allow the matter be properly aired and properly dealt with. It would be somewhat fairer to the public. My hope is that the churches and the service clubs of this country will take a stand on this issue. The Ministers Association has recently taken a firm stand in relation to gambling and I appreciate that. I believe that they should now take a good hard look at the question of abortions.

Here I am going to diverge a bit and I hope that you will bear with me, because it does relate to the ultimate vote in the House.

As I understand it, under the Cayman Islands (Constitution) Order, Members of Executive Council have collective responsibility, and you have the discretion as Governor, whereby, if you so wish (and if they so ask) on certain issues you can free them from collective responsibility to vote their conscience. I am merely clearing that up because while it is your absolute discretion, it is rarely used. I do know that in the past and in other countries on moral issues such as this, or the death penalty, that has been done. It should be interesting that I bring the House's attention to it, to see how the vote will go if Members are permitted to vote their conscience. It is at your discretion and I point that out.

MR. PRESIDENT: I think, if I could clarify that point: it was a decision of Executive Council to agree that this Motion came forward. Although it was not discussed, the question of voting according to conscience, I have subsequently, in fact, put this to Members and they are free to vote according to their conscience on this Motion.

MR. TRUMAN M. BODDEN: Thank you very much, Mr. President.

I think the Member for Health would be doing this country a favour if he withdrew this Motion. It is ill-timed. If the Motion had been brought later on when there is some cause for it, when there was AIDS rampant among the pregnant mothers, then at least there would have been some justification within the Motion. Cayman, as I see it, needs no moral controversy at this stage. This Motion is not only going to badly split this House, but it is going to split Caymanians within this country. You will see, as time moves on... and I respect people's views, that there are people who will be for this and people who will be against it.

At this time, the timing is bad and I think the Motion is bad.

The Member did mention in this House and in the newspaper about writing off a part of a generation of Caymanians that are on drugs. Here we may well be attempting to write off a part of a generation of unborn children. I would like to remind him that we are running out of generations in

our life time. The position of looking at life, the value that one gives to life is something that cannot be measured in terms of money.

POINT OF ORDER

HON. BENSON O. EBANKS: On a Point of Order, Sir, Standing Order 41(1).

I realise that you have not called the Member's attention to repetition but certainly it is only a re-recital of what the Member said yesterday evening.

MR. PRESIDENT: The Honourable Member places the Chair in a very difficult position. I have taken a very lenient line on repetition indeed on irrelevance too. If the House wishes me to take a stiffer line, I will be happy to do so. But it will result in a good deal of interruption for Members that are speaking. So may I just issue a general caution and invitation in the matter.

MR. TRUMAN M. BODDEN: As I was developing my argument about writing off lives, writing off a generation, I think the approach has to be one which deals with the prevention of this. The reason for putting this Motion into a Select Committee is that we are trying to cure a situation that could lead to the writing-off of part of a generation of unborn children in these Islands. This is a serious matter. The writing off of generations is something that we heard during times like World War II, relating to a generation of Jews. We cannot take this matter lightly.

If there is no problem, there can be no cure. Life is too short to sacrifice even one life. Whether that life be an unborn child or a person who is on drugs. We have to do everything in our power to ensure that life is not sacrificed.

In summarising my debate on this matter, I would once again ask the Government of this country, what is this country coming to? Where are we going, when motions such as this are brought to the House? The Member for Health's Medium Term Plan on AIDS shows no pregnant mother with AIDS out of the 300 checked since 1987. The whole reason behind this Motion is to deal, as it says in the second recital, with the occasions where a medical abortion is desirable are increasing due to, and inter alia to the fact that the AIDS virus can be transmitted from a mother to her foetus. The main example of this deals with AIDS.

In summary, the thrust of my argument is that this does not exist. No other causes have been given in it. What is the real justification behind this Motion? Further, in summary, AIDS, as the Member's Report points out, only 50 percent of the unborn children get AIDS from a parent that has contracted AIDS. So we have here, in any event, a 50 percent error in dealing with life.

I do not know the reasoning behind it and in fact until I read the Members' Medium Term Plan which has some good things in it and I am man enough to stand here, as I did yesterday, and say that I am prepared to work with the Government towards finding a solution in preventing AIDS. I am not prepared to stand here when the Report from the Member of Health's Portfolio goes totally against the justification for the resolution. There can be no increase in the problem with AIDS in unborn children when there are no unborn children with AIDS.

MR. PRESIDENT: This is a very serious matter but I think you are now repeating yourself.

MR. TRUMAN M. BODDEN: Yes, Sir. In summary, I am not prepared to support this Motion. I am not to prepared to go into a Select Committee to discuss it. I believe that the Member would be doing this country a service if he withdraws it or finds some other way of getting rid of this issue at this time. The Motion, in my view, strikes at the basics of religion, morality and life and we would be better off going into some Select Committee that is going to try to deal with preventing this problem and the other problems relating to drugs, alcohol and the many other problems of crime in the society.

Let us try to prevent these horrors from within the society. Let us be constructive. Let us not be destructive. To me the results of this Motion is that it will destroy. I would ask Members of this House, as I understand that you can allow them to, to vote their consciences. You decide, as we all will have to do at some stage. Come to grips with ourselves, and say to ourselves when the time comes to vote on this, whether it is not in the interests of this country that you vote no to this Motion. Thank you.

MR. PRESIDENT: The Member for Education.

HON. BENSON O. EBANKS: Yes, Mr. President, thank you.

I rise to support Government Motion No. 4/89.

I would like before even going into the merits of the Motion, to make one thing abundantly clear to Members of this House and the listening public and that is, that this is not a Bill or any firm decision that is proposed to be taken at this meeting. The Motion merely seeks the appointment of a Select Committee, consisting of all Elected Members and the Second Official Member, to review this matter and if thought desirable, recommend appropriate legislation.

I want to make it clear that this, unlike the Mental Health Law which the Third Elected Member for George Town passed in his day in Government without notice, this Motion has been given proper notice to the House and to the Public. Again, unlike what the Member is probably used to, I would call his attention to the wide spread coverage given to other committees similar to this, that this Government has set up. For example, the Labour Law, where representation was solicited and received from every possible

segment of the community and the Committee itself held, I believe it was, 100 meetings. That is the way we are used to introducing legislation of such a delicate nature. We do not rush things through; pull the Bill out of our pocket, and come in here and ask Members to support it - not even properly typed, I understood it was. Now, I will get on to the Government Motion No. 4/89.

It is regrettable that the Third Elected Member from George Town should, at his age, seem to be living in the dark ages. He is not up to date with the medical facts surrounding the dreaded disease, AIDS. He claims that this Motion is too broad and that it has no foundation as to the 'Whereas' clauses. I want to read this Motion and then deal with that statement of his. The Motion says:

> "WHEREAS there is at present no Law permitting abortion save in very exceptional circumstances;
>
> And whereas the occasions on which abortions may be medically desirable"

and note those words, may be medically desirable;

> "are increasing due to inter alia that the fact that the AIDS virus can be transmitted from a mother to her foetus;
>
> Be it resolved, therefore that this Honourable House appoint a Select Committee, consisting of all Elected Members and the Second Official Member to review the situation and if it finds it desirable, to recommend appropriate legislation."

The Member yesterday and again this morning, seems to have had problems understanding the resolved section of this Motion. I want to ask him what situation could the Committee review following, as it does, after those two 'Whereas' sections? What appropriate legislation could it recommend other than if it saw fit or desirable as the resolved section says, to make legislation that would permit abortion on medically desirable grounds? The Committee could not recommend legislation to create any colony of pygmies or anything of that sort.

This is a straight forward piece of business before this House and before I lose track of this, because I have not written any speech, I want to comment on his assertion that this Government has floated a balloon on Radio Cayman on the matter of gambling and then he inquired, where is this Government going. I want to make it emphatically clear that this Government has not floated any balloon on Radio Cayman or anywhere else on the question of gambling.

The only Government activity that I know of, ever in this country regarding gambling, was the undertaking by this Government between 1980 and 1984 and that was the Government which the Third Elected Member of George Town was a part, given to an investor, friendly to that Government, that if they placed a casino in Little Cayman, the Government would build a road to it. I am not coming in this House to make that statement under the Legislative Assembly (Immunities, Powers and Privileges) Law. If he does not know who I am talking about go and review my campaign speeches in 1984. I named the individuals who were given the undertaking and the individual in Government who gave it. He talks about collective responsibility, then he is caught by that umbrella.

MR. TRUMAN M. BODDEN: Mr. President, is the Member saying that the Government has had undertakings relating to gambling?

MR. PRESIDENT: This is a Point of Elucidation to which you may reply.

HON. BENSON O. EBANKS: Yes Sir. The Member seems to have left the kitchen when the heat began to get a little warm. So for his benefit I will repeat the entire submission on the question of gambling.

I said that yesterday and this morning the Third Elected Member for George Town made a statement to the effect that this Government had floated a balloon on Radio Cayman on the question of legalised gambling and that the Churches had taken a stand on it and he was pleased to see it. Then I went on to make the statement that this was not correct. That this Government had not floated any balloon on the question of gambling and I said that the only Government action that I am aware of ever taken on the question of gambling in Cayman was the undertaking given by a Member of the 1980 to 1984 Administration of which the Third Elected Member for George Town was a part, to the effect that if the investor, who was a friend of the Government, built a casino in little Cayman the Government would construct a road to the casino.

I went on to say that he mentioned that Executive Council was bound by collective responsibility, therefore he was caught up in that net. I went further... Sit down until I am finished! I went on further to say that I had not sought to come into this House to use the privileges afforded Members to make this statement. The Member, the Third Elected Member or the last Elected Member for George Town wanted to know the persons involved and I told him to go and check the newspaper account of my campaign speeches of 1984 where i named the individuals concerned. Now, Mr. President, if he wants to explain that, I will give him a chance.

MR. TRUMAM M. BODDEN: Mr. President, I want to make it abundantly clear that the Government of the Cayman Islands has never, during any time that I have been in there, given any consent to gambling, whatsoever. We have always been against it. He, the Member, has specifically stated, as I understand it,

that Government has given undertakings. I have had nothing ....

MR. PRESIDENT: If I may interrupt you, I do not think the Member did say that. I think he said one Member of the then Government gave an undertaking, and he then went on to say that in the light of collective responsibility, that could be taken in effect to be a Government's view or undertaking. That is what I understood. If I am not correct perhaps the Member will say.

HON. BENSON O. EBANKS: That is a perfect understanding, Sir, of what I said.

MR. TRUMAN M. BODDEN: Mr. President, first let me say that collective responsibility is not when a Member stands up and says something and the balance of the seven of them are bound by it. That is not as I understand collective responsibility. I want to make it abundantly clear, that the Government never...

HON. BENSON O. EBANKS: Mr. President, I think the Member...

MR. TRUMAN M. BODDEN: Either he is going to let...

HON. BENSON O. EBANKS: I think the Member has had opportunity to explain...

MR. PRESIDENT: I think I can settle this one. The Honourable Member did not say that the Government had taken the decision or a view.

MR. TRUMAN M. BODDEN: All right, if that is case, Sir, I do not need to go any further.

HON. BENSON O. EBANKS: Thank you, Mr. President. I would like to refresh the Member's memory that I said that I had named the Investor that boasted about it. I had named the Member who did it. I am pretty sure, as much as that young man likes to carry other Members to the Court House that if he thought I could not prove what I was saying happened in 1984, he would have had me there.

MR. PRESIDENT: Perhaps, this might be a convenient moment to take our morning break.

Proceedings are suspended for fifteen minutes.

AT 11:26 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:47 A.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Elected Member for Education, Recreation and Culture.

HON. BENSON O. EBANKS: To continue, Mr. President. The Third Elected Member from George Town said that the Government was now embarking on a mission of legalising abortion for no reason at all. As I pointed out earlier the decision before this House today is not whether we should legalise abortion. The Motion before the House is that a Select Committee should be formed to consider or review the situation regarding medically desirable abortions in light of the advent in the society of the disease AIDS.

The Member quoted from the Medium Term Plan for the Management of AIDS and he said that did not substantiate any reason for this Motion being here today. The Member for Health in presenting the report that the Third Member for George Town referred to and again in his presentation of this Motion called attention to the fact that there were too few cases of persons infected with the AIDS virus since the plan of action was written. This Motion says that the occasions on which medically desirable abortions may be increasing. It is unfortunate that the Third Elected Member for George Town seems to think that only people that use drugs becomes infected with the AIDS virus.

There are many recorded instances of people acquiring the virus through medically administered blood transfusions. And, before the House or the listening public become alarmed that in this country we have screening of blood for transfusions but therein which lies the crux of this whole matter. The AIDS disease is one of stealth. It is a stealthy disease. One can be infected or be a carrier of the disease before it can be detected in the blood. It never manifests itself immediately.

As the Member for Health pointed out, at the Conference called in London in January of 1986 on the AIDS problem, it was suggested that countries consider liberalising their abortion laws to permit abortion in cases where it is considered medically desirable because of the infection of a pregnant woman. If I recall that document correctly, it gave a time frame providing the pregnancy was not more than 24 weeks advanced. This is the reason why we cannot sit down and wait until we know that there are mothers that are infected to air this whole serious matter. We have to take steps now so that we will be prepared if and when that occurrence takes place.

The Third Elected Member for George Town went to some length repeatedly attempting to imply that Government was using the route of the Select Committee so that it could be done in secret and that opportunity should be given for this matter to be aired in public. This is the intention. The Standing Orders of the House permit Select Committees to call or invite persons and papers to appear before it. That has been the record of this Government when dealing with touchy subjects.

I quoted the Labour Law. What I could go on to say is that had that Member or other Members as well, attended the lecture given by the Dean of Law from Overhampton Polytechnic in the Court House a few weeks ago, he would have found out that this gentleman commended this Legislature on the admirable job it had done in compacting in 83 or 84 paragraphs that which has put 8 Laws and 1200 accumulated clauses to accomplish. Of course, the Honourable Member, living in the past as he is, would know about those 1200 and odd chapters and 8 Laws but I wonder if he has taken time to appreciate the sterling job that was done on that Labour Law by inviting public input and by having the tenacity to stick with it until we had a Law that was acceptable to all?

There is every intention to seek input from churches, service clubs, individuals, doctors, nurses and teachers. Everybody. I must highlight that we are talking about medically desirable termination of pregnancies and my humble, feeble mind tells me that the Law would require a certificate that can stand up to medical scrutiny for this to be legal. Not just a medical doctor believing that a pregnancy should be terminated. I would assume that it would require the signature of a minimum of two or three doctors. He is well aware of this. Even in the legal profession, if someone has a problem, they seek second opinions, usually from a Queen's Counsel.

So, to bring this gentleman back to reality and back from the dark ages, we are not talking about just whole scale abortions. When they argued about this thing in London or the Right To Life Movements in the United States, medical science is so precise now that there are cases not that desirable on medical grounds. For example, Rubella or German Measles. Those are other dreaded diseases among pregnant women. But medical science has advanced now to where a mother need not worry whether the child is going to be born deformed or retarded. I do not want to steal all the Members thunder, that is the Member for Health. I am only here to put this thing in perspective. To make Members and the Public understand that the Third Elected Member for George Town does not understand this Motion nor what he is talking about.

I spoke to a Minister of Religion on my way to my office this morning. It was a chance meeting but I knew the man well enough to pose the question to him. His reaction was that if it was medically certified as necessary he would think it was a criminal act not to permit the abortion. It would be a sin to bring a human being into this world to know that within 5 years the mother would die and probably within that time or before that the child would die. During those 5 years both of them would suffer.

I realise that the Third Elected Member for George Town sees his job in this House as being of paramount importance to make the Government in this House look bad. I warned him yesterday that he would not succeed in this. His little feeble attempt to ask the Member to withdraw this Motion will not succeed. The Third Elected Member for George Town has failed to prove his point. I think that the Member for Health has certainly made his point and I am certain will be able to do so more lucidly in his summing up. I have never doubted his ability to do that or he would not be sitting where he is. I always thought, and I might as well give my reason for speaking now, there is no attempt on my part to steal his thunder. I believe that he should be the backstop in this debate. That he must answer all criticisms but I felt that it was my duty to put this matter clearly on record before other Members' followed the invitation from the Third Elected Member of George Town to put a different interpretation to this Motion than what is intended and of course the listening public.

To sum up, we are not seeking by this Motion to legalise abortion willingly at any time, nor are we seeking to legalise abortion on medical grounds here in this Sitting or in this Meeting. I would be surprised if the Committee is able to recommend legislation before the next meeting of this Honourable House. However long it takes, as long as the delay is not one of obstructionism, we will listen to all arguments put forward.

The responsibility of this House and this Government is to legislate laws that permits action to be taken when it becomes necessary. This is what this Motion seeks to do. We do not have any law written on any piece of yellow paper to pull out of our back pockets after this debate is over to present to the House. Our record speaks for itself.

We believe in consultation and dialogue but while I am on this question of communication and dialogue I have to make the observation that merely talking is not communication. If one submits a rambling and unintelligent submission that is not communication. That is confusion. There should be no mistake about that. This Government will never rule by confusing people. We are going to make sure that the issue is clear before the people.

Naturally, the final decision rests on the shoulders of Government, but any prudent Government (such as we are) will take cognisance of any representations made by the public. If the communication is intelligent and understandable, naturally it is a two way street, but if it is rambling and unitelligible and misinterpreting the issue, then it borders on confusion and we are not going to allow our people to be confused. Having said that, I believe that I have set the stage for a more intelligent debate on this Motion and I would hope that the succeeding speakers will debate this issue intelligently and without any preconceived ideas and with due consideration of the advancements in medical science and not talk about what went on in Britain in the dark ages. Get up to date.

The Member can help them with some literature that I donated from the Conference which I told you about, and the British Government paid the greatest part of the cost in that. Just read today's newspaper and see how serious a matter it is that we are dealing with then you cannot in good conscience, sit down and talk about when you get 500 cases of AIDS, that is time enough to talk about this.

Before I sit down, let me record my total support for this Motion.

Thank you.

MR. PRESIDENT: 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 strongly oppose Government Motion No. 4/89, entitled Medical Termination of Pregnancy. I oppose this Motion on religious as well as moral grounds. To me abortion is nothing more than a licence to murder. I oppose murder in any form. The right to life is sacred to everyone.

The issue of abortion has had far reaching effects in countries that have chosen to legalise it. I am aware that in the U.S., its population is divided into two groups - the pro-abortionists and the pro-lifers. Pro-abortionists argue that a mother has a right to choose whether or not she wants to keep her unborn child. Pro-lifers on the other hand oppose abortions on the grounds that everyone has the right to life and that the right of the unborn must be protected.

I am not aware of the main reasons that were given at the time that abortion was legalised in the U.S., but I am quite sure that they had very good reasons for making that decision. According to my information, since that decision was taken to legalise abortion, there has been somewhere in the region of 15 to 20 million abortions that have been performed. In my opinion, this is wrong.

At the present time we have sufficient legislation on our books to permit abortion in the extreme case where the life of the mother is threatened, and I see no reason why (if it is deemed medically desirable, which is what we are dealing with here today) if a decision to terminate a pregnancy the subject of AIDS cannot be handled by the same piece of legislation.

Experience has proven that the emotional side effects of abortion are devastating on the individuals involved. Issues such as abortion eat at the very moral and religious fibre of any society. Our society was established on the fundamental, very strong faith in God, and the respect for human life and decency. This foundation is rapidly being eroded away by external forces and influences and I feel that it must be stopped if we are to survive as a society. This is an issue, if necessary, I am prepared to stand alone on.

I personally do not feel that even in the case of an expectant mother who has been diagnosed as having AIDS, should have the automatic right to have an abortion on the grounds that she fears it will be passed on to her unborn child. We can carry this argument even further to include the unborn who have been diagnosed as being handicapped or retarded, or who suffer from other physical ailments. Many of these persons have grown up to be productive citizens in their respective societies. Life is sweet and precious to everyone.

I feel, if we open the floodgates now on issues such as abortion only God knows, as a society, how far we will be prepared to go. What will come next? Will it be legalised gambling in the form of casinos or lotteries? Will it be the legalising of pornography in our society? I feel we have a big enough job in attempting to find solutions to the problems of drug abuse and crime in this country and we do not need to add to these problems, the problems that will result in legalising abortion.

In closing, I would like to reiterate that I cannot support Government Motion No. 4/89 entitled Medical Termination of Pregnancy. Thank you.

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

MR. ROY BODDEN: I rise to support Government Motion No. 4/89, Medical Termination of Pregnancy. I realise that this is not an issue that can be debated dispassionately in a society like ours. I would like to suggest that I am as concerned as any other Member in here. I am governed and moved by the same Christian principles. Sometimes we have to take other views and other approaches. It is easy for us to stand here and pontificate and to ramble because we are not likely, and God forbid if we are, to be faced with this kind of experience. The disease of AIDS is not something to be taken lightly.

Every publication that I have read in the recent past, including the one in today's Caymanian Compass, it seems that the hope for a rapid and quick cure for this disease fades with the publications. We are in a struggle for life. I would suggest, sometimes we have to take a different view. From my training, I suppose I am fortunate, I always try to arrive at the broadest possible perspective because my study of society tells me that to be faced with this kind of problem, to have to grapple with this type of disease and to be inflicted in this way it is not easy.

If a mother were to produce an infant where the mother was an HIV positive and the infant had a 50 percent chance of contracting the disease from the mother, what would happen in the five year life span that the infant was suppose to live. I respectfully submit that there would be social ostracism of both mother and infant. We start school here at 3 years and 9 months. You tell me who would want to take that child in school? Which parent, of all the pontificating that we have heard here, would want that child to sit next to theirs? Which teacher would want to teach that child or to touch it even though medical evidence contests that it is not an easily contagious disease? So, what we have to look for is the broadest perspective in which to approach this problem.

I was under the impression that Socrates was long dead, but sitting here listening to some of these speakers I am not so sure. We have to be pragmatic and of course I reinterate that all of us in here, gentlemen that we are, that each and every one of us expose ourselves to the examination by the constituents and the communities which we purport to represent. So that there is no one here that can infer correctly that we are morally upright and respecting citizens. It goes beyond that. Each and every one of us, I am sure, are governed by the christian principles even though we may not profess so every day. This is a serious matter and if I read this Report correctly and if I have been correctly informed by the Member, and I think I am intelligent enough to have been correctly informed, there is now a case where this Motion makes it absolutely necessary for us to view this debate in seriousness.

We should not attempt to mislead the public or to mislead the

other Members as to the urgency of the situation. I further submit that in a community of this size, it is next to impossible to control the behavior of some people. If we have one or two cases of this, soon we will be faced with an epidemic.

I have to remark that the position of certain people really frightens me and I am glad that they are on this side and not the Government because, heaven forbid what kind of legislation and positions they would want to rain down on us. I can appreciate that Members have their views, but we must also realise that the privileges that we have in here, addressing as we are, the listening audience, we have a serious responsibility to impart the facts and to present the matters and the motions as they are and not to mislead. To be quite blunt, I am tired of this rambling nonsense about legalising gambling and lottery because I did not hear anyone propose to do that in here.

We are talking about a serious motion. I am heartened by what is pledged by the mover of this Motion and also for the Member for Education that they will always be open to consultations and that they will always respect the wishes of interest groups such as the churches and individuals in this society. This is the essence of democracy. Not Members of the Legislative Assembly abusing the privilege, twisting and turning motions and trying to convey meanings that are not necessarily in what is set down.

MR. TRUMAN M. BODDEN: On a Point of Order, Mr. President. The Member dares to talk about abusing the privileges of the Legislative Assembly (which I do not think he is permitted to do)? You are there, Sir, to ensure that there is no abuse of the Legislature.

MR. PRESIDENT: I do not think the Member was raising privilege. He was talking in general terms about abuse of privilege. I do not think that this is actually raising it. Thank you. I shall keep an eye on these things.

MR. ROY BODDEN: You were correct, Sir, I was speaking in general terms. One thing that I have to say about that. I was told the old adage, who the cap fits, let him wear it.

I believe that this is a good Motion. I am committed, as I will endeavour to be, to vote my conscience. I am prepared to go before my constituents to explain this Motion and to explain my position. I believe that this is good at this stage of the development of our country. I have to refer again to an old adage, 'Prevention is better than cure". I speak strictly from a societal point of view. I am not convinced that if this case were allowed to take its natural course, that we would not have more problems in the future than we would have if we followed the dictates of this proposal. Thank you.

MR. PRESIDENT: Does any other Member wish to speak?

In that case, would the Member in charge of the Motion or the Member proposing it wish to exercise his right of reply?

I take it you wish to speak? The first Elected Member for West Bay.

MR. W. McKEEVA BUSH: I rise, Mr. President, in support of Government Motion No. 4/89 before this Honourable House. We are not dealing with wholesale abortion as abortion is known, we are dealing with the hard fact that is facing every country today, that is, the AIDS issue. I wish to make my stand very clear as to what I term wholesale abortion - I do not support it. In cases where the interests and life of mother and foetus are in conflict (where there is medical certification by at least two doctors) seems to be something that I would agree upon. It should be our duty to protect the right of every woman citizen when they are faced with a situation where there is no hope for the unborn child.

AIDS today, because of it being a relatively new disease, as far as can be determined is very much unresearched. The extent to which a person can come in contact with the disease or the extent to which life is prolonged after a person has been diagnosed as having the disease, or, for that matter, how long a disease can lie in a person before the first symptoms are noticed is, in my opinion, very much unknown, therefore all medical statistics are more or less an iffy situation - except for the fact that once you have caught the disease it is the end.

That is why I support moving this resolution to go to a committee. A person diagnosed as having AIDS is not like the person in the situatation of incest (where there is possible retardation) or the position with rape. In those instances life is most certain for the child. In the case of AIDS, death of the child and death of the mother is most sure. Even the man who gave it to the mother, death would not bypass. They will surely die. All of them.

I believe we are being a responsible administration if we would give the mother the option to medically terminate the pregnancy. This resolution is not making any hard and fast recommendations where once we say yes to the resolution there would be no turning back. This is not the case. The resolution merely asks that we go into Committee to look at the matter. I am indeed happy that this is the route the Member for Health took. I would have been most displeased today if the Member had brought a resolution or a bill giving finality to the matter.

In Committee we will have time to look at all the ramifications and to make informed decisions as best we can on the information available. We can call in the doctors who can tell us how many times they sent women abroad to terminate their pregnancy. I would like to get a history on this because I understand it happened during the time the Third Member for George Town was there. I would not say that it has not happened before or since that time, maybe...

[the Third Elected Member for George Town rose]

MR. PRESIDENT: Is this a point of Order or...?

POINT OF ORDER

MR. TRUMAN M. BODDEN: It is a Point of Order Sir. Is the Member alleging that the Government was approving abortions?

POINT OF ORDER

HON BENSON O. EBANKS: On a point of Order, Mr. President, the Member must call attention to the Standing Order he is claiming privileges under.

MR. PRESIDENT: No there is no need for him to do that. The Chair will decide, but so far you are not on a point of order.

MR. TRUMAN M. BODDEN: It would be a statement... he, as I understand, was attempting to say there that the Government was approving an illegal act.

MR. PRESIDENT: No, I do not think he said that the Government approved it. As I understood what he said - which was a statement that pregnant women had been sent abroad to have abortions, and that this had been going on for some time, including during the period of the previous Government. That is what I believe I heard. Is that correct?

MR. W. McKEEVA BUSH: You are absolutely correct, Mr. President.

MR. PRESIDENT: In that case, I can see no allegation.

MR. W. McKEEVA BUSH: The Member knows what I am talking about. He should listen instead of trying to get information from the Third Elected Member for West Bay who is only misleading him further. To clarify, to make it completely clear, I said that if we had a Committee we could call in the doctors who could tell us how many times they have sent women to Miami to terminate their pregnancy. The statistics would do us good. Perhaps there were times when the Third Elected Member for George Town was there when this happened, and no doubt it has probably happened since then. But if it happened before, I would venture a bet that at no time where an abortion was authorised to take place in another jurisdiction, was it done because of the inevitability of death. Today we heard the same Member interrupting and the same Member advising... He comes here with the most pious and hypocritical attitude, making all kinds of assumptions...

MR. PRESIDENT: I am sorry. You must withdraw that word, 'hypocritical'.

MR. W. McKEEVA BUSH: I will use a kinder word, Mr. President. I bow to your ruling.

MR. PRESIDENT: Please do.

MR. W. McKEEVA BUSH: ...making all kinds of assumptions and inferring all kinds of nonsense about gambling, when I heard that same Member at an Election campaign promising a certain woman that he would legalise the numbers racket.

MR. TRUMAN M. BODDEN: With all due respect, Sir. This is about the second or third time the Member has been out of order!

MR. PRESIDENT: No, no. I will decide that; but that last remark was not in the best tradition of the House. I would like you to withdraw it.

MR. W. McKEEVA BUSH: I will withdraw it, Mr. President, but the truth is the truth.

MR. PRESIDENT: I must ask you not to challenge the Chair in that way, please. The point is withdrawn.

MR. W. McKEEVA BUSH: If the Member is going to take up the mantle as the leader of the Opposition, he should do it with deference to all the very serious situations in the country, without the political rhetoric that is interspersed in all their contributions we have heard. They claim points of order when they are told about their misdeeds. This is all the truth. The lie is not in me.

The Member has made one comparison with drugs against AIDS. I do not understand where they get their expertise. The Member has not given us one scrap of evidence or any statistics why the Motion should not be passed or why we should not vote positively on the resolution.

The Member is no doctor, he is not even a pharmacist. The Member has said that we are dealing with something that has no relevance to us. He said if there is no problem,

there is no cure. He could be right in certain instances, but we do have a problem - the worst problem - the one for which there is no cure: AIDS. This matter before the House is very relevant to all of us because what little statistics we do have tell us that it can be contracted in more than one way. All of us are still fertile.

MR. PRESIDENT: Do you wish to break there or do you think you will be finished in a few minutes?

MR. W. McKEEVA BUSH: About five minutes, Sir.

MR. PRESIDENT: Please continue.

MR. W. McKEEVA BUSH: The fact is that whether or not we have the problem in this country, people have died from it. People have it. It can be given one to another, and for this there is no cure. Those who doubt it should go and test the waters.

I feel that the resolution is timely and I am most pleased that it does not tie us down. I would like to see where a person could make the most reasonable and personal decision in accordance with their own values, needs and situation in consultation with their doctors.

I believe that there is no room for delay in this matter because women and girls will sometimes go to unqualified sources for help. It is much better for Government to deal with the matter. It is better for Government to sit down amongst ourselves and examine all the ramifications and all the possibilities involved with this issue. There is a problem so there is no use of anybody sitting here with their pious attitude saying that Government is doing this just because Government likes abortions. That is what they are trying to say. They are not man enough, they do not have the guts enough to say so.

A certain Member from George Town quite rightly said that this country is a highly religious country. I do not believe there is anyone in this House who is more religious than I. The difference between some persons and myself is that I do what I have to do and leave it between myself and God. I do not care who sees. I would not want to use the word 'hypocritical', that is being unparliamentary. We...

MR. PRESIDENT: I think you are entitled to say that about yourself, that you are not hypocritical. The point is that you cannot say that about somebody else.

MR. W. McKEEVA BUSH: Yes Sir, I will say that then. I am not a hypocrite. The Member said that prevention and cure is what the Motion does not address. I believe that prevention in the case of AIDS will only come when the morals of the world take a higher place.

As far as the Motion splitting the House, I have heard some lessons here that I do not believe would come. The Third Elected Member for George Town says that the Motion will badly split the House. Most motions split the House. That is why you have a Government and an Opposition. But we are here in a democracy. The Member must accept that in this House we are big men who will always vote our consciences. My record is as such: I have never been a "yes man" for anybody. There are some sitting here, but it was not McKeeva Bush, and it did not carry the Bush's name either. Naturally, all of us do not have the same conscience - some have none. So we will vote different and therein lies the split he spoke about. If some people do not understand that, they should not be in this House. It is not something when Government brings a resolution and the House is split - that is democracy. We have to live with our conscience. The question that we must ask ourselves and all those people who talk about the right to life being sacred to everyone... That is no new lesson for this House, that has always been our position. They must not try to make the public understand and the churches understand or believe that we are doing wholesale abortions and that we are legalising wholesale abortion.

The paramount question today in voting on this resolution (because it must go into the Committee) is: Is it right to refuse a woman who is pregnant who has been diagnosed as having AIDS to medically terminate her pregnancy? AIDS is no respecter of persons, be they religious or otherwise. I support the resolution and I trust that Members, if they cannot support the Resolution, will at least tell the public the truth, that the truth will be in them. Thank you Sir.

AT 12:52 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:15 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.

May I remind Members that we are that we are adjourning around half past three and we shall not therefore be taking a tea break. The debate on Government Motion No. 4/89 continuing.

The Second Elected Member for Bodden Town.

MR. FRANKLIN R. SMITH: Thank you, Mr. President.

I rise to support Government Motion No. 4/89, entitled, Medical Termination of Pregnancy, being sent to a Select Committee consisting of all Elected Members with the Second Official Member to review the situation; and (if it is found desirable) to recommend appropriate legislation (because of the occasion) on which abortions may be medically desirable, due to the ever increasing AIDS virus that can be transmitted from a mother to her foetus.

As I understand the Motion, it is not asking for a full scale

abortion. I would like to make it abundantly clear for this Honourable House and the listening public that if it was for reasons other than what it is asking for I would not support it. I believe that if a woman has been tested for the AIDS Virus and she is found to be pregnant that there is a possibility... and I believe that the Report for the prevention and control of AIDS has suggested that there is a 50-50 chance that the child would be brought to life in this wicked world to suffer more than it deserves. That child did not ask to be brought into this world in the first place. If a mother-to-be finds herself in that position and she desires not to bring that child into this world after being counselled about her condition, with the chance of her child being born with the dreaded disease AIDS, then I feel strongly that she should be given her desire. I believe that it would be better to terminate her pregnancy than to let it go on.

I have always heard that it is better to have loved and lost than not to have known love at all. I feel strongly that I would rather never have seen its face than to watch it die of AIDS after it was born. Thank you.

MR. PRESIDENT: The Honourable Elected Member Tourism.

HON. NORMAN W. BODDEN: I support Government Motion No. 4/89, and it is my view that there is no one, regardless of their convictions - religious or otherwise - who could not support this Motion. This Motion calls for a Select Committee of all Elected Members firstly, to review the situation as regards termination of pregnancy on medical grounds and secondly, and if ('if'- it is a small, but powerful, word in the English language) the Committee finds it desirable, to recommend appropriate legislation.

It must be made clear to the listening public that there is no attempt to introduce legislation at this time, and certainly not at this meeting as some people have been led to believe by some mischief makers. If, in the future, legislation or amendments to existing legislation is seen as being necessary, it will be after the Committee has deliberated on this serious subject and after the public and all interested parties have made their representations for the Committee's consideration. This is my interpretation, this is the way I see it.

No politician or Member of the Opposition need think that they can seize this opportunity to stock up votes for 1992. They will not get any mileage on this one. Before any decision is taken, this matter will be properly thrashed out. What is best for our country and its people is what will be done and what will be supported at the end of the day. I am only too well aware of the Christian heritage of this country and nothing that has ever been to the floor of this Honourable House will deter me from remembering an asset of great value in our community. he church has a strong voice and an active role in the affairs of these Islands, and I am certain that their position will be made abundantly clear at the appropriate time. This will be a voice that cannot, and will not, be ignored.

Now there is no denying - and I do believe that there are some liberal-minded individuals who may believe that the recommendations of the Committee (whenever that comes about) is to pass or amend legislation - that they will have a field day. But no one need get carried away or foresee a booming business in this Government measure. Proper safeguards will be enshrined in any legislation if and when it comes about.

It must be clearly understood that this is no measly or cheap attempt to encourage immorality, but a genuine effort is being made to review the situation to determine if there is any need to legislate for the termination of pregnancies on medical grounds. The normal practice and procedure of the House for delicate (and yes, sometimes, controversial) matters of this nature to be taken to a Select Committee comprised of all Elected Members, for the purpose of allowing sufficient time and opportunity for all sectors of our community to exercise their rights of having a say in important issues such as this.

I do not understand why the Third Elected Member for George Town is always wanting something to be sent to a Select Committee but not this one. I do not understand his objection in this case, to be honest. I do not need to voice my position behind closed doors. This is not the main reason for a select Committee, solely to conduct secret meetings. I, for one, would not put too much weight to that form of secrecry. I have found very few meetings which are confidential or secret in this country, at least that has been my experience. The main purpose, as I see it, and as I said previously, is to give time and opportunity to involve all sectors of our community.

These days one hears so much about improving the quality of life. Government, the press, economists and planners are all commenting on this and rightly so. It is true that necessary measure are being taken and money spent in many other areas to improve the quality of life. Here I must ask the question, are we really doing anything to improve the quality of life for families in this country when we deny the right of choice for a pregnancy on medical grounds to be terminated due to AIDS or any other communicable disease, or even in the case of incest or rape? Are we doing anything to improve the quality of life to force diseased or deformed infants into this world, sentenced to a life of harsh realities, to face the life of abnormality and suffering, a life that perhaps brings an unbearable burden on all members of a struggling family?

In searching my own conscience I believe that life must be more than breathing. The quality of that life is important. Those of us who are in a position to do so have a responsibility to strive to improve that quality not to detract from it. Cayman is a part of a changing world and we cannot bury our heads like the ostrich. Everyday we have to fully face difficult and harsh situations.

One speaker, at least I understood him to say, that we should wait until AIDS becomes rampant, but the old adage still rings true. That an ounce of prevention is worth a pound of cure. I believe that we are studying this situation in an effort to prevent the development of a severe situation down the road. A situation that this country will be unable to cope with and which this country can ill afford. This is a very emotional subject which has been widely debated at many levels and in many countries. There are always

strong arguments for and against but the quality of life cannot be left to be solely determined by emotionalism. Facts must be faced and faced fully.

While I will approach the subject as other Members have stated with an open mind, I can say here that it is my considered opinion that each case must be taken on its own merits. It is easy enough, very easy, to form a final opinion when the difficulty is elsewhere, when it is not your own. I believe that if the case of a life threatening situation caused by disease or even when rape or incest can be proven, that with the consent of the mother and the properly documented case from a panel of, say, two doctors and three other persons especially appointed, that under those proven conditions pregnancy should be terminated. That is my position today. I will be my position when this matter goes to a Committee.

Therefore in conclusion, I support Government Motion 4/89 to appoint a Select Committee to deal with this very serious matter. Thank you.

MR. PRESIDENT: The Honourable Elected Member for Communications and Works and Agriculture.

HON. LINFORD A. PIERSON: Mr. President, I rise in support of Government Motion 4/89. In doing so I wish to make my position abundantly clear that I am not, and I state, not advocating a general liberalisation or permitting legalised abortion in these Islands.

This Motion is quite straight forward and should cause no confusion. For the benefit of the listening public, I wish to read the preamble for the Motion and the resolved section. The Motion reads:

> "Whereas there is at present, no law permitting abortion save in very exceptional circumstances;
>
> And Whereas the occasions on which abortions may be medically desirable are increasing due inter alia to that the fact that the AIDS virus can be transmitted from a mother to her foetus;
>
> Be it resolved, therefore that this Honourable House appoint a Select Committee, consisting of all Elected Members and the Second Official Member, to review the situation and if it finds it desirable, to recommend appropriate legislation.".

I, too, was amazed at some of the misinterpretation and political play I heard made with such a serious matter.

This Motion is not considered or not expected to produce today a decision. All this Motion is asking for is that all Elected Members of this Honourable House including the Second Official Member, to meet as intelligent and reasonable men to discuss this most serious issue.

I am surprised that certain Members of this House would take a serious issue to play politics with. There is nothing mysterious or secretive about this Motion. As stated, it is calling for this most serious and important issue to be given very serious consideration to be taken to a Select Committee of this whole House. This will include not only Executive Council Members and their Backbenchers, but also the opposition Backbenchers.

In view of the misinformation which may have been given to the listening public, I would like at this point to clarify the position in regards to the powers and procedures of a Select Committee. Standing Order No. 70 (1) states: "Every Select Committee shall have power to send for persons, papers and records." I wish to make it quite clear, here and now, that I expect that persons such as Ministers of Religion and other christian and upright people in this community will make their contribution to this very important issue, with a level and an open mind and not after being stirred up by political rhetoric which is meant as the former speaker said, to gain political mileage. This is too important an issue for us to play politics with. I have already contacted certain ministers of Religion on this and I would say that not all of the Ministers are 100 percent for the Motion, but then, this was before we had the opportunity to debate this matter in this House. Some of them had been given the impression that it was the intention of this Honourable House to decide on this issue, here at this present Sitting.

I go on to say, that there is not one Member of the Executive Council or the Backbencher, that would support legalised abortion on a wholesale system. This is not what we are asking for and I believe that the Members that spoke prior to me in objection to this Motion, understands fully what this Motion is asking for. I would further say that I feel it would be a dereliction of the duties of representatives of the people of this country if they were to ignore the well being of their people and for us to bury our heads in the ground and not recognise that AIDS in this Country is real; Then we are way behind the times.

This Motion will not take away the rights of our people, in fact, this Motion will allow our people their democratic rights to decide whether, as reasonable and intelligent individuals, they can make a decision in their lives. We realise the importance and the sensitivity of this issue. We are talking about possibly taking a life of a child or foetus, but we are not talking about full scale abortions in the issue. We are talking about recommended abortions on medical grounds. AIDS kills.

I have heard a lot of statistics given here today. Some say that there is a fifty percent chance but nobody stated that those 50 percent of contaminated children should not also be given consideration. What will happen to those children, when decisions to abort a child is made in these circumstances, they will be done after very serious consideration. Not only by the mother, but by the father and

after proper counselling. There will also be a safeguard. No doctor will be able to capitalise on this because such a decision will have to be made after consultation with two of more doctors.

I heard references made to the Cayman Islands Medium Term Plan for the Prevention and Control of AIDS which covered a period from 1989 to 1991. I would also like to make reference to this document since it was laid on the Table of this Honourable House, on page 8. It deals with an overview with the AIDS problem in the Cayman Islands and it reads:

> "In the Cayman Islands the first case of AIDS was identified in 1985. As of December 15th, 1988, there has been a total of 4 cases, 3 male and 1 female.".

I assume that the female is capable of getting pregnant.

> "One case each was diagnosed during 1985, 1986, 1987 and 1988."

and it gave the age distribution.

> "Between the age of 20-29 there were 2 cases, 30-39 years, 1 case and between 40-49 years there was 1 case. Of the four cases, 2 of these individuals have died. The cases that prove positive were 4 cases of the HIV positive, which are those people that carry the virus that can eventually turn into AIDS, there are 8 individual cases."

This is not a modern day phenomenon that will go away tomorrow.

If any of us have been very astute, we will know that this problem is developing each day. There has been, in fact, a 900 percent increase in three years. This very important and informative Plan, which has been presented by the Honourable Member for Health, goes on to state on page 14, and it gives the overall objectives of the AIDS programme. It is divided into two, The Long Term Objectives and The Medium Term Objectives.

> "The long term objectives is to prevent HIV transmission in the Cayman Islands to reduce morbidity and mortality associated with HIV infections. The medium term by the end of 1991, the AIDS prevention and control programme in the Cayman Islands will have established a monitoring and evaluation capacity.".

I will not continue to read this because it is obvious from the trend of it, that it is setting a stage of protecting the people of this country just like this Motion is proposing to do.

One last reference to this Plan. On page 36, under the caption of Parinatal Transmission - Background and Justification, it states, "Transmission of HIV from infected mother to her infant during parinatal period, that is before, during and after delivery, is well established. Approximately 50 per cent of HIV infected pregnant woman transmit the infections to their newborns and the prognosis for such a child is poor, as approximately 40 per cent of HIV infected newborns may die in the first year of life. Current data indicates that most parinatal transmissions occurs during pregnancy." I think it is quite clear the enormity of this problem.

This was laid on the Table of the House several days ago and there is no reason that Members could not, as I have done, avail themselves to the opportunity to gather some professional medical information before they stand up in this House and try to play doctor. This is why we get the professionals to guide us in these areas. In my profession, I try to be a professional but I would never attempt to be a doctor. I am led by the advice of professionals in their particular field. Even though I use my common sense to decide what of that advice I will follow, I would stress my dismay at the apparent attempt to mislead the people of this country into believing that we, the Members of Executive Council, would promote a motion in this House that would tear this country apart.

I can speak for myself and I consider myself as much a Caymanian and as loyal a Caymanian as any Member of this House and believe you me, the interests in these Islands are as strong as that of any Member of this House.

Reference was made by certain Members of this House about the position taken by certain groups in the United States called Pro-Lifers and those that are for abortions etc.. We should not allow ourselves to be influenced by these groups. I believe that this is one of our problems in the Cayman Islands, at least it was during the election, we watch too much television and we get ourselves too influenced by the American way of life. We are a British colony. We are not American. Let us follow the good old British tradition.

Let us forget about the emotionalism that is being built into a simple Motion, that is contemplating a decision to be made in a Select Committee. I can understand, that if a report from the Select Committee had been made and it had been something considered adverse, then there would have been room enough for us to get up in this House and raise a lot of sand. The Motion is only asking that this problem only be aired in a Select Committee and I have already explained the functions and procedures and powers of a Select Committee. We can also take this matter to the public. We can discuss it with our constituents.

We are not asking any Member of this House to make a concrete and definite decision at this point in time. If I am not happy with the outcome after having heard all the members of the clergy etc., my position may change. From what I have heard so far, there seems to be strong support that something needs to be done. I do not know what Ministers of Religion some of the Backbenchers

have been contacting, but those that I have spoken to seem to think that it would be criminal for a mother to know that she was infected with AIDS and allow her child to be brought into this world, knowing that this child could die in a couple of years and more so, that she could die perhaps in five years time not being able to look after that child.

What about the case of the mother who is pregnant and contracts German Measles, resulting in the Rubella Syndrome? Is it reasonable and right to expect that mother to bring a mentally and physically retarded child into this world, with the medical facts that would suggest that is a hundred percent possibility? What about the case of incest; the case of the father getting his daughter pregnant? We could go on and on, but those are the three areas that I am most concerned with.

I am not as concerned about rape, because I feel that in a case of rape the child can be put out to a foster home or can be adopted. We are speaking about a case based on medical advice. We are talking about cases where the life of that child or the well being of that mother is at stake.

I wonder how some of the mothers in this country feel? How some of the women in this country feel when they hear the opposition to allow them the opportunity to make a decision in a matter as serious as this? I would think that there are a lot of very intelligent women in this country and that they too should be able to make a decision about whether they want to bring a child into this world that has contracted AIDS or whether they want to bring a mentally and physically retarded child into this world, when the medical facts would support that taking a certain course, could result in such a situation.

We do not want to play God in this House. Questions were asked. What is this country coming to? You are going to allow abortion? You are going to allow gambling? I do not know where those questions came from because I think those were the most irrelevant statements made. There should have been no statement made about gambling, because it has nothing to do with this Motion.

This is why I feel a lot of political rhetoric is being played on this Motion. The question could well be asked, are some of us trying to change the democratic system of this country where individuals are free to make their decisions? Thank God we are not living in Iran where the Ayatollah Khomeni can just, by the stroke of a pen, decide on a person's life. We are asking that this Motion be taken into a Select Committee of 12 Elected Members plus our Legal Advisor to Government, the Second Official Member. No one individual is going to make a decision of this enormity.

I hope that the sentiments that I have heard expressed in opposition to this Motion are not suggesting that we, as representatives in this House are calloused and insensitive to the feelings of the minority that may need this help or insensitive and callous to the women of this country.

Consider the stigma and the health consequences of the child being born with AIDS. Consider the health consequences with the Rubella Syndrome. Consider the social stigma and the social consequences of an incestuous birth. There are a lot of things that we need to consider.

I am not going to prolong this, because as I said, it is quite a simple Motion. I hope that the fanaticism will be taken out of this, that the political rhetoric will be taken out of this, that the politicking will be taken out of this. We are asking for this matter to be considered by a Select Committee of this House and if that Select Committee decides against this Motion, the Motion is lost. If the Select Committee rules in favour of this Motion, the Motion will succeed. A simple, democratic process.

In closing, I feel that it would be a disservice to our people if we did not consider a matter as serious as this. A Motion of this importance in a Select Committee of this whole House. Thank you.

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

MR. GILBERT A. McLEAN: Having been able to detach myself from the gambling junket to Little Cayman that has been taken in this House today, I rise to speak on Government Motion No. 4/89, Medical Termination of Pregnancy.

Whether it is called medical termination of pregnancy or by any other name, abortion is a serious matter. From the earliest recollections of mine, from the time I was a child, I heard whispering from the older folk about what may have happened to Miss So and So or Mrs. So and So. There was always something of a stigma attached to abortion. There have been women in this country that have faced disgrace from wrongful accusation and others who have lost dignity in the sight of these Island's communities where it has been well known that an abortion has been undertaken.

I think that a serious trend continues on this Island and it could well be reflected in the Penal Code, Law 12 of 1975, Section 186, where it reads:

> "Whoever, with intent to destroy the life of a child capable of being born alive, by any wilful act causes a child to die before it has existence independent of its mother, is guilty of an offence and is liable to imprisonment for life.'.

So I think that it is difficult for us not to face the seriousness of the matter that is before this Honourable House.

The matter of abortions in developed countries, such as the United Kingdom and the United States, have brought much reaction from the press from various interest groups. It has brought a polarisation, to some extent, between women of these countries, of course that has spilled off to us in this region as well. There are those that are vehemently against any suggestion of abortion in any instances and there are those that accept that abortion is necessary in some cases and should be allowed in certain circumstances. The case that is before us, is a Motion which seeks a Committee to consider termination of pregnancy on medical grounds or so it is the caption. I believe that whether or not the Law we have on our books

now, or any Laws in our Country, that allows abortions for whatever reasons, we are now living in a time that this has to come to the fore front and some decision has to be taken whether for or against in legislation.

I certainly would not advocate any decision in this House today, that says yes or no to the Motion which has been brought by the Government Bench. I feel it is necessary for us, as Legislatures, to be as thoroughly informed as we possibly can by our constituents' opinions, by any special interest groups, by the medical profession and by ourselves about what should be done in this particular case. What I do not subscribe to, in any way, is that the matter should be treated lightly because it is a matter that cuts to the very deepest emotion of many people in the community. It is a matter which certainly brings into play religious considerations.

Some churches as we all know, take a very severe view to abortions, on a whole. It is not my right to agree or disagree with any of them, but I believe we have to take what they have to say into consideration on arriving at what I believe is a right, fair and reasonable decision as I as a mortal can come up with, in collaboration with other Members of this Legislature.

The question of abortion also raises debates on what is morally right and what is morally wrong. Again, there is always more than one side to this matter. I believe that is a fact that the public and anyone that has an opinion, or chooses to react to it, has a right to do so. I believe that with this matter going to a Committee, there is the opportunity to get wide public input. I think perhaps, that unless intention to bring this Motion several weeks or months ago, the only other method of getting the input which I personally think it needs before a final decision is made, is through a Committee, as has been suggested by the Member bringing the Motion.

I personally have no extreme views on the question, but I certainly do believe that any decision on abortion has to come from the person affected by it and certainly by what medical advice might be available to that person. That decision should then be taken within the context with what is excepted as the morals in our society on this matter. I do subscribe to individualism and I would not presume to tell anyone whether they should or should not have an abortion. I believe that there is a duty for Legislators if it is found desirable. Taking all matters into account to make it possible under Legislation for persons to do so, where this is necessary, particularly on medical grounds.

We cannot overlook diseases in the world today which afflict mankind. One of the most fearsome, that is known to mankind today, is the killer AIDS. If there is such a thing as living a death, then that surely this must be it. Much has been said here today about the termination of pregnancy. About a mother that might have AIDS and who would pass it to the foetus. We do know that death is imminent for a woman with AIDS and if it is passed to the foetus, even if that foetus should be born, then the chances are almost 100 per cent certain, of death.

There are other diseases as well which has been found in other countries and if one is in a reasonable frame of mind, would see that it is correct for the termination of the foetus when these diseases might bring about retardation, crippling or perhaps a life that continues in a continual state of misery after it was born.

I am aware of an instance now in these Islands, where there is extreme concern (perhaps somewhat unfounded but perhaps founded) that AIDS may have been passed from a mother to her foetus and perhaps it may have gone beyond that to instances where there have been contacts with the person which could mean a spread of this deadly disease. It would be incumbent of me to take into account that particular situation that I am aware of now, in arriving at some opinion in this particular matter.

While I know that in the report which has been tabled by the Member for Health it does not speak of any instances of AIDS being passed, it does appear that in this instance it may have happened. There are also other instances where termination of pregnancy might be necessary to save the life of the mother or to assist a would-be-mother not to become a nervous wreck due to emotional trauma suffered from rape or incest. Of these, are matters which we wish would not occur but they are in every society and blessed though we might be, there will be such instances in our society, if there has not already been before this.

Throughout this all, there remains that moral and religious question as to whether there should be abortion. I have no answers for it. I do not believe that the world has an answer for it. I do not believe that anybody or group claiming to have an answer for it really does. It is something that has to be dealt with in a manner as I have said before, that we as mortals, can decide what is best, at that point in time, reasonably.

There are certain things we have to bear in mind. In this matter of abortion, there are many instances of much emotional stress and there are instances when a woman decides that she wishes to have a termination of pregnancy but afterwards suffers regret, remorse and severe emotional strain. A Member yesterday said that perhaps it goes with the territory, or as he put it, an occupational hazard. This matter requires very deep thinking, understanding, appreciation of the fact that here before us is a matter which we need to make some decision, either for or against.

I do not believe that it would be in the best interest of this country for this Legislature, or any other that might come into being, to pass a law that brought in sweeping permission to have abortions done. There are instances here where we have to take a very serious look at termination of pregnancies on medical grounds and that person so affected must make a decision for themselves, be it a single parent, be it a married couple based on medical advice and whatever religious advice is available to them, and thus, make a decision.

I share the view that, as has been said in this Legislature today, 'prevention is better than cure'. Certainly, where unwanted pregnancies are concerned, we could do much, by educating young people and, for that matter, older people. Certainly education is needed to make the populace, on a whole, aware of the problems which lie in many social diseases. Education should be kept on the top of the

priority list in this particular instance, particularly where life is concerned.

I believe that it is beholding on me as a Legislator, for the reasons I have stated, and others that I shall state perhaps at a later time, that I should accept and agree to this Motion being put to a Committee of the whole House so that the situation can be reviewed and, if it is found desirable, to recommend appropriate legislation. Thank you, Sir.

MR. PRESIDENT: Does any other Member wish to speak? In that case, would the Member who moved the Motion wish to reply?

The Honourable Elected Member for Health.

HON. D. EZZARD MILLER: Yes, Mr. President, reply, I shall.

When I took the Oath of Office in your presence with the Bible in my hand, I accepted the responsibilities for the Health Care of this Country to ensure that adequate provisions are made to provide the Cayman Islands with the health care it deserves both in quantity and in quality. With that responsibility arose jobs like this one. This is an emotional issue, and we all expect people to have differing opinions on it. My responsibility, as I interpret it, includes bringing it to the forefront to allow discussion, and for the decision to be made one way or the other. That is what this Motion is all about.

It is unfortunate that some Members, in particular the Third Elected Member for George Town, sought to use, in my opinion, statistics to force their beliefs and views on this country. I do not believe that my responsibility to serve the people of this country affords me the privilege (which he enjoyed for eight years) to ignore this problem and therefore allow his personal views to govern availability, and quality of health care in this country in this particular area.

this Motion simply and singularly seeks to enable health professionals of this country to do pregnancy termination when it is medically necessary and desirable. I must emphasise the desire, the decision to want it is made by the patient involved. We have our responsibility that, if the medical scenario arises where a patient is counselled properly and it is recommended that an abortion is the best course of action, we must provide the framework; we must provide the facilities, we must provide the resources where that recommendation, that desire of the patient can be fulfilled within her Island and stop using the convenience of saying; 'Well, you will have to take a flight to Miami or Jamaica.'

There is a certain economic bracket in this country that can easily afford that, but what happens to the people in the economic bracket who cannot afford it? Are they suppose to accept it, even after it has been medically recommended, because they do not have the dollars to do it, or are we suggesting somebody else? There is only one institution in this country that funds health care overseas when people cannot afford it, and that is the Government. We cannot condone that sort of thing.

The Third Elected Member from George Town and the Third Elected Member for West Bay came here and gave me a lecture on conscience - what my conscience should allow and what theirs allows. I guess they can sleep and their conscience can rest knowing that the poor people of this country would have no access to this kind of health care, but the people who can afford it can get on Cayman Airways, Eastern, Northwest Airlines and fly to another jurisdiction to have it taken care of. Is that good enough for the Cayman Islands in the year 1989? It is my submission that it is not, and that is why we are debating this Motion here today.

Now, I am no Lawyer, I am glad my father did not encourage me to be one with the name that they have. Just to put it in perspective, the Third Elected Member from West Bay seems to believe that the Government could allow an abortion under the present Law for AIDS. He had better get some other legal advice besides the one he is getting. The present Law is contained in two sections of the Penal Code, Section 129 - and I have been given a brief by a very learned and respected individual in these Chambers, and he is not sitting on the other side - this is based on Statute 58 of the United Kingdom Offences Against a Person Act, 1961. It is the principal abortion offence, this is what the Penal Code reads:

> "Whosoever with intent to procure the miscarriage of any woman whether she be or not be with child shall unlawfully administer to her or cause to be taken by her any poison or other noxious thing or uses any force of any kind or other means whatsoever to that purpose is guilty of an offence. Penalty is two years.".

The sidenote and the low penalty suggests that the Draftsman in that Legislature may not have understood that this was the main abortion provision in the United Kingdom. The penalty is life imprisonment. Section 186 reads:

> "Whoever with intent to destroy the life of a child capable of being born alive by any willful act causes a child to die before it has an existence independent of its mother is guilty of an offence and is liable to imprisonment for life.".

That is Section 168 of the United Kingdom Infant Life Preservation Act, 1929.

Now we have heard a lot about why the Third Elected Member for West Bay in his incoherent, nonsensical contribution that Pro-Life can...

[addressing the Third Elected Member for George Town] Tru Tru, you will shake your head off your shoulders before I get through with you today...

POINT OF ORDER

MR. TRUMAN A. BODDEN: On a Point of Order, Sir, the Member is calling me by my name. I do not think that should be allowed.

MR. PRESIDENT: I did not catch that.

HON.D. EZZARD MILLER: I said; "Tru Tru", if that is his name he can wear it.

MR. PRESIDENT: No. No nicknames, nor names, please.
While we have an interruption, we are just over half past three and I know that a number of Members are keen to go, how long do you think you need?

HON. D. EZZARD MILLER: Oh, about four hours, Sir.

MR. PRESIDENT: Well, in that case you have only 3 hours, 52 minutes because you have had 8 minutes already.

I will call for the Motion for the adjournment.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, I move the adjournment of this Honourable House until 10:00 o'clock tomorrow morning.

MR. PRESIDENT: The question is that the House do stand adjourned until 10:00 o'clock tomorrow morning. I shall put the question. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it. The House is accordingly adjourned until Friday morning at 10 o'clock.

AT 3:31 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., FRIDAY, 24TH FEBRUARY, 1989.

FRIDAY
24TH FEBRUARY, 1989
10:05 A.M.

MR. PRESIDENT; Prayers. The Honourable the Third Official Member.

PRAYERS

HON. J. LEMUEL HURLSTON: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth, 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Proceedings of the House are resumed.

Papers, the Honourable the First Official Member.

PRESENTATION OF PAPERS AND REPORTS

GOVERNMENT MINUTE ON THE REPORT OF THE STANDING PUBLIC ACCOUNT COMMITTEE ON THE REPORT OF THE AUDITOR GENERAL ON THE AUDITED ACCOUNTS OF THE CAYMAN ISLANDS FOR THE YEAR ENDED 31ST DECEMBER, 1987

HON. THOMAS C. JEFFERSON: Mr. President, I beg to lay on the Table of this Honourable House the Government Minute on the Report of the Standing Public Accounts Committee on the Auditor General's Report on the Accounts of the Cayman Islands Government for the year ended 31st December, 1987.

MR. PRESIDENT: So ordered.

HON. THOMAS C. JEFFERSON: Mr. President, I am of mixed feelings this morning. The document is eighteen pages long and I do not particularly want to consume a lot of time with it but if I feel that there is going to be a debate on the Minutes, then the Minutes should be read for the benefit of the listening public.

MR. PRESIDENT: It appears that Members may wish to debate this. Does that, in fact, mean that you move the adoption of the Report? I think so... that debate may then ensue? Perhaps I could have Member's opinion?

MR. TRUMAN M. BODDEN: Mr. President, I did not appreciate that he would be moving a Motion to adopt the Report, it does not say so here. Why I am saying this is that, personally, I was not quite ready for debate. No Standing Orders say that he may do it, Sir. In fact, it is Standing Orders 18 and 19 that deal with it.

HON. THOMAS C. JEFFERSON: Mr. President, if I may interrupt you. Sir, Standing Order 74(7) says:

> "The Government Minute should be laid on the Table of the House within three months of the laying of the Report of the Committee and of the Report of the Auditor General to which it relates.".

That is what we are attempting to do this morning. The Report

of the Public Accounts Committee and the Auditor General's Report was laid on the Table in September. Unfortunately because of the General Elections, we had a gap in the meeting that followed the September 1988 Meeting. I do not wish to cause any confusion this morning. Maybe my reluctance should now be changed and I should read the Government Minute.

MR. PRESIDENT: I think maybe there is another way in dealing with this. In fact, it does not prescribe that the Government Minute be moved and be adopted, it only requires that it be laid.

HON. THOMAS C. JEFFERSON: I think, Mr. President, that I should move that the Government Minute be laid on the Table. This will give all Honourable Members an opportunity to read the document and if later in the Meeting there is a wish to debate it, then I am happy.

MR. PRESIDENT: That seems to be a sensible arrangement. In fact, a motion can be moved that it be adopted, or whatever the appropriate terminology is, later. So, the Paper is laid. That does not require a motion or a vote.

We move now to Questions. Question No. 28, the Elected Member for East End.

QUESTIONS TO HONOURABLE MEMBERS

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

NO. 28: Can the Honourable Member say when Government will resurface the road from Frank Sound to East End with hot mix?

ANSWER: As soon as funds are available.

SUPPLEMENTARIES:

MR. JOHN B. McLEAN: A supplementary, Mr. President.
I would like to ask the Honourable Member if he is aware of the condition of the road from Frank Sound to East End?

HON. LINFORD A. PIERSON: The answer, Mr. President, is yes.

MR. JOHN B. McLEAN: A further supplementary question, Mr. President. Would the Honourable Member say why the policy has changed regarding road works in each district? If I recall correctly, I think it was probably about a mile per year in each district should be done with hot mix.

HON. LINFORD A. PIERSON: Mr. President, I am not aware of any change of any policy regarding the maintenance of roads.

MR. JOHN B. McLEAN: Mr. President, I wonder if the Honourable Member is aware that no road work has been done in East End over the last year?

HON. LINFORD A. PIERSON: Mr. President, to remind and enlighten the Member, I would like to say that there was, in fact, money allocated for the repair of the Frank Sound to East End Road in the 1988 Budget but these funds were used instead for a road off John McLean Drive in East End.

MR. JOHN B. McLEAN: Would the Honourable Member say whether that road was completed in 1988?

HON. LINFORD A. PIERSON: Mr. President, the road referred to off John McLean Drive is still being worked on.

MR. JOHN B. McLEAN: Would the Honourable Member say what happened to the funds in 1988?

HON. LINFORD A. PIERSON: The funds in 1988, Mr. President, were somewhere in the region of $60,000 and were spent on the road leading off John McLean Drive. This road is still being worked on, Sir.

MR. PRESIDENT: We are travelling somewhere away from the Frank Sound/East End Road.

MR. JOHN B. McLEAN: I did not divert, Sir.

I wonder if the Honourable Member could say whether it is really correct that the funds used on the road that he has mentioned, the by-pass from John McLean Drive, was really budgeted for the Frank Sound/East End Road?

HON. LINFORD A. PIERSON: Mr. President, I wonder if the Member would just repeat his question, please.

MR. JOHN B. McLEAN: Mr. President, my supplementary question was, if the Member was certain that the funds which he has spoken of for the road, the by-pass, John McLean Drive to Church Street in East End was really budgeted for road works for Frank Sound to East End?

HON. LINFORD A. PIERSON: Mr. President, the answer that I gave was that there were, in fact, funds budgeted, as with every district in 1988, for the repair of the road from Frank Sound to East End. These funds were instead used on the road leading off John McLean Drive. This is my understanding, Sir.

MR. JOHN B. McLEAN: Mr. President, there were two specifically different things in the Budget. However, Sir, I do not wish to waste the time of the House any further.

MR. PRESIDENT: We will then move on to Question No. 29. The Second Elected Member for the Lesser Islands.

THE SECOND ELECTED MEMBER FOR THE LESSER ISLANDS TO ASK THE HONOURABLE SECOND OFFICIAL MEMBER RESPONSIBLE FOR LEGAL ADMINISTRATION

NO. 29: Would the Honourable say what is the total cost to Government for overseas legal counsel (Excluding United States' Counsel) for advice, opinions, court trials and assistance during the past two years?

ANSWER: The total cost to Government was $459,952.15.

SUPPLEMENTARIES:

MR. W. McKEEVA BUSH: Can the Honourable Member give us a breakdown of this cost?

HON. RICHARD W. GROUND: I can break it down in several ways. Does the Member want it by years or by subject?

MR. W. McKEEVA BUSH: Both, if possible.

HON. RICHARD W. GROUND: By years, Mr. President, in 1987, the total cost (that is fees, travelling expenses, hotel accommodations and everything) was $99,661.16. In 1988, the total cost was $305,991.11; and this year to date, we have paid out for work related to 1988, $54,299.90.

Breaking it down by subject matter, in respect of advice negotiations and legal drafting, in respect of the Shipping Registry and the drafting of the Regulations relating to the Shipping Registry, the total sum has been $226,277.27. In respect of Mrs. Barbara Mills, a United Kingdom Queen's Counsel, who came over here to conduct a lengthy prosecution last year, the total was $137,136.56. That is not all related to one case because she did give some other advice while she was here, but includes accommodation, air fares and everything.

In respect of appeals to the Privy Council in the United Kingdom, we spent $15,764.04. In respect of a variety of appeals in which we brought back a former Crown Counsel who had conducted the cases at first instance and so, came back to do the appeals before the Court of Appeal, we spent $7,586.50. In respect of the advice from a Senior Queen's Council in respect of a commercial matter, we spent $16,547.25. And, in respect of the Legal Aid defence of the persons accused of the murder at East End, Government paid out $32,440.

MR. W. McKEEVA BUSH: A supplementary, Mr. President.

In respect of the sum for the United Kingdom Queen's Council, Mrs. Mills, can the Honourable Member break down that figure and give us a figure for each case or matter?

HON. RICHARD W. GROUND: I cannot break it down to give a figure for each matter, but if the Member is seeking the cost to Government for legal representation in the prosecution relating to A.M.E. Management, I can give him that. It came to $136,007.17. You will see that does not quite fit into the figure that I have given today and that is because some of that money was paid out before the two years to which the question is related.

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

MR. JOHN D. JEFFERSON, JR: Thank you, Mr. President. Would the Honourable Member say what determines when Government solicits overseas legal counsel?

HON. RICHARD W. GROUND: I am sorry, what was the question? Was it, what determines it?

What determines it, Mr. President, is that the difficulty of the case, usually, if we are faced with either a serious prosecution of a complicated prosecution, which we think is beyond either the time available to Crown Counsel or capacities of Crown Counsel, then we will seek expert overseas assistance.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, can the Member say whether the type of counsel in question was not available locally?

HON. RICHARD W. GROUND: May I ask if the Member is relating to one specific head in the breakdown that I gave or does he want me to answer for each one?

MR. JOHN B. McLEAN: Perhaps we could deal with the one that has been named.

HON. RICHARD W. GROUND: In respect of the Ford prosecution relating to A.M.E. Management, the expertise was not, in my view, available locally given one important factor which was that certainly, the leading Queen's Counsellor on the Island was representing one of the defendants in that case.

As I have said, given the difficulty and the complexity of the case, my view was that there was no one locally available to us who could undertake the enormous amount of work and bring to it the specialist skill and knowledge that sort of case required.

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

MR. TRUMAN M. BODDEN: Mr. President, I would like to ask the Honourable Member, whether he would be looking at the recruitment on a permanent basis of a Senior Counsel which would probably save some money.

MR. PRESIDENT: Mr. President, nothing would give me greater pleasure than to be able to employ in my department a Senior Counsel to conduct that sort of case. The fees that senior counsels who can conduct that sort of case can command in the private sector means that there is not the faintest chance that we could recruit into Government. I am sure that the Member who will have, through his firm, paid out fees to other counsellors who led in the defence in that case, is well aware what the fees in the private sector are.

Perhaps by way of comparison I may just point out to give Members a rough idea what it cost to hire a counsellor in the private sector. To hire a junior counsel, in other words, one with no particular expertise on the Islands per day costs the Crown if we go out to the market place, $400. That is for someone with five years experience. Now, if we want someone of 15 to 20 years experience who can conduct a case in which the documentation alone filled a room, then if we could get them on the island I am certain that they are going to cost us considerably more than $400 per day.

MR. TRUMAN M. BODDEN: Mr. President, I am not specifically referring to a Queen's Counsel of Mrs. Mills standing. She is a very senior Queen's Counsel. What I am trying to do is to ask the Member in assistance to him, does he feel that perhaps he needs to employ a Crown Counsel who is perhaps more senior than he has been able to get in the past which, while not necessarily having the specialities of Mrs. Mills which is fairly rare, you could not even employ someone like her anyhow I do not think, whether he feels he needs to employ some more senior counsel to deal with matters such as murder or fraud?

MR. PRESIDENT: That is the longest supplementary question I have ever heard. (Laughter) The Member would now like to reply - although I think he has actually already replied.

HON. RICHARD W. GROUND: I would like to answer this, Mr. President, and to point out to the Member that during the last two years we have only gone outside the department because we feel the case was beyond our powers in two instances. One was that long prosecution referred to and the other is a complex commercial matter which I do not particularly want to go into at this stage. All other cases on the Island, including murder and everything else, have been dealt with in-house.

The present principal Crown Counsel is in my view, intensely and immensely able to deal with all of the run-of-the-mill matters that the Island can throw up, including murder and fraud, as long as it does not get to the sort of difficulty and complexity that require us to set aside ten weeks for trial or whatever.

As to recruitment, I will say to the Member that we are currently recruiting both in the United Kingdom and elsewhere to bring up the strength of the department. This was mentioned in the Budget Speech and we do hope by doing that, to bring in both expertise and experience in other jurisdictions to bring into the department with a breath of fresh air and the sort of experience that we are looking for. But, it comes back to the point that you have to pay for what you get and even though we are recruiting within

the limits available to us, we are still not looking at people of great seniority.

Having said that, I really would like to reaffirm my own faith in the capacity and capabilities of the present staff of the department, both the principal Crown Counsel and those Caymanian Crown Counsels under him who also conduct the cases in the Grand Courts and Summary Court and bear the burden of all the prosecutions in the Island.

MR. PRESIDENT: The Honourable Member for Education.

HON. BENSON O. EBANKS: A supplementary question, Mr. President. I would like to ask the Honourable Second Official Member if he, perhaps, might have formed the opinion that the Third Elected Member for George Town is lobbying for a job?

MR. PRESIDENT: I do not think that requires an answer.

MR. TRUMAN M. BODDEN: What really do you do with that?

MR. PRESIDENT: I have already said it does not require an answer. Please stick to the original matter of the question please.

The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President. Would the Honourable Member state whether in the amount of $459,952.15 there is included the total amount of $267,519.73 spent in the prosecution of Regina versus Linford Evans and others?

HON. RICHARD W. GROUND: I did not catch the second figure the Member gave.

MR. GILBERT A. McLEAN: The second figure was the total figure of $267,519.73.

HON. RICHARD W. GROUND: The Member asked in his original question for the total cost of legal advice representation and so on to Government and I have given him the total of legal representation counsel and advice in respect of the Regina versus Linford Evans and others paid out during the two year period, which his original question relate to.

MR. GILBERT A. McLEAN: A further supplementary, Mr. President. Noting that there is such a large expenditure by Government for legal work, are the young attorneys and other attorneys in the Legal Department fully utilised in developing their skills in Court and in the service in the Courts here in the Islands versus employing persons from overseas?

HON. RICHARD W. GROUND: I am certain that the young attorneys in the department are both fully utilised. In fact, they have worked very hard, indeed, and are also exposed to the sort of work that is necessary to give them a full and rounded experience.

I must come back to the fact that in the figures which I have given this Honourable House, there is only one substantial case for which we have gone out for overseas aid. Just one substantial prosecution. A lot of the money referred to in my answer relates to negotiations for the Shipping Registry which takes place in England and there is no way the Members of my department can go across there to conduct that.

In respect of the one substantial case in which we have gone outside for assistance during the past two years, the prosecutor, a leading United Kingdom Queen's Counsel, when she came to this Island, was assigned one of the Caymanian Crown Counsel to act as her 'junior'. That is a time hallowed expression in the legal profession, and it means a professional assistant. The Crown Counsel that was assigned to her then worked with her throughout the preparation of the case and its conduct in Court and, in my view, by doing that gained an invaluable experience that would not otherwise been accessible to in these Islands or elsewhere.

Apart from that one case, the Caymanian Crown Counsels in the department are expected to handle every sort of case that comes to the department but if they are difficult cases they will then have the assistance of the principal Crown Counsel or myself. The principal Crown Counsel will present it in Court. If they are not particularly difficult or complex cases, then the Caymanian Crown Counsel's will go and do them. My submission to this House is that they are getting both the experience and the instructions that they need.

MR. GILBERT A. McLEAN: A supplementary question, Mr. President.

Is it the policy of the Legal Department to go to the United Kingdom for legal expertise alone or is it a policy that expertise is sought on the Island or in the Caribbean region?

MR. PRESIDENT: I think that goes beyond the original question but if the Member would like to answer, he may.

HON. RICHARD W. GROUND: It is not a policy of the department to go to anywhere. We have, on occasions during the last two years, when the work load has been such that Crown Counsellors or

otherwise are committed and we needed somebody to do a prosecution, turn to attorneys on the Island. That is how I know what the cost is per day. One will also note that in respect of the Legal Aid defence, the attorneys came from Jamaica. In the other two instances during these years when we have gone outside the Islands the first, as I said, was a complex Court case and, in my view, the only place where one is going to get the experience to do that is a modern commercial city. We cannot go to the United States for that because the United States' Counsel are not admissible to our Bar which really only leaves me with the United Kingdom.

The other matters, the Shipping Registry and, of course, the negotiations for that is proceeding in the United Kingdom among the other minor matters that I listed, such as appeals to the Privy Council, have to be conducted in the United Kingdom. So it is that which determines, in part, where we look. But certainly, in appropriate cases, I would have no hesitation about either instructing Counsel in the Islands, if available, or elsewhere in the region.

MR. PRESIDENT: I think I will allow one more supplementary question.

MR. GILBERT A. McLEAN: A supplementary, Mr. President.

Could the Honourable Member say whether the fees of lawyers with expertise in certain fields within the Caribbean region are less than those in the United Kingdom?

HON. RICHARD W. GROUND: I cannot say to that. I can say that in the Islands the fees for counsel on the whole are more expensive that we could get them from the United Kingdom. I cannot speak for other islands. I suspect that to get in top flight people from Jamaica or somewhere else, the fees that they ask of us are going to be comparable. I do no know what the position might be for people who were not top flight, but then there would be no point in getting somebody who were not of the highest calibre.

MR. PRESIDENT: We now move to Government Business. Motions.

Government Motion No. 4 of 1989, debate continuing. The Honourable Elected Member for Health.

GOVERNMENT BUSINESS

MOTIONS

GOVERNMENT MOTION NO. 4/89

MEDICAL TERMINATION OF PREGNANCY

(Continuation of debate thereon)

HON. D. EZZARD MILLER: Mr. President, as I said yesterday afternoon, it is rather unfortunate that the Members who have opposed this Motion have portrayed (or at least in my humble opinion have attempted to portray) to the public at large that this Motion now before the House seeks to legalise abortion per se, and have intimated that in bringing this Motion to the House it represents an indication of other things to follow. Let me once again state and emphasise that the simple and singular reason for bringing this Motion to this Honourable House, and what this Motion seeks to do, is to send it to a Select Committee to allow discussions there; and, by the debate which has taken place in this House, to initiate discussions in public forums so as to determine whether the majority feels it is suitable, necessary and practicable to allow medical termination of pregnancy when it is medically necessary and desirable by the persons involved; that the Health Practitioners who would have to perform this health care function can do so legally and without breaking the law.

I would like to first of all thank those Honourable Members who supported this Motion. Since the opposition has come from two Members in particular (the Third Elected Member for George Town and the Third Elected Member for West Bay), I will try to answer their accusations and the position which they have put before the public and, too, alleviate any fears and remove any confusion in the public's mind which they may have created in their respective presentations.

Now, Mr. President, probably the most frequent suggestion made by the Third Elected Member for George Town was his suggestion that we need to do nothing about this problem until we know that there are women who have AIDS and are pregnant. He did not say how many should be in this wretched state before we act. Two? Twenty? Two hundred? Two Thousand? He would then apparently have us bid the foetus to delay development while we appoint a Committee (as this Motion seeks to do) and discuss what we should do. Or, maybe he feels that at that time we could pull one of his stunts - as he pulled with the Mental Health Law - which, for all intent and purposes in my simple non-legal mind, sets the Member for Health up next to God. I have had to sign a few of the Committal Orders under that Law which was passed in no less a public forum than Cayman Brac in 1979, and the form which I had to sign in that Law reads as follows:

> I.....Member of Executive Council, responsible for Health, having perused the certificate dated the .....day of....., 19....issued in respect of ..... of..... a patient detained under the Law hereby order:

(a) that the said.....be released forthwith; or

(b) that the said.....be further detained until the.....day of.....19....

Dated this.....day of.....19...

Signed.....

(Member Responsible for Health).

Mr. President, just to put it in perspective, I would like to read one Member's opening remarks on the debate of the Bill. I was criticised quite heavily by that Member on the time factor involved in this Motion. I will deal with that in more detail as we move along. Suffice it to say that the debate on this Bill, which included the moving of an amendment with notice, is recorded in the *Hansard* in six pages of verbatim context of the debate in Cayman Brac. This is what Miss Annie H. Bodden, and I am reading from the document, who was a Member at that time said in the Assembly:

MR. PRESIDENT: Could you, for convenience, quote the date of the Sitting?

HON. D. EZZARD MILLER: Yes. Sir. It was the 6th of April, 1979. The Honourable Member at that time said:

> "Mr. President, I have read with alarm this Mental Health Bill - and when I say alarmed, I mean alarmed - because if they are going to arrest people whose head piece is sick, those that pass that should be the first ones taken into custody.".

That is what the Mental Health Law allows the Member to do. Incarcerate people ad infinitum. The Committee Stage of that Bill is less than three pages of notes.

Now, the only thing worse than the comment by that Member - that we should not do anything until we have whatever this great number of cases are - would trigger his conscience to do something about it. He said:

> "If anything could be worse than that, it would be his demand to know what the Member for Health was doing to prevent AIDS.".

Mr. President, I am not spraying something around the air that carries AIDS. But that kind of comment is a perfect illustration of the fact that you may have a lot of degrees without having much, if any, common sense. Ignoring the plan, except to use it incorrectly to try and substantiate one ultra right fanatic position about abortion is inexplicable - other than to say that the Member is ignoring the facts as they are in the Report.

Does he really think that one man (or a Government for that matter) can prevent AIDS? Larger Governments with much greater resources than the Cayman Island's Government (and, I might add, with much more cleverer people than we have) have been unable to stop AIDS. They have concluded, like we have, that the answer at this time, and until such time that a vaccine or a cure is developed for AIDS, is education and the provision of information to the public on AIDS with the hope of changing people's behavioural patterns to reduce the risk of AIDS.

That is what the Medium Term plan for AIDS in the Cayman Islands, which I tabled in this Honourable House a few days ago, does. I might also add that included in the Plan, for which we have the cooperation of the Member for Education and the Education Department, is the inclusion of AIDS education in the school's curriculum. The same cannot be said about sex education when that Member was responsible for Health Education and Social Services. Maybe if he had put sex education in the schools properly, then we might not have had some of the problems that we have today.

It is very easy to get emotional about this issue and to confuse reality with one's emotions and private convictions about the matter. But, as I said yesterday, I do not believe that because I am privileged to have the responsibility for Health Care in this country, that privilege extends to allow me to enforce, whether in camera or publicly, my private beliefs and convictions about any issue. I believe my responsibility is to promote public debate on issues like this and abide by the wishes of the majority rather than to go in camera or enforce my own beliefs on the nation whether they are right or wrong.

I was accused and given the blame by those two Members for a lot of things, and I am going to try to clear most of it up. But I (and I guess by inference, the Government) was accused of floating a balloon on Radio Cayman's Open Line programme about legalising gambling. I believe that I can accurately say that this Government, unlike previous Governments, does not dictate to Radio Cayman what must be discussed on Open Line; nor have we made any direct efforts to stop Open Line from discussing controversial issues in this country. I would like to remind the Member that it was his administration that tried to very tightly control the affairs of Radio Cayman, and I believe that there were instances where they went and pulled news items off Radio Cayman and made attempts to close down the Open Line programme.

I have no problem with Ministers taking a position on gambling. That is all right with me. But we have to be careful to make sure that we separate the Church and State, and, while I will always take the views of Churches, Ministers, and the congregations of Churches in consideration of anything that I do while I am in Government, there may be times when I believe that in the interest of the country I might have to disagree with them. The position on gambling is not one of those. I can support them on that.

I was told that I really had not read the Report that I tabled and I obviously did not know anything about what was going on with AIDS or else I would not have brought the Motion and that the figures in the Report did not substantiate bring the Motion, etcetera. It is said that there are none so blind as to those who will not see, even when they are wearing glasses, because on the same page that the Member quoted his figures from about the number of cases of AIDS, the first sentence which qualifies the figures of that Table says: "In the Cayman Islands the first case of AIDS was identified in 1985.".

As of 15 December, 1988, these figures are accurate. Nothing would make me happier if the door had closed on AIDS on that date and we could be assured that there would never be an additional case of AIDS in this country. But to take that kind of interpretation to justify your ultra right position against abortion, is, I would say, not the wisest choice to take. We are living in a dynamic world, and AIDS has certainly proved that it is a dynamic disease.

Further to that, when I laid this report on the Table of this Honourable House, I made it clear that since these figures were compiled for this Report, there had been increases in the cases of AIDS. I made that specific point. So to come back and use the narrow approach that because those figures (as at 15th December, 1988) do not include any women with AIDS who are pregnant it therefore can never increase, is ludicrous and bordering on stupidity. It is unfortunate, but the fact is that since those statistics were compiled we do in fact have a pregnant woman who was tested HIV positive. I do not know if that is enough to trigger the conscience of the Third Elected Member for George Town into action, because that, Mr. President, is a 100 per cent increase in the number of cases. But maybe we need 2,000 - I do not know, he did not quantify it.

He also made fun (if you can call it that) of the Motion and went to great lengths to suggest that they were hypothetical that there were really no grounds for the Motion and the Motion had no substance. But you know, Sir, I think this Member better take his head out of the ground. I have been living in this country for 37 plus years, and as long as I can remember I have heard about rape, incest, and quite a bit about the Rubella Syndrome. So for him to say that because we do not have, at the date that the Medium Term Plan for AIDS statistics were complied to be published, a mother who had tested positive for the HIV virus or AIDS, the Motion is unfounded... has he never heard of cases of rape? Of incest? Of the Rubella Syndrome? And he was the Member for Health for 8 years? Maybe that is why I have so many problems now.

The second 'Whereas' of the Motion is very accurate, and whether that Member wants to admit it or continue to live in the dark, that is up to him. But my conscience does not allow me to pretend that it does not exist. The 'Whereas' goes on to explain that because of AIDS it is an added dimension and an added reason why we must deal with this problem today.

I am not a doctor and I do not pretend to be one but I do try to keep up with improvements and advances in medical technology. It might interest that Member to know that there is such a thing as amniocentesis, which is usually done on pregnant women when they are 16/18 weeks and it might interest him to know that many, for religious and personal reasons, bring it to term and live with it for the rest of their lives. Maybe, if the Member volunteered to open a foster care home which would adopt all of these and he would be solely responsible for funding the health and all their needs, I could turn a blind eye. But I do not believe that even that would allow my conscience to allow it to continue.

Let us talk about the emotions of this thing. We could be very verbose and emotional against this when it is somebody else, when it is far out there in the boon docks, but sometimes it is necessary to bring these scenarios a little closer to home. Is that Member comfortable that if his wife, sister or daughter were unfortunately ever to be attacked and raped by a person infected with AIDS, that they must have no alternative but to bring that pregnancy to term? This disease which we are talking about here is a very emotional issue and it is very easy to justify one's position for or against when it is far afield. I believe, it is a little more difficult and one sometimes may have to be a little more practicable when it is nearer home.

Let me emphasise the point once again that this Motion is not seeking to pass a bill or law or to get a Committee to discuss forced abortion where a doctor might decide that for medical reasons, the best course is the medical termination of pregnancy. The doctor, as I envisaged any legislation coming out of this Select Committee, would have no authority to say it should be done or it should not be done. His role, a professional one, is to give advice, consequences and the alternatives. The decision must be the sole prerogative of the persons involved with the problem, be it rape, incest, AIDS or whatever. The decision to terminate it must be in the person who is so affected.

The problem that we have under the Law today, is that even if that person desires to, and it can be certified medically that it is the best choice of action, it cannot be done legally. All this Motion is trying to do is to set the legal framework which will allow proper, adequate and complete health care for all people in the Cayman Islands. The legal framework will allow the health professionals to fulfil the desire and the decision of the person who is infected and who wants it done. That is what we are looking for the legal framework to provide.

Now, Mr. President, to the best of my knowledge, there is no vaccine or cure for AIDS at this time. Quite recently, Dr. Jonathan Mann of the World Health Organization made this statement:

> "As the availability of a vaccine for use in the general population is five years or longer away from us, the key to future control of AIDS will be prevention of new HIV

> infections. Yet, because AIDS spreads only in limited ways which can be prevented through informed and responsible behaviour, the spread of HIV infection can be slowed even without a vaccine. Where programmes have been longest established and most intense, we are witnessing changes in behaviour.".

That Mr. President, is the essence, the focal point, the intent and the hope of the Medium Term Aids Plan for this country.

Further to that, there is no test presently available to determine whether a foetus has, in fact, been infected by the HIV virus by transmission from its mother. It is a fact that with the rapid advances we have witnessed in medical technology, that will be available in five years as well. But the statistics which the argument against this Motion were based on... and let us put those statistics in the proper perspective - the statistics relating to the Cayman Islands are three years old. No statistics on AIDS are beyond ten years old, and the 50 per cent infection rate from mother to foetus has been determined but experienced at birth. And, I would remind Honourable Members that there is no guarantee that the 50 per cent who tested negative at birth are in fact negative. We might find out, as the statistics age and become more accurate through advances in medical terminologies, that they are 100 per cent.

What are the professionals in my Portfolio supposed to do with a mother who is tested positive for AIDS or somebody who has the Rubella Syndrome? In their counselling of that patient, they have to tell them that the best course of action would be the medical termination of the pregnancy but we cannot help you it is against the law in the Cayman Islands. There is no provisions under the law for that.

Any person who is under the misconception that termination of pregnancy for AIDS is allowed under our Penal Code had better check the Law again because it is not. And, under that Penal Code, even if the mother's life is severely threatened and the health professionals take the chance to terminate the pregnancy to save the mother's life, it is a possibility that he could still have to go to Court and prove to the extent of which the mother's life was threatened or be convicted under the Law. That is how serious the Law is now. What are we to tell our indigent people? We cannot help them because Government cannot pay for a procedure which is illegal. Yet some of these come in here trumping their horns that they are here to protect the poor people.

Last week I took a lot of flak on the Misuse of Drugs Bill, about the importance of protecting lawyer-client position. Are the doctors to be left unprotected in their attempt to save the lives of mankind? Just to further inform the Member what statistics are available. It is a fact that in the United States as of the 30 January 1989, 1393 children developed AIDS. Seventy-eight per cent or 1,080 due to prenatal transmission and of those 589 have already died, that is 54.5 per cent and the majority have died in the first three years and it is expected that the others may live to four or five years. That is how serious this problem is. Are we to believe that we can spin a cocoon or put a glass bubble over the Cayman Islands and it will not happen to us? Let us deal with the time factor of this Motion.

Public debate is taking place this week, we will probably be in session in Parliament for another two to three weeks. That means that it will be at least one month before the Chairman of this Select Committee can call its first meeting. It is probably going to take two years to complete in the Select Committee because with my experience with the Labour Legislation which I will accept was more difficult and complicated to draft, and it certainly was not as controversial nor as emotion as this issue. So we would be fortunate and extremely lucky and probably will have to have meetings once or twice every week.

We have heard certain Members saying how much notice they want of meetings. If we have a meeting twice a week you cannot give no more than three or four days notice, that is not enough. We would be extremely fortunate if we can get this Bill before the Assembly for the September or the November Sitting and then it takes several months after that for the process to become Law. So let us not mislead the public that we can come down here, they could do that but I am not going to do that, and call an emergency Meeting of the Legislative Assembly and pass a law that is effective the next day to deal with this problem. But if we are going to wait until we get a couple hundred or thousand of people, I guess we just let them suffer.

Now, Mr., President, I do not know how the Third Elected Member for West Bay and the Third Elected Member for George Town got into gambling and pornography and even accused me of being responsible for the genocide of the Jews, but I believe that I am willing to have my profile and features compared at anytime with those of the Third Elected Member for George Town, and we can see who looks more like a Nazi. Why is it necessary to bring in all this stuff? But, since they brought it in, I guess we will have to deal with it.

I believe my position on gambling and pornography are recorded in several *Hansards* of this Honourable House. And if it is something that I do not believe, not even people of their calibre can accuse me of is saying one thing, and meaning another. My trouble has always been that I say exactly what I mean and I mean exactly what I say. While I am against gambling and pornography if I was going to bring a motion about that, that is what it would say.

This Motion is entitled 'Medical Termination of Pregnancy' and that and that alone is what we are dealing with. But you know, Sir, when your case is weak, I guess you have to get all the help you can get from as many flanks as possible. As I said earlier, their position on abortion seems to be ultra right pro-life, that is their privilege. But I do not think that they have any greater right or entitlement to force that on the country than those who are on the other extreme, who want an abortion as a means of birth control or for any other reason under the sun.

What we are seeking to create in this Motion is a legal medium which will allow abortion, medical termination of pregnancy on very limited and medically necessary grounds. That

is what we are talking about. And to suggest that the legislation that comes out of a Select Committee whose terms of reference are clearly laid out in this could be to produce that kind of ultra left or whatever legislation, is ludicrous and misleading to the public. And those two Members know better.

Now Mr. President, it can be said (and I would agree) that therapeutic abortion or medical termination of pregnancy, or abortion in any form, is probably the most difficult controversial and emotional issue for any politician after hanging. But that does not mean that we do not have a responsibility to deal with the issue. This issue has been debated in almost every Parliament in this wide world and, as the Second Elected Member for the Lesser Islands said, I am not sure that any of them have found a definitive answer which has satisfied everyone.

But, the question before us, or the question that this Motion seeks to address, is not the question of where I or any other single Member of this Assembly stand on this issue of abortion. If we are going to adopt that position... and I was told that abortion could be likened to gambling and pornography... and you could stretch your imagination - they drive a motorcar for their own mobility and while they are driving their motor car the noxious fumes are killing me. Do I have a right to stop them from driving their motorcar?

What this Motion is seeking to do is to introduce a legislative framework which allows flexibility for the health professionals and the individuals who are affected; to make decisions based on their circumstances or cases, or whatever is peculiar to that person about abortion. Not to enforce someone's pro-life view or to enforce someone else's view that abortion should be a routine procedure like stitching a cut on one's finger, but to allow flexibility for medical reasons. That flexibility is to allow the person involved to make that decision on their own after having advice, and then to allow the health professionals to fulfil that desire legally.

If you wish to break now that is all right with me, Sir.

MR. PRESIDENT: You feel you will be going on for more than a few minutes?

HON. D. EZZARD MILLER: Yes, Sir.

MR. PRESIDENT: In that case, we will suspend for fifteen minutes.

AT 11:33 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 12:10 P.M.

MR. PRESIDENT: Proceedings are resumed. The Honourable Member for Health, continuing.

HON. D. EZZARD MILLER: Mr. President, I will continue to try to alleviate the fears of the Third Elected Member for George Town and the Third Elected Member for West Bay, and to try to inform them of the many reasons and of the urgency that something be done about this particular problem. I believe it is public knowledge that two cocaine babies, that is, born of mothers who are addicted to cocaine, and which babies were born addicted to cocaine, did in fact deliver in our hospital last year.

As I said earlier, it is fairly well established (as weak as the statistical base and the years and cases that it spans) that AIDS can be transmitted from mother to foetus - therefore, to the baby. I just wonder if I could implore on those two Members to contemplate for a moment the agony of a mother who, through modern technology like ultrasound and other techniques, is shown and is told that the foetus is - not may be, is - very severely deformed for whatever medical complications there may be. Are we to tell her that because it does not threaten her life we can do nothing for her that is legal? Are we to say that dominant genetic diseases should automatically be perpetuated because the law does not allow medical termination in such cases, even though we have a Genetics Programme which provides counselling for people who are at risk? It is not possible to know all those people who are at risk? With modern techniques it is possible to detect these kinds of genetic abnormalities and deformities through modern technology.

These are the kinds of things that this Motion is seeking us to address in a Select Committee: to create the framework that something can be done legally about those if the mother, parents or persons involved desire. I cannot over emphasise that the decision to have this is solely the prerogative of the person who is infected. This Motion is not seeking to take that decision from them and put it in the hands of medical professionals. All the Motion is seeking to do is to establish the legal framework to allow that desire - an individual's decision - to take place in a legal framework.

Mr. President, mother nature perpetuates abortions in certain instances. So some people are against medical termination on religious grounds. While I am probably just as religious as any other Member in this Assembly... I am not a religious fanatic but I believe in God and I go to church. But the Lord gives us all brains as higher mammals to develop these kinds of technologies to use and I think there is a place in the Bible which says, "God helps those who help themselves".

Again, I must emphasise that this Motion is not seeking *carte blanche* abortions. It simply is asking the House to set up a Select Committee which can determine through interviews with people, through representations from organisations and individuals, what is the majority decision of this country on this issue, and whether the majority of the people in this country want the legal framework to allow

the termination of pregnancy or abortion for medical reasons. I invite all Members, including the Third Elected Members of George Town and West Bay, to go out and canvass their constituents, they do not even have to confine it to their constituencies, canvass the Island. Help us find out what the position is.

If they want to canvass for their ultra right pro-life position, I have no problem with that. My information today, having talked to several ministers of different beliefs and denominations, is that while they are against *carte blanche* abortions as a method of birth control, they can understand and appreciate the difficulties presently faced by the medical profession in this country, and people who want pregnancies terminated for medical reasons, and are prepared to go along with it.

That is the representation that I have received. I do no know how much they received from their ultra right churches and pro-life groups, but it would be interesting to see if they had meetings. I can promise them that I will avail myself to see what kind of audience they have and to hear it firsthand. I have no pre-conceived limitations on checks and balances that this Honourable House might seek to place on medical termination of pregnancy. If they want to say two or three doctors' signatures, subject to a panel review or a review by the Health Practitioners Board with the whole society of the dental and medical profession, I have no problems with those kinds of safeguards.

I have a responsibility to do something about the problem. I cannot adequately deliver quality health care to people in a legal framework. That is the problem that I have. That is the problem I am prepared to face, and that is the problem I have had to face for the last three days here in this Assembly. I am prepared to face the public in the next six to nine months to get it put right.

Fanatics are always right, and that is all right. The problem with them is that everyone else is wrong. All that I am saying is let us review this thing, let us get the representation in. Let us look at it, and let us make a decision. Maybe the answer will be some kind of flexibility for strict medical reasons.

Now, the Member went very far afield in one of his accusations of me - it was even worse than giving me the responsibility for the genocide of the Jews by the Nazis. He said that I was bringing this Motion simply to fulfill some comment that I made about writing off a generation, and that I was going to write off generations and he had no idea how many generations I was going to write off, and maybe one of these days I would run out of generations.

I do not deny what I said earlier, that my problem with saying things is that I say what I mean and I mean what I say. I made that statement. But the press in this country and people like the Third Elected Member for George Town have been perpetuating it out of context to try to get political mileage. I want to set the record straight, because I have no apologies to make for the statement, but the statement must be understood. It must be appreciated in the context with which it was made. It was not made in a vacuum, it was made in an interview just after I was sworn in and given the responsibility of the Portfolio.

I want to set the record straight because the Editorial of the *Caymanian Compass* (obviously having been reminded of it by the statement of the Third Elected Member for George Town on the floor of the Assembly) has the audacity to stretch it even further out of context in today's Editorial where they say: "...to say, as one politician did recently, that perhaps we have to write off generations...", and they have added, "...of young people would suggest that it is perhaps the generation's responsibility for those young people that deserve...", and I guess it should be ...to be written off. But we are blaming that on the printer's devil.

I believe I know who wrote that Editorial. I believe I know the reason for the Editorial, but I will let him develop a little further for that individual will have a lot more problems with this Member for Health if he does not get his act together and start having some birds flying instead of wings flapping and nothing going on.

I just want to set the record straight and to further educate the Third Elected Member for George Town. As the cartoon shows him today, I am showing him how to operate a projector. I made that statement on the question of what I was going to do about the drug problem and drug rehabilitation in this country. Whenever you have an interview with these journalists they go back and they write what they want. The editor takes out what he wants to show the article the way he wants it to appear to sell papers. That is the ultimate view - not to get the news out or to get the information across - they are in a business of selling newspapers.

I was asked what I would do. I said that the emphasis on drugs and its abuse in this country must be on education. Unfortunately we might have to write off a generation because they were beyond the stage where education could change their behavioural patterns. Those may not be the exact words that I used, but that was the context in which that statement was made, and I make no apologies for that. It is a factual statement. The emphasis on education to change behavioural patterns towards drugs to the stage where people might not want to use them - and I am including alcohol, cigarettes, cocaine, heroine, marijuana or any other kind of chemical dependent when I talk about drugs - has to be in the pre-schools and the primary schools because their behavioural patterns are still subject to influence.

People of my age are stuck in their ways, and I went on to say that we would have to have a rehabilitation programme for those already caught up and that, hopefully, we would catch some of them in the safety net of drug rehabilitation and return them to a productive society. That was the context in which that statement was made, and I will stand by that statement today. How the Third Elected Member for George Town can translate that into wanting abortions to wipe out generations is befuddling to me. But, I guess that goes back to what we were talking about earlier on in the week, the meanings and interpretations of words, who gets paid to have all these various interpretations of words, and what they do with them.

Mr. President, with regard to any programme that I am responsible for putting in to deal with drugs and drug abuse in this country, education in the lower school level is

going to be the primary focus. That is the internationally recognised way to go. That is well documented. We will get some through rehabilitation, and we must provide that service, but I am not going to spend $6 million or $7 million to put up a cement building and put somebody's name on the side of it.

It is also my informed opinion that we are better able to contract overseas for intensive detox and rehabilitation programmes to provide that specialised service and provide the after care. We are now spending thousands of dollars per year sending people to those institutions, paying for the after care at those same institutions, bringing the people back here and sending them back into the same environment - and then we wonder why they have gone back on drugs. The programme that I have in mind is going to use those same individuals to assist us in providing after care and that is my informed decision at this point in time. If I am proven wrong over the next couple of years, I am man enough, and have the courage to come here and tell the people of this country that I was wrong. But, they are not going to change my mind by taking the statements out of context and hoping to get political mileage on it.

They believe themselves that is the right approach, but they have not had the courage to tell the people involved that the answer is not concrete bricks and fancy buildings and increasing your budget allocations to make people believe that you are doing something. The answer is in programmes. People help people, not buildings. The programmes are going to reach the troubled people in our society who are addicted to drugs.

That Member also went into great details, dissertations and repetitions about why this thing was being sent to a Select Committee. I was opposed a couple of days ago to sending the Drug Bill to a Select Committee because it was secret. I agree with the Member responsible for Tourism. Like him, I have attended few meetings in this country at very high levels which turned out not to be secret. But secrecy was not my objection to sending that Bill to a Select Committee. My objection was the fact that the possibility existed for people to lobby for certain causes and it would not be recorded. The decisions of the Select Committee is all that is minuted. In this case I think that kind of secrecy, where ministers, doctors and common people on the streets can come in there and know that what they tell us is not going to be recorded and tabled on the floor of this Assembly... we are going to get much more information and much more participation in a committee like that.

Besides, I know that the Member knows that it is not the same thing. After all, he is an eminently qualified lawyer and a learned Member of the Assembly, and he knows the difference between a Bill which is before the House being sent to a Select Committee, a Committee of the whole House or a Motion being sent to a Select Committee. There is no Committee on this Motion unless there is a Select Committee. There is no alternative. It troubles me when people can disregard their knowledge of the facts to influence an argument and portray something else to the public. It is my submission that he knows what he said was not true. It was not the correct legal position or the way it functions, but it suited him at the time not to do it. Anything he does hitherfore or herewith, will be subject by me to the same qualification and the same doubts.

He said, that I had brought this Motion under 'flimsy excuses', I believe was the term used, there were no statistics to support it and no evidence that we needed to deal with it. This problem goes back a long way. I have a letter dated the 28 July 1983 - note, 20 July 1983 - and we all know who the Member for Education and Social Services was at that time. The letter was captioned, 'Abortion Legislation'. I will not bore the House by reading this letter, but suffice it to say that the intent of the letter was seeking to have Government look at the issue and do something about the peculiar situation that this country was faced with at that time. To my knowledge I can find no evidence of anything ever being done about it except a stamp on it that says received 12 August 1983.

Other people recognised as far back as then that there is some urgency to dealing with it in this Sitting of the Legislative Assembly. The Member said that I had no right to bring it because I did not make it an election issue. I was not aware of the magnitude of the problem until after I was given the responsibility of the Portfolio. I do not believe that he can claim the same ignorance. Why did he not make it an election issue from his pro-life stance? I will meet him in the by-ways of this country to debate it at any time. I will even meet him on his home turf or on the steps of the Court House if he wants. The issue must be addressed by this country now. It cannot be put off any longer. We have to be responsible enough to deal with it. What comes out of the Select Committee will be the Report of the Select Committee which is made up of the 12 Elected Members. Every person in there will be able to have their say plus the Second Official Member as the Legal Advisor.

Maybe I am wrong. I believe that the Third Elected Member for George Town did indicate that he was not going to attend, so maybe there will only be 11 Elected Members and the Second Official Member.

[Addressing the Member]...You, the Third Elected Member for George Town did say that you were not going to attend the Select Committee's meeting...

MR. TRUMAN M. BODDEN: On a Point....

POINT OF ORDER

HON. D. EZZARD MILLER: Mr. President, if the Member is rising on a Point of Order I will give way. If it is on a point of clarification, we are wasting the time of the House.

MR. TRUMAN M. BODDEN: Mr. President, I did not say that Sir, if you will allow me...

MR. PRESIDENT: I think he may be asking for a Point of Order on

misrepresentation. Whether or not that is the case, I would like to hear the Member.

MR. TRUMAN M. BODDEN: Mr. President, at page 432 of *May's Parliamentary Practice*, the 20th Edition, it makes it very clear Sir, that misrepresentation of the language of another...

MR. PRESIDENT: I know all about that. Please say what the misrepresentation is.

MR. TRUMAN M. BODDEN: But I did not say it, Sir.

MR. PRESIDENT: The Member says that he did not say it.

HON. D. EZZARD MILLER: Mr. President, I believe that there are other Members in here who share the view I do. Maybe we should have a transcript.

MR. PRESIDENT: I do not take verbatim notes myself, but I do not think that it was expressed quite the way you have put it.

HON. D. EZZARD MILLER: All right, Sir, we will wait and see whether he attends or not. I am going to get the transcript, and if it says.....

MR. PRESIDENT: I am sorry, my ruling is that we should proceed. I am sorry, I will now try and say what I recollect. I think the Member said quite specifically that he would not vote for the Motion to go to a Select Committee. I do not recall any more than that. So please continue.

HON. D. EZZARD MILLER: I accept your ruling, Sir, maybe I will make a statement later on.

Anyway, Sir, if I have misrepresented what the Member said, I apologise, and I would like to take the opportunity to issue a special invitation for him to attend. In fact, I will endeavour to give him at least a month's notice of when the Committee is going to meet so that he will have adequate time in his busy schedule to attend.

Mr. President, the other thing that rather disturbed me about the presentation of the Third Elected Member for George Town - and, again, if I have misinterpreted what he said I will apologise to him - I think he indicated a strong concern that we were going to lose the penalties from the law if we allowed medical termination of pregnancy because they were so severe. What we are dealing with here, Sir, is the problem of the need for specific and limited cases and the ability to legally terminate pregnancies.

I also was disturbed that the Third Elected Member for George Town sought to cloud and reduce the importance of what we were trying to do by the introduction - and the accusation, I took it to be - that my next step (and by inference, the next step of Government) would be to legalise gambling and drugs. As I recall, he was the main opposition to the Bill for the amendment of the Misuse of Drugs Law which was tabled a few days ago. So the record does not indicate that Government is likely to be moving towards legalising drugs nor gambling. He used the statistics of the Medium Term Plan to say that what we are looking for here is a cure for a problem that does not exist.

Now, as I said earlier, I am aware of other needs, and this probably exists in other cases other than in those of AIDS. Maybe the Member has no knowledge of any of that, but I think that a lot of that information is a matter of public record. To suggest that I was bringing this Motion here, and therefore was not giving the public any chance to have any input on it, etcetera, and we were rushing stuff... You know, if I was about to do that, I would have brought a Bill forward. But this Government's record of the way it handles controversial legislation does not allow for that. I am a part of this Government and some Members here were a part of the last Government four years ago. It is always done through Motions which set up these Select Committees; the Select Committees get information from all and sundry and make rationale informed decisions as to what the solution to the problem is. He must not cloud the issue.

Mr. President, I am going to humbly apologise to the Member because I am very sorry, and it bleeds my very heart to know that I cannot fulfill his wish to withdraw this Motion. He is going to vote yea or nay on this Motion within the next half of an hour and the public will know. He will not duck this one unless he goes to the Common Room - and I can promise him if he goes to get coffee, I am going to call for a division and the public will know that he did not vote.

MR. PRESIDENT: Which leads me to wonder how much longer you think you may need?

HON. D. EZZARD MILLER: I am not speaking from a prepared speech, Sir. I am speaking from notes that I made while he was speaking. To be honest with you, I still have two pages of rhetoric, but I do not propose to reply to all of it. I have only covered one page so far. I would say that I need, at the most, another ten or fifteen minutes, Sir.

MR. PRESIDENT: Should we continue then as it is now twenty to one?

HON. D. EZZARD MILLER: Yes, Sir.

MR. PRESIDENT: Please continue.

HON. D. EZZARD MILLER: Mr. President, I guess in the essence of time... if I have not convinced those two Members in the last hour and a half of the value, importance and urgency of this Motion, and of my desire to have them canvass public opinion; and of my desire to have them attend the meetings of the Select Committee to give their input - be it negative or positive, we will deal with it - another fifteen minutes is not going to convince them. I believe the public has now heard both sides of the story. I really have no fear as to who has support from the public.

Mr. President, I recommend the Motion to this Honourable Assembly.

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

AYES AND NOES.

HON. D. EZZARD MILLER: Can I have a division, please?

MR. PRESIDENT: Clerk, please.

DIVISION NO. 3/89

AYES: 11
Hon. Thomas C. Jefferson
Hon. Richard Ground
Hon. J. Lemuel Hurlston
Hon. W. Norman Bodden
Hon. Benson O. Ebanks
Hon. D. Ezzard Miller
Hon. Linford Pierson
Mr. McKeeva Bush
Capt. Mabry Kirkconnell
Mr. Roy Bodden
Mr. Franklin Smith

NOES: 2
Mr. John D. Jefferson
Mr. Truman M. Bodden

ABSENT
Mr. Gilbert McLean
Mr. John B. McLean

GOVERNMENT MOTION NO. 4/89 PASSED BY MAJORITY.

STANDING ORDER 69(2)
NOMINATION OF CHAIRMAN

MR. PRESIDENT: Under Standing Order 69(2) I nominate the Honourable Member for Health as the Chairman of that Committee.

Proceedings are now suspended until 2:15 P.M.

AT 12:47 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:22 P.M.

MR. PRESIDENT: Proceedings of the House are resumed. We now move to Item 5 on today's Order Paper. Other Business, Private Members' Motion, Private Member 1/89, the First Elected Member for Bodden Town.

SUSPENSION OF STANDING ORDER 14

HON. THOMAS C. JEFFERSON: Mr. President, just to be on the technical side, Sir, I move the suspension of Standing Order 14 so that Private Members' Motions can be taken.

MR. PRESIDENT: Sorry, I had rather assumed that we had agreed on that the other day.

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

AYES.

Mr. PRESIDENT: The Ayes have it.

AGREED. STANDING ORDER 14 SUSPENDED TO ENABLE PRIVATE MEMBERS' MOTIONS TO TAKE PRECEDENCE OVER GOVERNMENT BUSINESS.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/89

SCHOOL LEAVING AGE

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

MR. ROY BODDEN: I beg to move Private Member's Motion 1/89 standing in my name which has been circulated and which reads:

> "WHEREAS the school leaving age at the Cayman Islands High School is fifteen plus years;
>
> AND WHEREAS it is thought desirable at this stage of the development of the Islands to increase the number of years a child is compulsorily in school;
>
> BE IT THEREFORE RESOLVED THAT Government investigate the need and examine ways and means of extending the school leaving age in the Cayman Islands.".

MR. W. McKEEVA BUSH: Mr. President, I second the Motion with pleasure.

MR. PRESIDENT: Private Member's Motion No. 1/89 has been duly moved and seconded. Would the mover now wish to speak to it?

MR. ROY BODDEN: Yes, thank you, Sir.

Mr. President, I would like to preface my arguments for moving this Motion, by a very pertinent quotation which comes from T.S. Elliott in his notes towards the definition of a culture. T.S. Elliott said:

> "A nation's system of education is much more important than its system of Government. Only a proper system of education can unify the active and contemplative life, action and speculation, politics and the arts.".

With that beginning, Sir, I would respectfully submit that there are few areas of our national life with a more urgent claim for scrutiny than this Motion which now stands before us. For while the social economic and political value of education can no longer be totally denied by any intelligent Caymanian, its role in unifying and building this nation must be properly understood. I would suggest that the movement of this Motion... and I put it to the Members of this Honourable House, that the matter at hand can only serve us in a positive fashion because I think it is education more than most other factors and elements which will help us and lead us in the Cayman Islands to develop a harmonious, and a politically stable and economically progressive society.

I crave your indulgence, Sir, to read a short quotation. It is established by academics that people who study the contributions education makes to the development of society, that education is an influential factor in the development of nations. Adam Smith in *The Wealth of Nations* referred to the value of an educated population in the developmental process of the nation: "The heightened interest in education which emerged during the 1950s has been justified and substantiated by economic and social research aimed at showing some correlation between the various levels of education and socio-economic development using the concept of human capital.".

This document is one of which I am the author and its title is 'The Development of Government's Secondary Education in the Cayman Islands 1980 - 1990'. I might add that in developing the document, I have done extensive field research in the development of secondary education in the Cayman Islands. I would like to say that when I thought of moving this Motion, I was not the originator of this concept because, in all candor and with due respect and gratitude, when I was perusing the *Hansard,* I found that the now Honourable Member for Health had made a suggestion in 1985 to this Honourable House that some investigation be done as to the extension of the school leaving age so that there could be a smooth transition from 16 - 18 years where when the children left the High School, they could have moved on to the Community College to complete their education. I wish, Sir, to place on record and to give credit to that Member because I am not selfish and I think that he deserves some credit although he and others must respect that I am the mover of the substantive Motion.

The notion of education being an investment in human capital is not a new one. Indeed, in the 1960s at the School of Sociology in Chicago University, I believe it was Professor Schultz and Gary Becker who popularised this notion. But, I would like to distinguish and differentiate what is meant by the reference to education as an investment in human capital. It does not necessarily mean that the returns are going to be in dollars and cents, rather, it means that the returns will be in stable, social, productive members of the society. I believe that we in the Cayman Islands, if we recognise this and give the importance and attention that this Motion suggests, we will be taking a positive step.

In preparing to debate this Motion, I came across several very interesting facts, some of which I think I should share with this Honourable House and the listening audience. It would seem, Sir, that in the Cayman Islands we, for many years, were on a very positive track. Successive political directorate beginning from the one in 1972 in which comprehensive education was introduced into this country, did a great deal to promote and enhance educational development. But, I believe we may have made a mistake when we introduced the concept of the Middle School. I am now speaking as an authority, as a trained and qualified educational administrator and also as one with 13 years of active teaching experience in the classroom. It would seem that, with the good intentions, what we did at that time was to subtract a year, at least, from the Primary School. I would like to posit that that was of more detriment than it was benefit.

I would also like to argue that by doing that, we have had no recourse or alternative but to turn our children out of the High School at the age of 15 plus years. Further, when we send these children out into the world at the age of 15 plus, they are not adequately prepared to take up the responsibilities because legally they cannot obtain a driver's licence; they cannot vote, and that is very important; they cannot patronise places which sell alcoholic beverages, not that I want to encourage them to do that; they cannot hold positions of responsibility, for example, become loan officers etcetera in banks; they cannot themselves borrow money without having someone sign as a guarantor and as accepting ultimate responsibility for them, coupled with the fact that many of them are not emotionally matured enough to be able to face peer pressures and the temptations that we have in the society as we do now.

We are placing these young people who will be the future of this country at not the best advantageous position by turning them out into the society at such an early stage. Some of them will inherit the very seat that we are sitting in today. We must understand these societal changes and all of the distractions that these young people are going to face and may not be prepared to face. If we are to avoid serious policy mistakes based on faulty analysis, I believe that we have to seriously consider this investigation and this examination so that we may be able to better prepare the young and the future Caymanians.

We know what to do. The challenge is for us to exercise the political will to get that done. I would like to revert, with your permission, again to the policies that led us to this change. Very interestingly, my research showed me that when those policies were laid on the Table there was no debate. As a young legislator myself, I found that a little peculiar but even more than that, Sir, as someone who espouses a democratic way of life on a matter as important as education, any change in policy should have been debated, even if there was no opposition. I am of the opinion that the person introducing those policies, the person who was the author of those policies had, as their responsibility, the explanation of those policies to the country.

But you know, there was an explanation because, in the *Nor'wester Magazine* of April 1978, the mover and the author of those policies went before the Chamber of Commerce and explained those policies and his reasons. Being as frank and candid as I am, the explanations were brilliant - and I wish to state that I am not taking exceptions to the policies because I believe the policies were good policies. Where the author went wrong is where our democratic process often breaks down. For when we encounter opposition, instead of constructively dealing with that opposition, we sometimes get carried away and use our positions of privilege and authority to destroy the opposition. Roy Bodden is not a man like that. I will be very dismayed and, indeed, Sir, if that is the course I take, I will be seriously letting down my mentors.

I believe that in the democratic process like ours we should use the forum and welcome the opposition because, no policies should be so rigid and dogmatic that it should not be opened to influence and change, particularly by Members whom those policies are going to affect. When we changed or lowered the age of children entering school to three years and nine months, what that did was to put pressure on us to also consider reducing the age at which they left school. I believe the law is made up, bearing in mind that a child should be compulsorily in school only for a certain number of years, it is broken down and it stipulates how long they should be at the primary stage and how long they should be at the secondary stage.

In moving this Motion, Sir, I am not so much interested in fulfilling a pledge which I made to my constituents on 13 October 1988, I am more interested in laying the foundation and setting the pattern for the future of this country. Campaigners will come and campaigners will go, rhetoric will be sputtered but the positive policies and the ongoing progress of this nation takes precedents and priority over any campaign promise or any political rhetoric that Roy Bodden or any other candidate or legislator utters.

So, I say that in moving this Motion, I do so not to make anyone look small, not to castigate or to criticise, but to seek the best that there is for Cayman's youth. Although I would hasten to add that it is not impossible for it to be as contentious an issue as the one we were debating earlier, I would expect that it is going to provoke some disparate reactions. But I am prepared for them and I believe that with the level of intelligence in here, we are going to be able to deal with that. When the original policies were changed if that was the attitude, probably there would be no need for us to take as serious a look at this issue as we have to do now.

Mr. President, you will forgive me, Sir, but I find it necessary every now and then to remind myself that as a 'freshman' (as the *Caymanian Compass* called me) in here I should not get carried away, not be arrogant, not become pedantic or dogmatic. And, pardon me, Sir, if I may sound a

little cocky, but it is especially easy for someone who has a flow of coherent ideas, who has a way with words and, above all, whose background may lead them to believe that they are an authority (and while I will concede that I might be an authority on education), I do not set myself up to be an authority on everything. Indeed, I do not even set myself up to be an authority on every education matter. So, I want to say that I hope we can review the Motion in all honesty and in all candor and give it the attention that I believe it deserves.

I will conclude by saying that the Motion, while it is important, does not lend itself to any kind of hasty examination.

Thank you very kindly, Sir.

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

MR. TRUMAN M. BODDEN: Mr. President, I was going to move an amendment, unless anybody wishes to speak before....I was really just rising to say that I would be prepared to move the amendment at this stage.

MR. PRESIDENT: You may move the amendment at any time. Notice has duly been given.

AMENDMENT MOVED TO PRIVATE MEMBER'S MOTION NO 1/89

MR. TRUMAN M. BODDEN: Yes, Sir, thank you.

This is a notice of amendment to Private Member's Motion No. 1/89 - School Leaving Age.

In accordance with the provisions of Standing Order 25(1) and (2), I, the Third Elected Member for George Town do duly move the following Motion for the amendment to Private Member's Motion No. 1/89 entitled, School Leaving Age:

> "That Private Member's Motion No. 1/89 be amended by the deletion of the full stop at the end of the Motion and the addition of the following thereafter:- "and report to this Honourable House in the May 1989 Meeting with details of the plan for the provision of funds and accommodation and other matters necessary for the implementation of the increase in the school leaving age for the new school year beginning in 1989.".

MR. JOHN D. JEFFERSON, JR: I wish to second that Motion.

MR. PRESIDENT: The amendment to Private Member's Motion No. 1/89, as set down on the Order Paper, has been duly moved and seconded. Would the proposer wish to speak to it?

MR. TRUMAN M. BODDEN: Yes, Sir.

Mr. President, I believe that if we are going to bring a Motion to this House which is this important, some time frame should be put on that Motion so that we can be assured that there will be some action on it within a reasonable time. The amendment seeks to put a time during which the Honourable Member for Education would report to this House and also a time frame for the implementation of the Motion.

The issue on this amendment is that if Members of this House feel that a matter is important, then it is important enough for it to be limited in time. If Motions are passed and they are important, and nothing is done on those Motions for long periods of time or not at all, then the Motion may have been brought in vain and would achieve nothing. I believe that the mover of this Motion, the First Elected Member for Bodden Town, would want to be sure that something which is so dear to him, as he has borne out in his opening debate, would be implemented within a reasonable time.

Now, the position in the past has been somewhat diverse as to motions which have come before the House. The fulfilling of the motion were duly implemented, others were sometimes rejected, or other times nothing was done at all. And, since we are on education - and I know that the Member for Education has been giving out a lot of free lessons in these last five days in the House - I thought I should perhaps say that, from reading the Minutes and *Hansards* over the last few years, I have learned one lesson which I am now trying to correct. At page 4 of the *Hansard* for 19 February 1987, it says:

> "Mr. President, when I decided in 1978 that we should have a National Sports Award there was all sorts of criticisms. I brought it to the House. All the Members accepted but I have to know yet what is going on about it. That is the kind of treatment one gets in this House. I see nothing tangible for me to say, that, yes, they are doing something about it or that yes, we should have a National Sports Award.".

A very simple motion brought by the Member (now the First Elected Member for West Bay) and nothing at all has been done about it even though accepted by all Members. To take it a little bit further, the lesson that I have

learned in support of this is found in the *Hansard* for the 11 March 1986, on page 38 we find:

> "Mr. President, I would not have raised this except that it had been inferred that all Members supported the Report. I have brought other motions to the House and which Member would not support. He would not agree that any of the ten motions which I brought to this House were good for the people, but I brought them in all honesty and for the betterment of my people.".

Once again, said by the First Elected Member for West Bay.

From recollection, I think that during the campaign stage the Member for Communications and Works did refer to a motion he had brought in relation to housing for Caymanians, maybe one or two years before, and apparently nothing had been done on it. I think I am right in that. The lesson one has learned is the lesson from the Honourable Member for Education about not taking the thunder when he was talking on the Motion, and we had the lesson relating to how to ask questions by him, which the Member thanked him for. I am thankful to the First Elected Member for West Bay in that he has shown that if you want to get something done with a motion, the first lesson you will learn is that you should put a time limit in it.

The amending Motion itself is what I would call putting the teeth into a good Motion which the First Elected Member for Bodden Town has brought. I can safely say to him that when I come to debate it I will support it. I think that it is a good Motion, but it is a toothless one from the point of view of not setting the time limit to deal with it. I believe that if there is something to do, we need to get on with it, within a reasonable time. On the other hand, if that time is perhaps shown to be short for whatever reason in the Report in May, then I would be very happy and reasonable on good grounds to say, look if perhaps it is more complicated than it may appear, that perhaps a bit more time should be given provided a time limit is given.

HON. BENSON O. EBANKS: Mr. President, I am wondering if the Member is offering a further amendment to his amendment just so that I will know what I am doing when I debate the Motion?

MR. PRESIDENT: I do not think that he has actually asked leave to bring an amendment without notice yet.

MR. TRUMAN M. BODDEN: Mr. President, perhaps during the break (as the Honourable Member for Education knows, I am a very reasonable person) if there is some good cause on that time limit then I am very happy to listen to him.

This is one of several motions in this House I have supported. I have not supported them when I felt they were not in the interest of the country or in the interest of my people. As the records will show, the five Members which the Member for Development and Natural Resources has called the five 'Opposition' or 'Backbenchers' have independent minds. As just seen on the last Motion, some of us voted one way on a very important issue, others voted the other way. It does go to show that independence in voting, but also the fact that we can look at the other side and we can discuss things between ourselves. If we have to disagree we will do so. As far as sitting down and working out a better time frame that is always open.

I believe though (and I would say this in all fairness to both the First Elected Member for Bodden and the Honourable Member for Education) that if we are going to do this we need to get on with it. If it is that important, as I think it is, I hope this House will find then we should get on with dealing with the implementation of it.

[Mr. Roy Bodden rose]

MR. PRESIDENT: A Member has risen behind you, I have reasons to believe it may be of interest to you.

MR. ROY BODDEN: Mr. President, I beg your permission for an explanation here, Sir.

When I moved the substantive Motion, the reason why I did not put a time limit on it was because I thought in the logical process of debate that we would have arrived at that. It is a very important Motion, and, quite frankly, I am a little mystified at what the Third Elected Member for George Town is trying to do. I think that (as a figurative expression goes) he is trying to steal my thunder.

MR. PRESIDENT: I misunderstood the purpose of your interruption.

MR. TRUMAN M. BODDEN: He is new at this, Sir, so I did not bother to object even though he went on a bit.

I am not trying to steal his thunder. The thunder lesson was for the Honourable Member for Health (which I no longer am). I am really trying to be constructive and hope it will be looked at from that point of view. I am really trying to put teeth into the Motion with respect to what the First Elected Member for Bodden Town has said. There were no other amendments to it. If there were any other amendments to it I would have supported it now, rather than put it; and I would rather not have to amend other motions if that is possible.

But, another lesson that one sometimes learns is that communication and consultation is perhaps one of the greatest ingredients to putting through this House,

measures which may be important and which Members want to get through. If motions are good, then so be it, I have a right to amend it. Hopefully that will not have to be done very often, but I would like to ensure that I do not get caught into the same dilemma which the First Elected Member for West Bay... and I am saying this constructively, based on what he said on his problems during the fours years of really not getting action when he needed to get action on motions, which was somewhat unfortunate.

It goes to show, I guess, that if something goes through the House and it has a reporting time, and some sort of time limit on it, which can always be altered later, even then I believe that at least we can show with some certainty where we are going, and we can say to our electorate, 'look I did put a motion and something will happen within a certain period of time.' This is really all it is, a clerical sort of tidying up of the Motion itself.

I would ask Members to look at the amendment constructively, to look at it as an improvement to what is a good Motion and also to one which I believe would avoid the frustration of really not knowing what is going to happen to the Motion in due course. With that constructive, hopefully, accepted approach to this, I would ask Members to vote for the amendment.

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

MR. W. McKEEVA BUSH: Just on a point of clarity, Mr. President, are we debating the amendment or the substantive Motion?

MR. PRESIDENT: The House is debating the amendment. Until that has been disposed of we do not return to the substantive Motion.

MR. W. McKEEVA BUSH: So once we speak on the amendment, we can return to debate the substantive Motion?

MR. PRESIDENT: Indeed, and under Standing Orders you may have up to four hours to speak on the amendment and four hours thereafter on the substantive Motion. I am not encouraging you.

The First Elected Member for West Bay.

MR. W. McKEEVA BUSH: Mr. President, I can well appreciate the attempt made by the Third Elected Member for George Town moving the amendment to get my sympathy for his amendment. In seconding this resolution, we thought about putting some sort of time frame on it but we realised that we are dealing, not with something that can be created like a medal, easily, we are dealing with education, the future of our youth and indeed, the future of the country. Therefore we thought that in moving the resolution we would not seek to tie Government down in this matter. We would give them sufficient time to look at all the ramifications that this resolution would bring to surface. We would be vigilant if there was no action, and would take the appropriate steps. But returning just after an Election (as we are), we need to give adequate time to look at this factor and even... I guess I should be as kind as the Third Elected Member for George Town was... but really, if the Member had not put the education system the way it is today, there would be no need today for this substantive Motion.

I cannot support his amendment. We have thought about this thing carefully. We are not dealing with a little medal and they can read all of my speeches for the past four years and it would not change my mind. We have thought this thing through. As a majority in this House, we are going to vote on the substantive Motion without any amendment. Thank you.

MR. PRESIDENT: If no other Member wishes to speak, would the mover of the amendment wish to reply? The Honourable Member for Education wishes to speak?

HON. BENSON O. EBANKS: **Yes,** Sir. I would not miss this opportunity for all the gold in Fort Knox. I would like to speak on the amendment to the Motion.

Mr. President, before getting into the meat of this amendment, I would like to make a few preliminary observations. The first is, that the Third Elected Member for George Town moving the amendment asserts that he considers the extension of school leaving age as important. If that Member really believes that to be important, why did he not bring a Motion in the first place? He had the same amount of time as the First Elected Member for Bodden Town had to bring his Motion. The First Elected Member for Bodden Town, in his interjection a while ago is quite right; all this Member is attempting to do is to climb onto his band wagon and try to steal some thunder.

If the Member felt that an extra year onto the school age was important, then I would have thought that he should have been the first man to bring a motion if he thought that it was necessary to try to clean up the mess which he created.

Now, Mr. President, I am going to deal with him and his amendment, except that I think that I should make a reference to a couple of the extraneous things that he brought in, that is, quoting from the *Hansard* for February 1987, where the First Elected Member for West Bay saying something about when he brought a motion. I am sure he was referring to the Creation of the Sports Person's Award of the Year; he expected action and had heard nothing and so on, and so on. Then the Third Elected Member for George Town imputed that nothing had been done. But I said yesterday that that Member is living in the past. The Sports Person's Award of the Year was made in 1986, it was made in 1987 and 1988. I can also assure the Member that we have finally located and ordered a special gold medallion for which we were looking for that presentation. We have ten on order and will replace the two cups which were given by those medallions.

To put one point at ease, which the First Elected Member for Bodden Town mentioned (because I do not want the Third Elected Member for George Town, in his winding up, trying to grab that and make some hay out of it) about the Elected Member for North Side who is now the Honourable Member for Health having mentioned in 1985 that something should be done about the school age to make an easy transition into the Community College. What the Third Elected Member for George Town should realise is that the Member for North Side was, at that time, making that remark in the context of the hodgepodge way that the Community College was operated when the Third Elected Member for George Town was the Honourable Member for Education. Something was done about that transition, and if one looks at the Community College of the Cayman Islands Law, 1987, Law 6 of 1987, section 4, it establishes on a formal basis, the Community College of the Cayman Islands. It will be seen that "the college shall be a post-secondary and adult education institution with the following functions: a) To provide full and part-time education and training to persons of the age of 16 years and over except that persons below this age may be admitted to the college in special circumstances approved by the Board;". So that the few people leaving school under 16 years who desire to continue their education can now be accommodated under the Community College.

As I said earlier, if the Third Elected Member for George Town was in fact serious in his assertion about putting an extra year onto the school age under his infamous 1983 Education Law, he should have brought the Motion. If there is a problem with the school leaving age, and I believe there is, he created it. He established what he says was the best thing that ever happened to education in the Cayman Islands, the Middle School concept. Perhaps this is as good a place as any - I would challenge that young man to find one dozen professionals in the education field who will agree with him that that Middle School, as it exists, is the best thing that ever happened to education in the Cayman Islands.

I have a few statistics which I would like to read to prove my point. And just to put Member's fears at ease, I want to get those who leave under 15 years cleared out of the way first because I have heard it said that a lot of people have to leave school under the age of 15 years. Now under 15 years in this context, means 14 years 11 months and under. Two children left school at that age in 1985, 4 in 1986, none in 1987 and 1 in 1988. The Motion deals with under 16 years, in my opinion, because that is what the Education Law states as school age - four years nine months to 16 years. So when we say under 16 years we are talking about 15 years 1 month to 15 years 11 months and these are going to be very interesting statistics, Mr. President.

In 1984, 51 children of the 318 children coming out of the High School were under age 16 years or 4.71 per cent. In 1985, the first year that the first group from the Middle School came through the system, the number rose to 112 out of 278 or 41 per cent of the total graduating class. In 1986, it rose to 117 out of 222 or 54.5 per cent of the school leaving class. So, the Member has a right to be concerned because his actions in 1978 - 1979, created this position. Now we will go on to show that in 1987 only 99 children of 264 left under the age of 16 years or 37.5 per cent and in 1988, only 88 out of 301 left under the age of 16 years or 29.6 per cent, reducing all the time.

Now there is a very simple explanation for that and that is, that when I saw the alarming number of children coming out of school under 16 years, up to 54.5 per cent in 1986, I took action. The reason why these children were coming out at that age, as I will show later, and as I said, is the direct result of the action taken by the Member. He reduced the school leaving age effectively and made no provision for examinations for those people who could not sit the GCE or CSE Examinations.

In 1986 we, in effect, introduced the Certificate of Education Examinations which is a two-year course and that is why the numbers began to drop dramatically. The examination was sat for the first time last year as Members will recall. I believe I see the Third Elected Member for George Town shaking his head, he cannot understand how he reduced the school leaving age. He should know that when he started the Middle School he removed the last year from the Primary Schools and put them into the Middle School.

MR. PRESIDENT: Excuse me for one moment, I realise that your line of argument is that the Member to whom you are referring has no grounds to urge the Government to move quickly in considering this Motion, but I think that you are going rather forward into the meat of the substantive Motion. Would you like in any case to take the tea break now?

HON. BENSON O. EBANKS: That would be acceptable.

MR. PRESIDENT: We will suspend for fifteen minutes.

AT 3:26 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:50 P.M.

MR. PRESIDENT: Proceedings are resumed. The Honourable Member for Education continuing.

HON. BENSON O. EBANKS: Thank you, Mr. President.

When we adjourned, I was making the point that when the Third Elected Member for George Town, the Mover of the amendment to this Motion, and it is the amendment that

we are now dealing with, started the Middle School concept, he effectively reduced the school life of children in this country by one year. To compose the Middle School, one year was taken off the Primary School and the first two years of the High School were put into the Middle School to make a three year Middle School.

Not only did it effectively take one year off of the school life of a pupil, but it plunged the country into unnecessary capital and recurrent expenditure. The capital expenditure came about by having to build new classrooms and duplicating specialist classrooms which were at the High School. The recurrent expenditure was increased, because in primary schooling you are dealing with a class teacher, whereas in the High School (which is our secondary school and which the Middle School is) you deal with subject teachers. So this helped swell the number of these same expatriate teachers that he is complaining about now. That money, in my opinion, would have...

[Mr. Truman Bodden rose]

MR. PRESIDENT: Is this a Point of Order?

MR. TRUMAN M. BODDEN: An explanation, Sir.

MR. PRESIDENT: You are asking the Member to clarify something?

MR. TRUMAN BODDEN: I never complained about expatriate teachers.

HON. BENSON O. EBANKS: Not in this Motion, Mr. President, but in questioning about the number of teachers and all of this by inference, he, with his colleague who seconded this Motion were talking about the number of expatriate teachers in the employment of Government.

This, Mr. President, is sins coming back to haunt him. That is why he has to be careful what he says at any given time.

MR. TRUMAN M. BODDEN: Mr. President, I have never complained about any teachers, much less expatriate teachers, and the Member cannot deal with implications. If I do not say something I do not know how he can draw these inferences.

MR. PRESIDENT: I think that is reasonable.

HON. BENSON O. EBANKS: As long as I do not draw an incorrect inference and that was what the people on the outside told me that they understood him to be saying.

MR. PRESIDENT: I do not think what people say outside this House should influence what Members say inside in this connection.

HON. BENSON O. EBANKS: All right, Mr. President, I have enough ammunition besides that, I do not need to use that or persist.

What I was saying was that we had to increase the teaching force, therefore, by increasing the recurrent expenditure on education. Now, what is also very much of concern to me about that move of taking children, bussing the children out of the districts at least one year earlier than originally happened, is that those are the children which leave the district first, at least in West Bay. The bigger children will not get up before daylight in the morning to catch Garcy's bus, so the little ones have to get out earlier. When those poor little children get into school in the morning, Sir, they are already worn out. If they had been left in the districts like it is my intention to do, they would be better off.

Mr. President, I hope you will permit me to go into a bit of the history of this whole mechanism of the Middle School so that I can prove my point.

MR. PRESIDENT: I would prefer if you did this on the substantive Motion. You are speaking on the amendment.

HON. BENSON O. EBANKS: Yes, Sir, but the amendment is for identification of funds, time frame and resources to implement what was sought in the substantive Motion.

MR. PRESIDENT: But the amendment is actually to report by a given date with such details...

HON. BENSON O. EBANKS: ....giving those details, so I am going to show why it is impossible to do this.

MR. PRESIDENT: Right.

HON. BENSON O. EBANKS: And, it is not that I am not working on it, Mr. President, I hope that I will have this in effect by September, but I will never do it because the Third Elected Member for George Town is trying to ride in on the coat tail of the First Elected Member for Bodden Town. I do not know how the Third Elected Member for George Town could expect me to do this in this unreasonable time limit that he has given. He

has stated publicly that I am incapable of administering education. That is a matter of record, and he had people like Rupert Moxam and Norberg Thompson believing him. I have to show that I am twice the administrator that he could ever be.

A few statistics, and not anticipating the Budget debate, Mr. President, but Members have been handed the printed Budget, they know what is in it and I do not think it would be entirely out of order for me to quote from those Estimates to make my point. Within the Primary Schools, giving some statistics, George Town Primary School was built to accommodate 450 children and at the moment, it has 500 in it. Members will see that in the Estimates there is money to build an infant school in George Town, which will take a big portion of the children from there and leave extra capacity for the extra year. West Bay has a capacity of 300 children and as of the last count, has 303 in it. A dramatic increase from the figure which it had only at the end of the school year preceding this one.

Now I am going to leave the thunder on that one for the next round. But again, if Members check the Estimates under School Buildings, they will see that the money there, although originally stated as being for two classrooms in Savannah, in the explanatory note has Savannah/West Bay. It appears that West Bay is growing at leaps and bounds and will need additional classrooms very quickly. Savannah on the other hand, which was build to accommodate 150 children, has 159 in it, but of that 159, there are 48 children that, really, are giving a false inflation to the figure.

For example, there are 23 children from George Town in that school and 25 from the eastern districts that should be in the Bodden Town School which has plenty of capacity. And, I need not remind Members that North Side and East End have excess capacity to take the extra year. I have said this, to show that thought has been put into this question long before the Third Elected Member for George Town found a convenient place to hitch a ride on the Motion of the First Elected Member for Bodden.

Not only did the Middle School effectively remove a year from the school life of pupils, but the most startling thing about the Education Law, 1983 (which the Third Elected Member for George Town piloted through this House... and I believe from the unparliamentary language it contained when it was brought here, he drafted it himself too - that plus a lot of the other errors that are in it), was that brilliant legal mind, and that accomplished education administrator, did not know that his 1983 law which was passed on 21 November 1983, did not ever have the force of law during the time he was implementing it. That law did not become validated until the 20 December 1985. And I would refer him to Law 42 of 1985 which is the Education Validation Law, 1985. This is the Member who talks about putting a time frame for action. How long did he expect it would take for this allowance to be given to this law? I agree if it had gone with the unparliamentary language that it was brought to the House with it would have never been approved, but we cleaned it up in here.

Nevertheless, I want to use this law to show that the Third Elected Member for George Town effectively removed one year from the school age by this law. Section 22 which deals with the Admission Regulations states clearly in relation to a government school, "no pupil shall be admitted to or retained in a Middle School before he has attained the age of nine years and nine months". Since the Middle School has three years and the High School three years, this law meant that the average child would come out of school at 15 years 9 months. That is where this rot started. Although it is put in the negative, pressure was put on children and teachers to meet the expected age. Once you have stated an age for entry into an institution, it becomes the normal accepted age for a child to enter that institution. Therefore, children who entered at an older age, would have been regarded as retarded.

Similarly, subsection (c) says that the student cannot enter a high school before he has attained the age of 12 years and nine months. Twelve and three makes fifteen. One has to view that in the light of the fact that until the advent of comprehensive education, children from primary schools sat the 11 plus examinations. They had to be 11 years, it was known as an Eleven Plus Common Entrance Examination. There were five forms in the high school so no child could have come out of school until after he had reached 16 years.

This Member who sees so much necessity in this Motion before the House, should have seen that when he was doing it in 1983. Mr. President, you should have heard the ridicule that I got when I opposed these sections in this House and in the Committee Room. I was even accused of attacking the professionals in the Education Department. He would not take responsibility for it. And that is the only man in Cayman who can administer the Education system.

I might not get up and flap my wings about anything I have done or may do, but I have made my mark on education in this country. They were good marks not blood stained marks...

MR. PRESIDENT: I could not hear that last adjective, would you repeat that?

HON. BENSON O. EBANKS: I said, they were good marks not blood stained marks....

MR. PRESIDENT: I would ask you to withdraw that, I think that is unparliamentary.

HON. BENSON O. EBANKS: Except, Mr. President, I did not impute that anybody else had. I said that I have made *my* mark....

MR. PRESIDENT: I am not talking about imputation, it is unparliamentary language in the context.

HON. BENSON O. EBANKS: Well, Mr. President, I will bow to your ruling you can have it stricken from the records or I will withdraw it or whatever.

MR. PRESIDENT: It is all right, it will be in the record as being withdrawn.

HON. BENSON O. EBANKS: All right Sir.

What I am saying, Sir, is that I do not need to go around flapping my wings about anything that I might do for this country, I can stand on my record. I introduced comprehensive education to the Cayman Islands and I never changed anything to do with the age at which children went to the High School; and for fear that the Member might try to climb on some band wagon I want to digress a bit about the time at which the Middle School was implemented. I do not have to make any notes, but I have the memory, thank God, of an elephant.

At the time this proposal was before the country, I attended one Parent Teachers Association meeting and the Member was there with self-interested parties, not from the Education Department, but people who wanted to keep their children in Cayman for a while longer before they sent them to boarding schools abroad as they did. I merely asked the question, whether the Member was satisfied that the money that was being proposed to be spent on establishment of the Middle School would not better be spent on improving the Primary Schools. I further went on to ask the Member if he did not think that it would be advisable to lower the school entry age. I was told that we already had a low school entry age that it was only in communist countries that people sent children to school before six years of age. I recorded that, in my opinion, from three to six years was probably the most fertile period of a child's mind. Obviously, that caught somebody's ear and you will notice the little tack-on in the 1983 Law about the reception class at three years nine months, but it is not compulsory.

I was speaking from my experience, Sir. I have three children, two were born in June, they went to school in September of the year that they would be four years. One was born in December and that one went to school in September of that year, so in other words, two went at four years and three months the other went at three years and nine months. Those children, which are not exceptional children, were reading within three months. So, to rob a child of the opportunity to start school early is a serious mistake.

When I referred to spending money on the primary schools, it was because at the time (when I lost my seat in 1976) I had determined that our primary school was the weak link in our system, and I began to concentrate on improving it to the extent that the same thing that is happening today was happening then. Children were leaving the private school and returning to the Government's primary school in West Bay. I was not talking to him to hear myself talk, nor did I make a serious issue of it. But the Member finds it convenient every opportunity he gets, to tell people that I opposed the introduction of the Middle School system. The truth of the matter is that when the comprehensive school was introduced, it was organised as a lower school, a middle school and an upper school with a Head of each. All the Member did was to segregate the Middle School on to another compound but with the two classes that comprised the Middle School. In order to justify the expenditure he took one year off of the primary schools.

The argument, Mr. President, as I understood it at that time for creating the Middle School on a separate compound was to segregate young children from teenagers. All that happened there was that they took younger children and put them with teenagers. Check it out! I challenged the Member earlier to find six or 12 professionals - and I am talking about professionals in the education world - who will say that the establishment of that Middle School was the best thing that ever happened to education in the Cayman Islands. I can understand why the Member would hold on to that because that is the only thing, basically, that he did. But, holding on to that is as futile as trying to hold on to the coat of the First Elected Member for Bodden Town in this Motion.

If I was of the nature of that Member, having regained the Education Portfolio in 1984, I would have probably gone back to the old system. But I have greater concern for public expenditure than that. I am going to take that monstrosity, that ill-fitting institution, and make it into the institution that it should have been or was intended to be.

And again, if one looks into the Budget they will find a new post for the Middle School, a curriculum coordinator whose job will be to liaise with the High School and so, dove tail the syllabus entry from the Middle School to the High School will be smooth. It would be just like a child moving from one form within a school to a higher form, but that is not the position today. That is the concept of a separate Middle School. But, the Member, having created it, never even took the pains to see that the law which created it came into force much less followed up on whether it was working or not.

Notes are coming from all direction Mr. President.... Mr. President, you will see, that is why I do not have to get up and flap my wings and I can admit that I am not a hasty man, by hasty I mean that I do not come to hasty conclusions, I think my course clearly. I am satisfied that when we come to accept the substantive Motion, to put one year back on...well it does not say that, it says that Government would look at it..., but I am suggesting that the year will go on in the Primary School. Any reasonable person in the profession would accept that is where it would go. We will have then a system of education that with the Primary School and the Middle School functioning as it should, the High School including its sixth form, and the Community College catering for vocational and technical subjects from age 16 (or below in special cases) we will have a system of education second to none in the Caribbean.

And, not blowing my horn, Sir, because, as I said, I do not need to do that, the Members will recall that also in the Estimates is money for upgrading the science laboratory in the High School. If the money spent to build the Middle School had been put there, our children would have been better off today. During 1984 - 1988 much of the vocational/technical buildings and equipment was improved. I

move with caution. But as a result of moving with caution, one cannot point to too many white elephants that Benson Ebanks has created in the Cayman Islands or, as an old West Bay man used to say, "I would not go as far as to say its a white elephant, but is some kind of big white animal.".

With those few remarks, I want to say that I totally reject this attempt by the Third Elected Member for George Town to claim some glory and steal thunder from the First Elected Member for Bodden Town and, of course, myself. I will do all that is reasonably possible to improve the educational standards in the Cayman Islands. But, believe you me, I will never do it by following the Third Elected Member for George Town. I have had the opinion always that I was a better administrator than he was, and, if I had any doubts, they have been removed entirely during this Session, Mr. President. He has not demonstrated once during this Meeting that I should follow him in any of his suggestions.....(inaudible interruption) No, Mr. President, I am not going to come back on Monday, but I am going to bat until closing time today. I am going to come back Monday on the substantive Motion.

This amendment before us, as I said in the beginning, and I will summarise by saying it again, the Third Elected Member for George Town cannot, with all of his legal expertise and supposed ability to debate, maneuver himself in any position to take any credit for what might come from the substantive Motion. If he had the concern, as he says he has, he had the same amount of time to bring a motion in his own name. Nobody who knows that young man can tell me that if he intended to bring a motion he was going to tell the First Elected Member for Bodden Town that he should bring it so he, the Third Elected Member for George Town could put an amendment to it. We all know that is not so.

Before I sit down, Sir, I would like to commend the Mover of the substantive Motion (to which this amendment has been attempted to be tacked) on his presentation and to say that although he may be a "freshman politician", I know that he is a veteran in the education field. I know that he was a good head-master. He ran a good school and that this country lost a very valuable asset when that young man decided to leave the teaching profession. If he had stayed there, maybe I would not have had the benefit of his assistance in the Legislative Assembly today. Out of every evil comes some good, and out of every good comes some evil. What some Members thought they were doing that was good, produced a whip for their backs.

So, Mr. President, with those few words, I am totally against this proposed amendment.

Thank you, Sir.

MR. PRESIDENT: The evening shadows draw in, but we have a little time left. Does any Member wish to speak?

HON. BENSON O. EBANKS: According to my watch it is 4:31 P.M. Sir.

MR. PRESIDENT: No, I think you are a little fast, it is 4:29 P.M.

MR. TRUMAN M. BODDEN: Another mistake again, Sir.

MR. PRESIDENT: Perhaps, the Honourable First Official Member would oblige.

SUSPENSION OF STANDING ORDER 14

HON. THOMAS C. JEFFERSON: Mr. President, to allow the present debate to continue on Monday morning, I think again we need to suspend Standing Order 14. I would propose that we do that now and not waste time on Monday to carry out that function and, I so move Standing Order 14.

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

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED. STANDING ORDER 14 SUSPENDED TO ENABLE PRIVATE MEMBERS' MOTIONS TO TAKE PRECEDENCE OVER GOVERNMENT BUSINESS ON MONDAY'S SITTING, 27TH FEBRUARY, 1989.

MR. PRESIDENT: I presume you mean that the debate on the Motion will continue on Monday after Papers and Questions.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Yes, Mr. President.

I now move the adjournment of this Honourable House until 10:00 A.M. on Monday.

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

AYES.

MR. PRESIDENT: The Ayes have it. The House is accordingly adjourned until Monday morning at 10 o'clock.

AT 4:30 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M. MONDAY, 27TH FEBRUARY, 1989.

MONDAY
27TH FEBRUARY, 1989
10:10 A.M.

MR. PRESIDENT: Prayers by the Elected Member for East End.

PRAYERS

MR. JOHN B. McLEAN: Let us Pray.

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

Bless our Sovereign Lady Queen Elizabeth, 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 the light of His countenance upon us and give us peace now and always. Amen.

MR. PRESIDENT: Proceedings of the House are resumed.
Questions.

QUESTIONS TO HONOURABLE MEMBERS

MR. PRESIDENT: We have Supplementary Questions to Question Number 18 which was asked by the Third Elected Member for George Town, and which has been replied to in writing by the Member for Communications and Works.

MR. TRUMAN M. BODDEN: Mr. President, these are supplementaries to the Question which I would just like to re-read if that is all right:

NO. 18: Will the Honourable Member state in relation to the roads in the district of George Town, when each road will be repaired to the standard that such road was prior to being excavated by the companies responsible for the laying of pipes for the Sewage, the Water Project and the Fuel Project? Giving details including the names of the roads, date upon which the laying of pipes was completed, the dates under the contract by which the contractor should have or is bound to repair the roads and the names of the respective contractors responsible (if any) and whether the repairs are in accordance with the contracts?

(The following Answer was not read as is normally the practice but put in at this point for the purposes of the records)

ANSWER: The answer is separated into the three particular contracts.

GEORGE TOWN WATER SUPPLY

For any road where pipes are laid, there is specific date for repair work to be done, except that generally it has to be within the contract period, however extensions to the project area have obviously lengthened this period, which now stands at 17th March, 1989. Further, the specification prohibits the placing of permanent reinstatement within three months of the pipe being laid, which will mean that in a number of instances the permanent road reinstatement will be carried out after completion date, but within the twelve month contract maintenance period.

The laying of pipes is carried out in two distinct operations. Firstly, the laying of the pipes which make up the distribution system and secondly the connections from these pipes to the individual consumers.

Details of the laying of pipes and actual or planned repair is as follows:-

ROAD NAME	MAIN PIPELINE COMPLETED	LAST CONNECTION MADE	DATE OF REPAIR OR PLANNED DATE
N Church St	May 88	Feb 89	Mar 89 repair commenced
Eastern Ave	April 88	Application still in hand	Mar 89
Eastern Ave Link	April 88	Oct 88	March 89
N Sound Road	Jan 88	PWD are resurfacing this length of road	
Hospital Rd	Feb 88	April 88	Mar 89
Elgin Ave	May 88	Application still in hand	Mar 89
Shedden Rd	Jan 88	Still in hand	Mar/Apr 89
Crewe Rd	Nov 88	Still in hand	Mar/Apr 89
Tropical Grds	Dec 88	Jan 89	Mar/Apr 89
Walkers Rd South	Jul 88	Feb 88	Apr/May 89
Walkers Rd North	Sept 88	Applications still in hand	Apr/May 89
Smith Rd	Mar 88	Still in hand	Apr/May 89
S Church St South	Aug 88	Apr/May 89	
S Church St North	Aug 88	Dec 88	Jan 89 completed
Mary St	May 88	Jan 89	Apr/May 89
Memorial Blvd	Sept 87	Oct 87	Feb 89 completed
Melmac Ave	Sept 87	Dec 88	Feb 89 completed
Foster Rd	Oct 87	Aug 88	Mar 89
Moxam Rd	Oct 87	Applications still in hand	May 89
Middle School Rd	July 88	May 89	
Hinds Way	Under Construction		
Point Four	Nov 87	Mar 88	Nov 88 completed
Glen Eden Rd	Nov 87	Jan 89	Dec 88 completed
Denham Thompson Way	Oct 87	Applications still in hand	Jan 89 completed
Phelands	Feb 88	Nov 88	Dec 88 completed
Parson's Rd	Jan 87	Applications still in hand	Apr 89
W Columbus Way	Sept 87	Feb 88	Apr 89
Eden Rd	Jan 87	Applications still in hand	Apr 89
Goring Ave	Sept 88	Oct 88	Feb 89 completed
Myles Rd	June 88	Jul 88	Apr 89
Webb Rd	Mar 88	Apr 88	Apr 89
Seymour Rd	Mar 88	Jan 89	Apr 89
Sandlewood Cres	Oct 87	Aug 88	Jan 89 completed
Red Gate Ln	Aug 88	Sept 88	Jan 89 Jan 89
Boilers Rd	Aug 88	Sept 88	Mar 89
Maple Rd	Jan 88	Sept 88	Mar 89
Windsor Park Rd	Apr 88	June 88	Mar 89
East Boulevard	Apr 88	June 88	Mar 89
Mango Turn	May 88	June 88	Mar 89
Anthony Drive	May 88	June 88	Mar 89
Holmes Drive	May 88	June 88	Mar 89
Andrew Drive	Apr 88	June 88	Mar 89
Hawkin's Drive	Apr 88	June 88	Mar 89
Williams Drive	Apr 88	June 88	Mar 89
Thresa Drive	Apr 88	Applications still in hand	Mar 89
Morton Rd	May 88	June 88	Mar 89
Templeton Pine Rd	Aug 88	Applications still in hand	
Coemer Drive	Aug 88	Aug 88	Mar 89
Edward Ave	Jan 89	Jan 89	Apr 89
School Rd	Jan 89	Jan 89	Apr 89
Diaz lane	Jan 89	Jan 89	Apr 89
Fort St	Feb 89	Applications still in hand	
Edward St	Feb 89	still in hand	
Jennet St	Still under construction		
Coconut Walk	Still under construction		
Palm Walk	Still under construction		
Barnes Drive	Mar 88	Sept 88	Apr 89

Lynhurst Ave	June 88	Oct 88	Apr 89
Our Haven	Oct 88	Oct 88	May 89
Melody Lane	Oct 88	Oct 88	May 89
Ella Mae Gardens	Oct 88	Nov 88	May 89
Birch Wood Drive	Oct 88	Nov 88	May 89
Alamo Drive	Oct 88	Applications still in hand	
Windfern Close	Oct 88	Nov 88	May 89
Canal Lane	Oct 88	Applications still in hand	
Ryan Rd	Nov 88	still in hand	
Orchard Lane	Nov 88	Nov 88	May 89
Brook Lane	Nov 88	Nov 88	May 89
Crewe Close	Nov 88	Applications still in hand	
Neavis Close	Nov 88	Dec 88	May 89
Palmdale Cres	Nov 88	Applications still in hand	
Industrial Way	Dec 88	Dec 88	Mar 89
Poinsetta Lane	Dec 88	Dec 88	Mar 89
Hibiscus Lane	Dec 88	Dec 88	Mar 89
Croton Lane	Dec 88	Dec 88	Mar 89
Avocado Lane	Dec 88	Dec 88	Mar 89
Marigold Lane	Dec 88	Applications still in hand	
Courts Rd	May 88	Still in hand	Oct 88 completed
Washington Rd	Jul 88	Still in hand	Apr 89
Pond Rd	Mar 88	Apr 88	Apr 89
Palm Rd	Mar 88	Apr 88	Apr 89
Palm Cres	Mar 88	Apr 88	Apr 89
Dorcy Drive	Mar 88	Applications still in hand	
School Lane	July 88	Oct 88	Apr 89
Gresscot Lane	Jan 89	Jan 89	Apr 89
Merrendale Rd	Aug 88	Sept 88	Apr 89
Breezy Castle Rd	Dec 88	Jan 89	Apr 89
South Sound	Jan 89	Still under construction	

The contractor with responsibility for the road reinstatement is Petroservicios Ltd., the civil engineering contractor for the project. The repairs are being carried out in accordance with the contract.

WEST BAY BEACH SEWERAGE PROJECT

Details of the laying of pipes and actual or planned repair is as follows:

ROAD NAME	PIPELINE COMMENCED	PIPELINE COMPLETED	DATE OF ROAD REPAIR OR PLANNED DATE
West Bay Rd	Feb 87	Mar 88	Unable to obtain definite date from contractor
Whitehall Gardens	Aug 87	July 88	Repair complete
Kintyre Drive	June 87	Aug 87	,, ,,
Parkway Drive	Jun 87	Aug 87	,, ,,
Whitehall Estates	Jul 87	Nov 87	,, ,,
Marble Drive	Oct 87	Dec 87	,, ,,
1st Rd So Marble Dr	Aug 87	Dec 87	,, ,,
2nd Rd So Marble Dr	Oct 87	Nov 87	,, ,,

The contractor with the responsibility for the road reinstatement is Hadsphaltic International Ltd., the civil engineering contractor for the project.

The temporary repairs and permanent repairs to side roads carried out to date comply with the contract. However, the contractor has attempted to carry out permanent reinstatement to the main trenches on the West Bay Road. This reinstatement has, in most cases, been unacceptable and consequently has not been approved nor paid for.

OIL PIPELINE PROJECT

The following table sets out the information requested. It is worth noting that the road sections 2 which have not been accepted are all roads with bituminous concrete (hot mix) surfaces. The civil engineering contractor did sub-contract the permanent reinstatement of these roads to the only paving contractor on the Island, Island Paving (1985) Ltd. The work was carried out by this sub-contractor which was intended to serve as permanent reinstatement. However the final surface settled and PWD have not accepted the work. Extended negotiations have followed with the developer (ESSO) resulting in the sub-contractor obtaining advice from overseas in early February 1989 on a proposed remedial treatment. Efforts are continuing to have the remedial measures taken, hopefully by March 1989.

ROAD NAME	PIPELAYING COMPLETION DATE	PROGRAMME DATE FOR PERMANENT	ACTUAL DATE OF REPAIR	CURRENT STATUS	REVISED CONTRACTOR COMPLETION DATE REPAIR
So Church St	Jan 88	May 88	Jun 88	Unacceptable	Pending - McAlpine
Phelands	Jan 88	May 88	Jun 88	Acceptable	N/A - McAlpine
Walkers Rd	Jan 88	May 88	Jun 88	Unacceptable	Pending - McAlpine
Templeton Av	Feb 88	Jun 88	Jul 88	Acceptable	N/A - McAlpine
Smith Rd	Feb 88	Jun 88	Jun 88	Unacceptable	Pending - McAlpine
Pond Rd	Feb 88	Jun 88	Jul 88	Acceptable	N/A - McAlpine
Elgin Ave	Feb 88	Jun 88	Jul 88	Unacceptable	Pending - McAlpine
N Sound Way	Feb 88	Jun 88	Nov 88	Acceptable	N/A - McAlpine
N Sound Rd	Mar 88	Jul 88	Aug 88	Acceptable	N/A - McAlpine

The PWD did not require a performance bond, or similar surety, on the basis that the developer (ESSO) and the contractor (McAlpine) were both prominent and reputable local firms. The demise of the Island's second paving contractor, (Hawk Enterprises Ltd.) has resulted in Island Paving (1985) Limited being the sole local paving contractor available to carry out the work.

SUPPLEMENTARIES:

MR. TRUMAN M. BODDEN: My first supplementary question is in relation to this part of the reply in which the Honourable Member said on the George Town Water Supply Project, "For any road where pipes are laid there is no specific date for repair work to be done except that generally it has to be within the contract period, however extensions to the project area have obviously lengthen this period which now stands at 17th March, 1989.", my question is, why was no specific date for the repair work put in the contract?

HON. LINFORD A. PIERSON: Mr. President, in answering this supplementary question it is true to say that supplementaries follow on to substantive questions. It would be of very little benefit to the listening public if I answered supplementaries without first giving them a chance to hear the answer to the substantive question. In order that they can benefit from these answers too, I would have no objections to reading the answer to the substantive question. To answer the supplementaries is a bit of a nonsense since the substantive question was answered in writing.

MR. PRESIDENT: This is not easy. It seems to me that the whole point of this question was that the answer is so long that it was decided that it was not suitable to be read in full when replying. I wonder if you would answer the supplementaries by quoting from your written answer as necessary rather than reading the whole of it and then specifying what you wish to say on the supplementary. Would that be possible? In other words, quoting from your original written reply rather than reading the whole of it as necessary for each supplementary.

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

In answer to the Member's supplementary question, the date of the contract period on the George Town Water Supply Project was from June, 1987, to May 1988, but this has now been extended because of demand for connection, to March 1989.

MR. TRUMAN M. BODDEN: Why was not a specific date for the completion of the roads that had been excavated put either in the original contract or in the extension as some of these dates show that the main pipeline had been completed sometimes well in excess of a year?

HON. LINFORD A. PIERSON: There was a three month period set in the contract for initial repairs to the road but, mainly because of settlement problems with the road, this was not possible. The contractor's initial attempt to carry out the permanent reinstatement to the main road and its failure to meet the specifications caused him to reassess the position. He was of the opinion that the trenches were settling under traffic load and caused the reinstatement at that point to fail. He therefore took the decision to delay any permanent reinstatement and maintain the existing reinstatement until he was confident that the settlement had ceased. He is now of the view that settlement has ceased and it is his intention to carry out the permanent road

reinstatement commencing in the very near future.

MR. TRUMAN M. BODDEN: Do I understand the Member to be saying that the contractor has relied on motor vehicles to compact and deal with the settlement of the road in these areas?

HON. LINFORD A. PIERSON: A decision on when permanent reinstatement should be taken is one that is to be taken by the contractor. It is very difficult, Sir. There is a one-eighth of an inch maximum settlement allowed for which the new areas can fall below the main road area. When the permanent reinstatement had been attempted, because of the settlement problems with the road, it was decided that it should continue with the temporary reinstatement until they were satisfied with permanent settlement.

MR. TRUMAN M. BODDEN: Supplementary on the same area. Could not a roller have been used so that there could have been compacting within a short period, say three or four months, as you mentioned a minimum of three months here, so that the public would not have had the inconvenience of doing this compacting work with their cars?

HON. LINFORD A. PIERSON: I do not really think that the contractors are relying on cars to do the compacting work for them. If the Member, I think he lives on the West Bay Road, had noticed he would see that the contractors are, in fact, using rollers. I am reliably informed by the technical people that I have spoken to that even with the rollers it is very difficult with materials such as marl and fill that we have to contend with as well as water, to get the compaction exactly the way he would wish at a particular point in time.

MR. TRUMAN M. BODDEN: Following up on your question, you said that the specifications prohibits the placing of permanent reinstatement within three months of the pipes being laid. So there is a period during which, it would appear to me, a three month period minimum was left. Is there any maximum period by which they should lay this? I am only dealing with the water supply project because some of the pipelines were finished in October, 1987.

HON. LINFORD A. PIERSON: Mr. President, the Member quoted from part of my answer and to really get the sense of it I think I need to read the balance. The answer to the substantive question was: "For any road where pipes are laid, there is no specific date for repair work to be done except that generally, it has to be within the contract period." I have already told the Member the contract period. However, extensions to the project area have obviously lengthened this period which now stands at 17 March 1989. Further, the specification prohibits the placing of permanent reinstatement within three months of the pipes being laid, which will mean that in a number of instances the permanent road reinstatement will be carried out after completion date but within the twelve month contract maintenance period.

MR. TRUMAN M. BODDEN: Lastly on the Water Project, was there no way in which you could get repairs done prior to this extended contract period when pipes were being completed as far back as October, 1987?

HON. LINFORD A. PIERSON: A number of permanent reinstatements have been carried out, but I think it would be wise for me to mention to the Member that the contractor is responsible for his timing and method of working on the contract job and that it would be possible for instructions to be issued. This would, however, then place the contractual responsibility on the person issuing the instructions which could well result in additional cost for the employer, which is the Cayman Islands Government, especially in this instance where settlement may well have caused the contractor's first attempt at reinstatement to fail.

MR. TRUMAN M. BODDEN: To that supplementary, Sir, you would only issue these directions if...

MR. PRESIDENT: Sorry. Correction: the 'Government', or the 'Member', would issue... you cannot say 'you' would issue directions, you are talking to the Member.

MR. TRUMAN M. BODDEN: I am sorry, I normally say through you, and I will say that at the beginning of each...

MR. PRESIDENT: Nevertheless, we should get it straight. You should address in the third person if you would.

MR. TRUMAN M. BODDEN: Would the Member state whether the issuing of these directives by Government would only have arisen in the event that the contract did not ably deal with the time limit? That is, if the contract said six months after final laying of the pipes, the final surface must be placed to these specifications?

HON. LINFORD A. PIERSON: In reply to that supplementary question, the Government has a responsibility under the contract to ensure that the reinstatement is up to specification and unless this reinstatement is up to specification, the contractor will not be given a certificate of completion.

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

MR. GILBERT A. McLEAN: A supplementary question. Would the Honourable Member say if Government is pressing the contractor on the need to do something permanent with the repairs to the roads due to the present state of the roads in the George Town and West Bay area?

HON. LINFORD A. PIERSON: The answer to that question is, yes.

MR. TRUMAN M. BODDEN: Going on to the answer in relation to the West Bay Sewerage project. In the first line, the Member has stated that on all of the side roads the repair is complete but on the main West Bay Road, the pipeline was commenced in February of 1987, it was completed in March 1988 and on the date of road repair planned date he said he was unable to obtain a definite date from the contractor. My question is, why?

HON. LINFORD A. PIERSON: Mr. President, the reason why the completion certificate has not yet been given for permanent reinstatement on the West Bay Road was because of the settlement problem which I mentioned earlier. The Government was not satisfied that the permanent reinstatement attempted was to the Government's satisfaction and it was therefore not given a completion certificate.

MR. TRUMAN M. BODDEN: On the question of compacting and the Member's reference to a roller, is Government satisfied that the hand roller being used on this project is suitable equipment for compacting?

HON. LINFORD A. PIERSON: Mr. President, the answer is yes.

MR. TRUMAN M. BODDEN: Can the Government say when they expect the West Bay Road to be surfaced back to the high specifications provided in the contract?

HON. LINFORD A. PIERSON: Mr. President, the question of the sewerage system along the West Bay Road is now a matter that is in dispute and I would rather not deal with specific answers to some of these questions here today. I would be very happy, because this matter is in dispute with the contractors, to provide any answer that the Member might have in writing. If you wish, Sir, I can give the answer but because it is in dispute, I would rather not at this point.

MR. PRESIDENT: I think that seems reasonable. 'In dispute' I imagine, means in legal proceedings.

MR. TRUMAN M. BODDEN: That is okay with me. I wonder if I may just ask one other supplementary on this which would not touch a disputed area. Is there a bond in the contract? Just yes or no will be sufficient.

HON. LINFORD A. PIERSON: Yes, Mr. President.

MR. PRESIDENT: Well, perhaps we should proceed to the next item on the Order Paper. I think I have learned something from this. Perhaps the next time a question comes in like this I shall split it down into several questions or suggest that the Member might wish to move a motion instead.

MR. TRUMAN M. BODDEN: I did not appreciate that the answer would be this long, and I must say I only wanted to ask maybe two questions on the Oil Pipeline Project part of it, Sir.

On the Oil Pipeline Project you have mentioned that the Public Works Department did not require performance bonds or similar surety on the basis that the developer, Esso, and the contractor, McAlpine Limited, were both prominent and reputable local firms. My question to this is, if a performance bond had been required in the contract would it not have, in fact, caused these roads to be repaired within a shorter period?

HON. LINFORD A. PIERSON: Mr. President, it seems like a hypothetical question that would call for my opinion. I am not in a position to give an answer to that.

MR. TRUMAN M. BODDEN: This is my last question on this, Sir. Would the Member undertake that in the future performance bonds would be taken where they are usual in cases of this sort?

HON. LINFORD A. PIERSON: Mr. President, if I was of the opinion that the Public Works Department had erred in a decision that they took, I would give that assurance if it occurs that this is necessary to get a performance bond, then it will certainly be done.

MR. PRESIDENT: We move then to Other Business, Private Member's Motion No. 1 of 1989.

OTHER BUSINESS

PRIVATE MEMBERS' MOTIONS

PRIVATE MEMBER'S MOTION NO. 1/89

SCHOOL LEAVING AGE

(Continuation of debate on the amendment to Private Member's Motion No. 1/89)

MR. PRESIDENT: The debate on a Motion to amend the substantive Motion continuing. Does any Member wish to speak?

Please remember this is the debate on the amendment which the House will dispose of before returning to the substantive Motion.

The Third Elected Member for West Bay.

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

I rise in support of the amendment to Private Member's Motion No. 1/89, basically to effect a time frame for the implementation of the new policy on increasing the compulsory school leaving age of students.

Contrary to the views of the self-proclaimed authority on education, the First Elected Member for Bodden Town and the Honourable Member for Education, who is also the newly self-proclaimed teacher of the House, the main concern is not students getting out of school too early. The main issue that the public is concerned about today is the deterioration which has taken place in public education in the Cayman Islands. By that I mean overcrowding of classrooms, drugs in the school, lack of discipline in the classrooms and on the busses which now require wardens to be riding those busses to keep order. In my opinion, these are the concerns that have been viewed or aired by members of the general public.

I support the increase in the school leaving age not because I feel that is the real problem or issue for the deterioration as far as what has taken place in public education, but by increasing the school leaving age, it will enable those students that are academically inclined to add to their educational background. By that I mean that rather than coming out with 'O' Levels, it might give those students a chance maybe to come out with a few 'A' Levels. I am aware that it is a policy that is in existence at the present time where certain students do go on to sixth form to do their 'A' Levels but I think that if we do increase the school leaving age, it will give more students the opportunity to add to their educational background.

[Mr. McKeeva Bush rose]

MR. PRESIDENT: Is this a Point of Order or are you seeking to interject on a Point of Elucidation?

MR. W. McKEEVA BUSH: No, Mr. President, I am wondering whether the Member is debating the substantive Motion or the amendment?

MR. PRESIDENT: The debate is very wide raging so far, and I am not yet inclined to advise the Member to constrain himself.

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

Increasing the school leaving age would also give students a chance to mature mentally. Coming out of school at age 15 or 16 years, I personally do not feel that they are equipped mentally to deal with the real world. It would also make it more attractive for employers to employ these students because they would have reached or is near the age of majority which is 18 years. I am not a lawyer but I was told that a minor in most instances, cannot be held criminally liable for his actions.

At age 15 or 16 years most students cannot be admitted to most universities because as a general rule, I know in particular the United States' universities, which is where most of our students go, will not admit students before the age of 18 or 19 years. It will also put the students, I feel, in a position where, contrary to what the present situation is, they will be in a position to, because of their age, also qualify for drivers licences. I would hope that it is to at least 18 if we increase the school leaving age, by that time, they would also be qualified to vote.

I know from personal experiences. I am also a graduate of the Cayman Islands High School and I graduated before the Comprehensive and the Middle School systems came into effect. I graduated when I was 18 years of age. Even at 18 years a lot of students are not mentally mature to go out there to face the real world.

I definitely support the amendment and I think that the substantial motion is a good one but I would like to tie in a time frame for implementing this new policy with regard to increasing the compulsory age of students coming out of school.

Thank you, Mr. President.

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

MR. ROY BODDEN: Mr. President, mindful of the old adage by the great teacher Aesop - that we sacrifice our dignity when we lower ourselves to the level of our inferiors - I would like to say that I take personal resentment to anyone who suggests that Roy Bodden is a self-styled educational expert. My academic record in Cayman, if I may say so myself, is in a class by itself. My teaching in the schools of Cayman

and in the Government Service - and the record will bear me out - is second place to none, Sir. When I left the Civil Service anyone who would care to scrutinise the records will see, that this country lost a good teacher and a good administrator.

Now, I would like to say that, as far as the amendment to the Motion which was moved by me goes, one of the criterion by which the people of Bodden Town chose me to be their representative was the fact that I said I would never take four hours to speak on what could be effectively delivered in fifteen minutes, and that is a promise which I intend to keep during my tenure in this Assembly. I am reminded that my predecessor (who did not keep that promise) was relieved of his responsibilities by my constituents. I do not intend for that to happen to me, through making that same error, Sir.

Secondly, when discussing and formulating this Motion, my colleague and good friend, the First Elected Member for West Bay, thought against including a time frame because we were mindful of the fact that we were just beginning a Session of the Legislative Assembly on which we would have the business of the Throne Speech and the Budget debate. We realised that there would be cause and need to formulate other committees. With that in mind, we thought it best to let the time frame flow out of the logical sequence of debate. I would rather, Sir, not set any time frame than to set a time frame which is too short, unreasonable and unrealisable. That would defeat the Motion.

Additionally, I have to remark again, the charge I got from my constituents was not to come here and oppose for opposition sake. Hence, I do not label myself "the Opposition", rather I label myself "a Backbencher", and would reiterate when I think that Government comes up with Motions, Bills or Laws that I find not in the best interest and in keeping with the expectations of my constituents and the development of this country as economically sound, peaceful and viable, I will be the first to register my objection. But, I will always do so with decorum, respect and dignity. When I have to be corrected, that is the way that I would like it done. I will be dismayed if it is done otherwise. Neither did my constituents send me here to make any Member of this Honourable House look bad. That includes all Members. They did not send them for that either. When I get up to speak, I do not necessarily want to make anyone look bad. I would like to digress to say that I am always careful to extend the velvet glove but behind me I have the mail fist if that is necessary. I would like that to be remembered by those to whom it has some relevance.

I moved the Motion in good faith. As the Mover of the substantive Motion, I have to say that I cannot support the amendment because I believe that the time line suggested is too short. It is impractical and it is unrealisable. Whatever the Third Elected Member for George Town was trying to do when he moved the amendment... and, I believe, that there is a concerted effort to make a circus out of the substantive Motion, but I would like to say that if he thought that something should have been done in this manner he had ample time, including the time when he had tenure as the Member responsible for Education in this country.

The records show, and I was perusing them as recently as this morning, that the time of that tenure was a time where the occupational diseases were arrogance, pedantry and dogmatism. Many of the people, indeed most of the people, who proffered suggestions were castigated in the press and on public forums. That is the record of the *Hansard* of this House, as well as a publication called the *Nor'Wester Magazine*. Maybe some people need to refresh their memories.

Finally, I should be forgiven because every now and then I, like an old philosopher, would like to leave a piece of profound wisdom which, as I listened to motions debated in this House and positions and stances taken, I think has some relevance. It was passed on to me by someone whom I respect and, for what it is worth, I will leave it:

> "Whoever undertakes to set himself up as judge in the fields of truth and wisdom is shipwrecked by the laughter of the Gods.".

Thank you, Sir.

MR. PRESIDENT: The Honourable Member for Health and Social Services.

HON. D. EZZARD MILLER: Mr. President, I wish to record my opposition to the amendment to Private Member's Motion No. 1/89 moved by the Third Elected Member for George Town and seconded by the Third Elected Member for West Bay.

Now, I am one who has always been comfortable with commitments in time because it urges one to get the job done. While a Backbencher in this Honourable House for four years I attached several time frames, but those time frames were always done with two things in mind: One, they were realistic, and they were designed to help achieve the objective of the bill or motion whichever was before the Assembly. My gut reaction is that this time frame does not meet those two criterion. This time frame, in my opinion, is designed to have the Motion fail by urging hurried and speedy decisions without giving time for adequate thought and the provision of resources to properly achieve the objective of the motion.

I have a great respect (I have always had) for the teaching and educational ability of the First Elected Member for Bodden Town. As far as I can remember he has been regarded in this community as one of the best, if not the best, teacher to ever come out of Mico Training College. I think the Third Elected Member for West Bay should spend some time and research the record before he insinuates that he cannot be considered an authority on education in this country. I might also add that I have never heard the First Elected Member for Bodden Town pounding his chest saying that he was 'the', and, therefore, a self-proclaimed authority on education. I think he has always stated that that is his field and he believes that he has some authority and a good bit of knowledge.

But, just to set the record straight, I would like to record what his academic background is in education so that we can be assured that he has some basis on which to assume that he has some authority on education and therefore I would suggest to Members of this Honourable House to listen when the First Elected Member for Bodden Town speaks on Education and education administration. His record is: 1967 - Honours Graduate, Mico Training College; 1978 - Bachelor of Arts Degree, Trent University; 1980 - Master of Education, Queen's University. I believe he has continued to advance his ability through the learning process and is due to receive the Master of Science Degree from Syracruse University in the summer of 1989.

Now, these are all recognised universities, they are not some back-of-the-wall church college where the major object is to remember the Bible, put in the time and pay the fees to get your degrees. I hold the First Elected Member for Bodden Town in high esteem when it comes to educational administration and an authority in this country.

I will agree with him, Sir, that this country lost a good educator, probably one of the best in his time, when he left the service due to political victimization of small and narrow minded persons who could not stand to have their dictum in areas that they knew nothing about questioned. I believe history will record that there were others who fell in that category at the same time.

While I subscribe to support the substantive Motion, I cannot support the amendment which introduces unrealistic time frames because I am of the opinion, Sir, that that time frame is not designed to achieve the goals of the substantive Motion but to prevent it from ever happening because it might be a sad reflection if this Government has to publicly correct what went wrong some time ago.

Thank you, Sir.

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

MR. GILBERT A. McLEAN: Thank you, Mr. President.

I rise to speak on the amendment to the substantive Private Member's Motion No. 1/89 - School Leaving Age. As I see and understand it, Sir, the Private Member's Motion is asking that Government investigate the need and examine ways and means of extending the school leaving age in the Cayman Islands and the addition to those words is:

> "...and report to this Honourable House in the May 1989 Meeting with details of the plan for the provision of funds and accommodation and other matters necessary for the implementation of the increase of the school leaving age for the new school year beginning in 1989.".

Mr. President, that is all that has been given to me in this House to debate on. I am at a loss to have sat here, being taken eight and ten years back into time and before that. I have heard statistics quoted, and all sorts of other matters which I do not really see the relevance of.

I support the amendment to the Motion simply because it attempts to set a time frame whereby Government is being asked to come back to a Meeting of this Legislature and say what has been done as far as finding fund, accommodation and the like which would be necessary if the school age is increased above 15 years. I can see nothing wrong with that. I think it helps or assists the substantive motion, which I support and which I agree and will do so when the time comes to vote on it. I see nothing whatsoever wrong with the amendment asking that there be a time frame at which time Government may come back and say we have not completed our examination of this matter, we do not foresee that we will have any money, we cannot provide accommodation or if we provide accommodation or whatever, it will cost so much. I see nothing wrong with it whatsoever and, as I have said, I will support the amendment as I intend to support the substantive Motion.

I believe the debate, if that be what it is, that has gone on here since Friday does not bear relevance to the facts which are before us and it has substantially been a question of who-done-it and personalities. I support the amendment to the Motion.

MR. PRESIDENT: The Elected Member for East End.

MR. JOHN B. McLEAN: Mr. President, I support the amendment to Private Member's Motion No. 1/89 which reads as follows:

> "...and report to this Honourable House in the May 1989 Meeting with details of the plan for the provision of funds and accommodations and other matters necessary for the implementation of the increase in the school leaving age for the new school year beginning in 1989.".

I believe this amendment is a good one as it is setting a time frame on the original Motion which is before the House. The speakers from the Government Bench have said that the time is too short. Well, if this is the problem with the amendment, I would move that a further amendment be made to this amending motion to set a time frame which would be more suitable to the Government. Instead, Sir, we have wasted much time on this amendment to this Private Member's Motion. It seems as if we have wasted time on the pros and cons of the Middle School, we have heard of various individuals, which I do not want to get into, but to me, Sir, this is all petty stuff and matters which should not have been addressed at this time.

We are dealing with a specific amending motion which is what I

have just read to the Honourable House, and I do not honestly see the need for us to get into this crossfire on what I consider, a very important motion. I think it is sad to say that because of who brought this motion on the floor of the House, it seems as if we have nothing but attacks on it. The time has come when we, as legislators, should look at the importance of a matter and cancel personalities for the time being. I am not here to say that we will always see eye to eye, but the fact remains, let us deal with it on its merits. If the time frame is too short, let us amend it but I think it is only right for us to set a time frame on this very important matter.

Thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak on the amendment? It appears not. In that case, would the proposer wish to reply?

MR. TRUMAN M. BODDEN: Mr. President, this whole area of debate seems to me to be aimed at someone who is opposing a motion. I stood up, I was very brief, very relevant, and I pointed out that I was supporting the main Motion and I was only moving an amendment for a time limit within the Motion itself so that we and the public can know with some certainty when this is going to come about. The result has been ridicule of the school system, of me, of my qualifications, of what I have done in the past, and I intend to deal with what the Members have said in their replies because I find that if you let this go by once then we just get repetition again and again.

This Motion is a very important motion because it is dealing with the lives of children in this country. When it is passed I hope that the results will be swift and that the children of this country will see a benefit at an early stage. The Honourable Member for Health himself has mentioned that he hopes to have it by September, but not because I moved the amendment. If he believes what he says, then he has no problem with that amendment. If he is dissatisfied then tell us when. That is really all that I am trying to achieve with this Motion. I will have to say that while it is somewhat flattering for this House to spend the amount of time it has on me, on the other hand, it does not assist the children who are moving into a world of crime, drugs, indiscipline and sex. This is why I am trying to get a limit that will say when the children can remain longer.

The Honourable Member for Education obviously has a problem. He has, at present, let the system go to such a stage that he cannot school properly the number of children who are now in the school system. If enough school rooms had been built, as I will show later on, if the Government had followed its Five-year Economic Plan, then he would not be in this dilemma by his own admission. He has said that the George Town Primary School has 50 students over the capacity it was built for. I know that there is overcrowding at the Middle School and the High School. I appreciate that some of the Primary Schools - North Side and East End and those - do have capacity. However, planning should have been in place that none of these schools ever get to the stage of overcrowding that they are now. If that was the case, then if there was capacity in there which should always be, we have to think of the future, there would be no problem with this.

One of the things that is perhaps not being addressed is that there are children in the school system, who do wish to remain there far beyond 15 years. The system has always catered to this but it can only cater to it as long as the Government and the Member for Education provide the necessary equipment and buildings for them to be there. I wonder how many children have been told, no, you cannot go on to do anything beyond the GCSE 'O' Level equivalent stage? In this debate, because it is more understood, the standard and level of the 'O' Level I will be referring to the GCSE equivalent of the 'O' Level. I really wonder, how many children are not being schooled because of this?

The Honourable Member for Education embarked on a lot of beating of the chest on his ability as an educational administrator. The yard stick in this House always, for the last five days, which as I say is flattering to me, is that he and the First Elected Member for Bodden Town are measuring their abilities against mine. Well, that is flattering but it goes into areas which I think have to be addressed.

The truth hurts, Sir; and when you have been in charge of a system for four years (as the Honourable Member for Education has) and presumably assisted from time to time by the wise words of his colleague, the First Elected Member for Bodden Town, and you change nothing - you change no law, you change no policies - then it is a bit late in the day to come to this House and say the Middle School is some monstrosity, as he used the word, or to say that the system is not working. Actions speak louder than words. If you sit by and you work under a Law that was passed in 1983 (the Education Law), if you work under the policies which I left... and, by the way, they are the only education policies or, in fact, policies for what was then Health, Education and Social Services (public policies) that have ever been made... and you make no further public policies, you change nothing on it. I am going to show at a later stage that when you confirm the system publicly, then it is a bit late in the day now to try to say that the system is bad and not working.

You have nothing better to replace it with. Therefore, if it is not working, you knew it was not working for four years, then one must expect that that person does not have the ability to correct the wrong that he believes he may have foreseen. The Middle School was dealt with by the Honourable Member in some depth because it has been proclaimed as one of the major steps in the education system of this country. You know, the most frightening thing about this is that (I gleamed, through implications from the Member) he seems to be on a track to either alter or eradicate just about everything that I have left, including dealing with altering of the Middle School. This does worry me because whether I did it or he did it - and I will admit publicly that during his time he did many things that were good, I will stand up here and admit it - I did not go in and, because he had done them, try to change it. I think when we touch a system that works, we had better have a better solution for the public out there. The children's parents, the teachers and the public generally are not going to put up with changes for the sake of change or because someone does not like me or what I have done.

The Middle School was introduced and the policies, as I will

show, were put to the public in draft. When I reached the stage of dealing with it I was careful to recite where they were exposed in the different areas, the different public meetings that were held, the meetings with heads of teachers in different schools, both public and private. The overwhelming view at the time of both the experts in education, with the exception of the present Member for Education, and that of the public, was that a Middle School was needed and there were three broad basis on which the Middle School was introduced. And, let me say this, at the time this was brought in and I should show up to the end of 1984, the society had not deteriorated to the stage that it now has with crime, drugs, sex and the immoralities that now exist. Therefore the child going out at that early age was less susceptible to the problems that he or she will now face in this society.

There has always been a danger when younger children have to mix with older children and that was the reasoning why three years, one from the Primary, and two from the High School, were taken out and put in a school by themselves. The ages of 10 - 13 are very frustrating ages for children psychologically as they move from childhood into adulthood. It has always been acceptable, at least in recent days, to try not to mix the older children with the younger children. That was one of the reasoning behind it.

The second one was that a child going from the Primary School to the High School moves from a security of having one teacher teach the child to where they have a number of teachers and this Middle School eased the impact through that difficult stage. It also permitted an enriched syllabus and instead of just having a sharp drop from being taught everything just about, by one teacher, to having the multiple teachers coming and teaching the different subjects, there could be a phased movement over.

The Middle School has been a success. That is the truth of the facts and that is what hurts the two Members who are opposing me on a motion that I support for them. That, I think, is the first area of confusion to me. If I am supporting their motion, they seemed to have prepared speeches believing I was going to oppose it and they do not seem to have sufficient ability to change it now that they have found out that I am voting with them on it.

It is a fact that to move children 11 - 12 years old in with children of 15 - 18 years in the High School, especially with the multiple problems which have increased in the High School, problems that we have seen reported of allegations of drugs, assaults with dangerous weapons, and disciplinary problems, make it even more compelling that the Middle School should remain to keep the younger children from this. Common sense tells us that when you put a child of 11 - 12 years with someone who is 16 or 17 years old, that child is exposed to picking up the worst of habits from the older child. That was one of the theories behind the Middle School.

I opposed when the Middle School concept came under attach in Cayman Brac and children of a tender age were moved from the Primary School and put in the High School. That I think, was a disservice to those children and to those parents. What should have been done was if there were sufficient children there, then they should have set up a Middle School or carried on the Middle School concept which had been introduced back some eight or nine years ago.

The Middle School is a permanent part of the education system of this country and I can assure the Honourable Member for Education that if he tries to move it out of the system he is going to face the public out there like he has never seen them before. It has stood the test of time and it would be good if he could try to bend with time as it moves on.

The Member blamed me for children finishing school at an early stage. Before going in to dealing with his argument there, I want to just show where this compulsion, I would say, to attack anything that I put forward in this House can lead to hurting the public if a child gets out of school at an age, this is what the motion is dealing with. But it is a fact that children in the High School go on beyond the compulsory age, the policy of the Government in the past, and I would hope of this Government, is that if a child has potential to further his education, he should not be stopped. If at the age of 15 a child gets his/her 'O' Level equivalent in the GCSE, that is good and if Members of this House attacking me are using this as a basis on the amendment, then I am going to show how illogical it is.

If the system produces a child at the age of 15 who has reached the 'O' Level equivalent, then when the compulsory age increases, let that child go on to further academic, technical or vocational subjects so at the age of 17 or 18 when he leaves school, he leaves it far better equipped. This is what the education system is all about. The view of the Honourable Member seems to be confused that education stops at the GCE 'O' Level. I can understand that because that is where the Member has stopped his academic education but he must try to think beyond 'O' Levels.

In this day and age, I have always strived to give children as much education as I can give them. That was my aim while in the Government for the eight years, always bearing in mind the question of maturity and fitting them into society. And, while education is not everything, and I want to say here, people some years ago did not have the opportunities to get the education which children have these days so when I am dealing with the question of the comparison of ability, the comparison of education of say the Member for Education, I want the public and this House to bear in mind that I have nothing against someone who is not educated. Many people did not get an opportunity to be educated but there were others like myself and like the Member for Education who had that opportunity. I took it, he did not. This is what I am coming to, Sir, that the duty, as I understand it, of Government with education should be to get the maximum number of children out with as good an education as they can and push then to go on to as high an education as they have the ability to achieve.

If one believes that education stops at 'O' Levels and one believes, as I think, it would be a disaster to add another year to the education system for the child to get out later with the same qualification, that has got to be a retarded step, it is going backwards.

I finished school at 15 year two or three months. Agreed, that is a young age for a child to go out to the public and work. But I did not stop there, I went on to further my education

although I worked at the same time. So what I am saying Sir - and the Honourable Member should have really taken some recognition to himself for this because most of this from the statistics he has given had started to happen in his time - he should have been happy that at the age of say 17 years we have children who either have the technical, vocational or academic a year or two above the GCE 'O' Level standard.

Now, having dealt with what I see as the logic of it, I would just like to deal in some depth, as I have taken copious notes of what the Member has said in this area.

MR. PRESIDENT: I think we might take the suspension at this point. But before we take the suspension, I want to say a few words about the course of this debate.

I am grateful for two Members, at least, for having pointed up the breadth of this debate on the amendment. The reason for it is, that the qualifications or suitability of the Member who proposed the amendment were brought into question by those who disagreed with the amendment. It is therefore entirely proper that he should have a right to reply, but I want to say to Members that when we get back to the substantive Motion, the Chair is going to keep you rigidly within the confines of that Motion. The Chair does not intend to have any more of these extreme digressions and, particularly, personal attacks.

We will suspend for fifteen minutes.

AT 11:33 A.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 11:55 A.M.

MR. PRESIDENT: Proceedings are resumed.

The Third Elected Member for George Town continuing.

MR. TRUMAN M. BODDEN: Mr. President, I was dealing with the question of the children getting out of school earlier and the allegations there.

The Honourable Member for Education was correct in that creating the Middle School we took one year from the Primary and two years from the High School which makes three years. We took those three years and created the Middle School which had children in there for three years. Where I am at a total loss Sir, is how can that add - or take a year off, I think he said - from the school system? One year from Primary, two years from the High School created a Middle School with three years. Three years is three years. So to try to use that, I think, is bad arithmetic.

About the reception class that he went on...

HON. BENSON O. EBANKS: Mr. President, I wonder if the Member would permit a bit of explanation?

MR. TRUMAN M. BODDEN: On what, Sir?

HON. BENSON O. EBANKS: On my bad arithmetic.

MR. TRUMAN M. BODDEN: No, Sir, I am not going to give way.

The other thing that the Honourable Member for Education mentioned was allowing the reception class under the age of four years and nine months. Well, that came in during the time that I was the Member responsible for Education, and it was something that was accepted by the people and the parents. Out of all of this the Member mentioned at one stage, words to the effect that only in a communist country would they send children to school before the age of six years. The compulsory age is 4 years 9 months but we have been able to assist parents with this earlier reception class. It has worked well and I would hope that there are no thoughts in his mind about touching that. Like the Middle School, Sir, if something works and you change it, you are going to upset a lot of people.

Now, the view that the solution to having children who are finishing High School - and I would like to keep stressing that - finishing High School or the 'O' Level equivalent should be kept back by adding another year to the Primary School is, in my view, totally unfounded. As society progresses, I am afraid children are going to become smarter, they are going to finish High School at an earlier age, and with those, I would say, good to them. If they do their 'O' Levels equivalent at 15 years then let them go on but please, if you are going to add another year to the Primary School and keep them merely for the sake of keeping them in, then they may get idle and we would have a situation where they would be more pruned to getting into trouble with drugs, crime and those sort of things.

One of the things that the Member said was about clearing up the mess in education that I had left and I would just like to remind the First Elected Member for Bodden Town and the public that if it had not been for me, this country may have had a mess with the Caribbean Examinations Council with examinations brought into this country which may have indoctrinated the children here.

The statistics that have been given and as I noticed are set out in the paper, show that the overcrowding situation is getting into a chronic stage with two schools.

Dealing with the Education Law, 1983, and what was said there...

MR. PRESIDENT: I hesitate to interrupt you when you are speaking, but I would be grateful if you would stick as close as possible to the terms of the debate. You are replying to the debate, and, as I

said, I gave wide latitude in the course of it. I would be grateful if you would not stray from it.

MR. TRUMAN M. BODDEN: Yes, Sir, I am endeavouring to do that. I do assure you...

HON. BENSON O. EBANKS: Mr. President, please allow him to continue.

MR. PRESIDENT: I am sorry, I could not catch that.

HON. BENSON O. EBANKS: I was asking that you be as tolerant as you can and allow him to ramble as much as he would like, Sir.

MR. TRUMAN M. BODDEN: Mr. President, I hope I am not catching a tinge of the company I keep with rambling.

MR. PRESIDENT: I am sure that was said in a generous spirit...(inaudible).

MR. TRUMAN M. BODDEN: Yes, Sir.

On the question he dealt with the Education Law and validation of it and made quite a bit of it. But, I would just like to remind him that this country operated under a Constitution which had not been validly passed from 1962 - 1965 and therefore every Law which he dealt with during that time, every Act he took to Executive Council or under the Constitution was not valid and it was not until the passing of the Cayman Islands Constitution Order in 1965 that the Constitution was validated. In fact, the explanatory note and I am just dealing with validation here, Sir, said that:

> "The Cayman Islands Constitution Order in Council, 1962 which was made on the 30th of July, 1962 which reported the coming into operation on the 6th of August, 1962 was inadvertently not laid before Parliament. These circumstances Order revokes the Order of 1962 and reproduces its provisions in the form of a Schedule to this Order with retrospective effect from 6th of August, 1962.".

The point there Sir, is that...

HON. BENSON O. EBANKS: What is the date of the Order you are quoting from?

MR. TRUMAN M. BODDEN: 1965.

HON. BENSON O. EBANKS: What is the specific date?

MR. TRUMAN M. BODDEN: Well, there are three dates. There is the date that they were made, laid and coming into operation.

HON. BENSON O. EBANKS: It came into operation when?

MR. TRUMAN M. BODDEN: The 5th of November, 1965.

HON. BENSON O. EBANKS: Thank you.

MR. PRESIDENT: I do not want to seem finicky but Members should not use the microphones unless they are standing and are being called on.

HON. BENSON O. EBANKS: Yes, Mr. President, I apologise. I was just anxious to find out how the Member could tie me to a Law before I got into the House.

MR. TRUMAN M. BODDEN: Very hard, Sir. Sometimes you get the lesson through.

The other area that I would like to deal with is where the Member has dealt with his being a better education administrator than I am. If he feels that way, and his head is big enough to accept it, so be it. But, I would just like to remind him that this may be a dilemma that he is getting into if he is in there as the Member for Education believing that he is an education administrator. Because, as I understand our constitutional position, it is that we have not yet constitutionally advanced to the stage where there is ministerial responsibility, and thus responsibility for administration. In fact, the Education Law, 1983, makes it very clear that the administration of education falls on the Chief Education Officer.

The duty, as I understand it, is that the Government should make policies and the administrative side of it should then be carried out by the Civil Service. It seems to me in fact, that we are some distance constitutionally away from that, in that, until quasi ministers become full ministers with administrative authority over their department, which again, is some distance down, then perhaps, it is a bit misconceived to get into the administration as such, from the political side.

On that, Sir, a lot was said about my policies and I want to tie in what I have to say on the education policies with this, because I understood my duty was to make policies and not

to get out there and administer them. To that effect, I believe I am the only man in this country who has held the Portfolio for Health Education and Social Services (HESS) who can actually point to published policies on education and the criticism on this, Sir, of pushing these through without public consultation and criticising the policies is unfair. I would like to read from a small portion of them in which in the introduction stage said:

> "It is of the utmost importance that we improve the standard and quality of education being offered to students in the Cayman Islands. It is important and it is a fundamental right of the public, parent and teachers to advise and to make recommendations on such improvements. Recognising such important rights, the Member (and to avoid confusion, that was me at that stage) has consulted the public, parents and teachers and has, through the radio, the newspapers and by meetings with the public, including representatives of the Parent Teachers Associations, the Government head teachers, the heads of private schools and representatives of the Chamber of Commerce, the Financial Community Committee and other bodies, and the public for their views and recommendations on education. After such consultations and following such recommendations, the original recommendations had been altered and the policies set out below are accepted by the majority of the people of the Cayman Islands and will be implemented as soon as possible. These policies will be amended from time to time where necessary.".

I do not profess to be a perfectionist and whenever there is a need, these policies should be amended. I also did the same thing with the other policies. I am able, despite the criticisms, to point to written public policies that I did in consultation with the public so that at least we knew where we were going. The Middle School was featured in this very clearly and specifically was dealt with under Paragraph 14 in which I set out there, the reasons I mentioned earlier, with justification of the Middle School. Nothing was really hidden, I went to the public and discussed this over a long period. A lot of input was given including input from the present Member for Education.

The Member responsible for Education mentioned that I should follow in his footsteps and that I was not even smart enough to say that he should follow in mine. Well, I am a humble person, I would not dare to tell the Member to follow in my foot steps but what I would say to him, that which I have done which was in the interest of the public and is good for the country, then he had better not change it without having good cause to do so.

A question that both the Members raised was in relation to this idea being that of the First Elected Member for Bodden Town. I would just like to say in relation to that, that if it was so important to the First Elected Member for Bodden Town, then it surely was not made a part of his Manifesto which he produced which said nothing about the school leaving age. However, it is very clearly set out in my Manifesto that the raising of the school age was, as I say it, important and I did include it as one of the ways also in which we could have a reduction in crime. The idea of the origination of this is perhaps less important but if anyone wishes to implement the detailed policies that I set out in my Manifesto, including this one, then naturally, I have no objection to it.

Moving on from there, I want to deal with what had been the criticism levelled at the system that I produced in another way. Mr. President, in the Economic Development Plan 1986 - 1990, which I understand has been laid on the Table of this House, which is a public document, relating to the Middle School, we find at page 128:

> "As earlier noted and also clear from Table 2, the Cayman Islands Middle School is already overcrowded and the Cayman Islands High School has reached its capacity. (This was back in 1986 that this Report began) Both schools have reached the limit for achieving optimum results on their present sites and it is considered that any further expansion would be counter productive. Accordingly, it has been decided to build a new Middle and High School. The new school will be built on one site so that certain facilities can be shared but the two components will be run as separate entities. The two sixth forms however, would continue on the main George Town site. It is planned to build the schools in the Frank Sound area to accommodate approximately 800 pupils. The total capacity of 2550 pupils it is estimated that it should cover expansion of Middle and High School for ten years.".

What better confirmation of a Middle School system could we have but a confirmation in the Development Plan that the Government at that time, of which the Member was the Member responsible for Education, had planned to build a Middle School?

MR. PRESIDENT: I think you have now made your point on the Middle School aspect. Would you please move on?

MR. TRUMAN M. BODDEN: I will, Sir.

Dealing with the area relating to the amendment to the motion itself, the First Elected Member for West Bay stated that there would be no time limit, as I understood him, because it was not as simple, for example as getting medals, which is one of the Motions that I had referred to. Well, the compelling situation here is that the Member for Education has mentioned that medals were given out in 1987, 1988 and not yet in 1989, and has just confirmed to this House that after two long years, he now has the gold medals. My point here is that if it takes two years for the Member to get a few medals, which the First Elected Member for

West Bay said was simple, then I think it is only more important that we put a time limit in this motion in order that we do not get tied into years and years of procrastinating.

Just dealing very briefly with the First Elected Member for Bodden who joined in the criticism on this and mentioned being an authority on education, I would just remind him as he said, that he has been out of education since 1980 and I believe that in keeping up with expertise one needs to practise in the area that that expertise is. If one is out of the school system for eight years, then I would say that a lot of brushing up needs to be done before one profounds one's expertise.

In summary, therefore, Mr. President, I would like to mention that in supporting the motion itself and trying to put teeth into it with this amending motion, I have pointed out that the fact that children finish the 'O' Levels at 15 years should not be the main criterion on this since they can go on to do other subjects of higher education during the extra year that they have.

Secondly, I have also pointed out that it would be unfortunate and I think a disaster, to change the education system as it relates to this by adding a year on in primary and letting a child go a longer period for getting the same education. If the child finishes, then he can go on.

Thirdly, that the system which was criticised, obviously has worked because nothing has been done to amend the Education Law since 1983 nor the published policies that have been out since 1979 and in fact, they are the only policies that exist in relation to education.

Fourthly, that if the Member is comfortable as he has said, he can probably get this implemented in September. Then, if he needs a few extra months to do so, he should say this and perhaps get the teeth in the motion but extended for a further period down and only he would be able to make the decision in that respect.

Lastly, I believe that if we are being serious about implementing something such as this motion which is important to the children of this country, then I feel that we should get on with it and nobody should be worried about fixing time limits within it in which to do this. I believe it is the only way we are going to effectively get it done during the life of this House over the next few years.

With that, I would ask Members to support the amendment to the motion and to look at it from the point of view that it is putting teeth into a good motion which I totally agree with.

Thank you.

MR. PRESIDENT: The question will be put on the amendment to the Motion. Those in favour please say Aye... Those against, No.

AYES AND NOES.

MR. PRESIDENT: The Noes have it.

MR. W. McKEEVA BUSH: Can we have a division, Mr. President?

MR. PRESIDENT: Certainly. Madam Clerk, please.

DIVISION NO. 4/89

AYES: 5	**NOES: 10**
Mr. John D. Jefferson	Hon. Thomas C. Jefferson
Mr. Truman M. Bodden	Hon. Richard W. Ground
Capt. Mabry S. Kirkconnell	Hon. J. Lemuel Hurlston
Mr. Gilbert A. McLean	Hon. W. Norman Bodden
Mr. John B. McLean	Hon. Benson O. Ebanks
	Hon. D. Ezzard Miller
	Hon. Linford A. Pierson
	Mr. W. McKeeva Bush
	Mr. Roy Bodden
	Mr. Franklin R. Smith

MR. PRESIDENT: Five Ayes, 10 Noes. The amendment to the Motion fails.

AMENDMENT TO PRIVATE MEMBER'S MOTION NO. 1/89 DEFEATED BY MAJORITY.

MR. TRUMAN BODDEN: Mr. President, on a Point of Clarification. I wondered if I heard the Member responsible for Education when the voices were called say something different from what he may have said here?

MR. PRESIDENT: The Chair did not. In fact, in any case, if a division is called we take it on what is recorded.

MR. TRUMAN M. BODDEN: I accept that Sir, but I thought I may have heard him with the

wrong reply there.

HON. BENSON O. EBANKS: Mr. President, I must agree that the Member would confuse most people but he cannot confuse me.

CONTINUATION OF DEBATE ON PRIVATE MEMBER'S MOTION NO. 1/89 - SCHOOL LEAVING AGE

MR. PRESIDENT: I must say, I have almost forgotten where we are.

We now resume debate on the substantive motion on which the Mover has spoken. Does any other Member wish to speak?

HON. BENSON O. EBANKS: Just on a Point of Clarification of the borders. Mr. President, to the best of my recollection, the Third Elected Member for George Town spoke on the substantive Motion prior to moving his amendment. Therefore, if I read Standing Orders correctly, he will not now be able to speak on the substantive Motion.

MR. PRESIDENT: That was the reason for my trying to recount the point we had reached. He was the Mover, he has moved the Motion, he can, of course, speak in reply at the end of the substantive debate.

HON. BENSON O. EBANKS: I am talking about the Mover of the amendment.

MR. PRESIDENT: I am sorry, I beg your pardon. My mistake, do forgive me.

Clerk, could I have the record from Friday, please? Thank you.

The Clerk has checked for me.

The Mover had spoken as I said. When I said that (the Mover was the Third Elected Member for George Town) he has spoken to and replied to the debate on his amendment. But he has not yet spoken on the substantive Motion. I hope that clarifies it.

As I have said at the beginning, I had virtually lost my way...I am sorry, I cannot hear you.

HON. BENSON O. EBANKS: The Member spoke for a considerable time on the substantive Motion before he moved his amendment.

MR. PRESIDENT: I do not think that he had completed speaking, I think that I interrupted him. If he moves his amendment in the middle of the substantive speaking (debate), he can go back to it. In that case, I think it means that the Member should continue if he wishes to.

MR. TRUMAN M. BODDEN: Mr. President, with respect, Sir, if you maybe would ask the Clerk to re-check, I never spoke on the substantive Motion at all, Sir. I merely got up and spoke on my amendment.

MR. PRESIDENT: All right, I will have the records checked to get it straight. It seems probably that the initial remarks that you made were taken to be on the substantive Motion and they were not, so you have not spoken on the substantive Motion, you have only moved the amendment.

Does any other Member wish to speak? The Honourable Member for Education.

HON. BENSON O. EBANKS: Yes, Mr. President, I will speak on the substantive Motion and hasten to say that I have no problem with this Motion. It is a sensible and reasonable Motion which I can accept because it asks that Government investigate the need and examine ways and means of extending the school leaving age in the Cayman Islands. I think therein lies the crux of the whole matter.

It is not often that I am unable to follow the drift of an argument but if I followed the argument of the Third Elected Member for George Town and the Third Elected Member for West Bay, the mover and seconder of the amendment, I fail to see where they are supporting the substantive Motion. The Third Elected Member for West Bay said that he was against putting a year back on to the Primary School and he was against having children take the GCSE at more than 15 years plus.

Now, the Education Law.....I am sorry, Sir, I did not see the Third Elected Member for West Bay standing, I am prepared to give him way.

MR. JOHN D. JEFFERSON, JR: Mr. President, I think if the Member checks the Minutes he is incorrect in his assumptions.

HON. BENSON O. EBANKS: I am wondering what part he is referring to Mr. President?

MR. JOHN D. JEFFERSON, JR: That I opposed adding a year to the Primary School and also that I opposed the idea of adding a year to the High School. I said no such thing, Sir.

HON. BENSON O. EBANKS: Mr. President, that was a slip of the tongue, Sir. I meant to say the Third Elected Member for George Town who said that. It was the immediate past Member for Education, the Third Elected Member for George Town. The Third Elected Member for West Bay admitted that he stayed in High School until he was 18 years and that he had personal knowledge that before the introduction of the Comprehensive system, that was permitted. Maybe what he should have gone on to enlighten the House on is that it took him two sittings to get his four or five 'O' Levels. That was why he was there until he was 18 years.

MR. TRUMAN M. BODDEN: Mr. President, on a Point of Order, I thought Sir, that we were going to get away from personalities in this and secondly, the Member seems to be using our debate on the amending Motion and hopefully is not going to bring back in all of that stuff that he tried to raise on that in the main Motion as you warned against.

MR. PRESIDENT: All right, thank you. Let us then make an effort to keep as closely as we can to the substantive Motion which is what we are now on. The Honourable Member who has just interrupted did say quite clearly that he supported the substantive Motion. Now you can fairly question his reasons but not his motives.

HON. BENSON O. EBANKS: Yes, Mr. President, I am questioning the logic of his argument: that is, that he does not want to put a year back on to the Primary School and he does not want it on the age at which the children sit the GCSE Examinations, so, where is he going to put it? On somebody's back? He therefore does not support the substantive Motion if you are going to reason your decisions.

But, for the benefit of the House, I want to read section 22(1)(c) of the Education Law, 1983 which deals with the school age of children in the High School. It says:

> "A child may not enter a high school before he has attained the age of twelve years and nine months or be retained in such school after the end of the school year in which he has attained the age of nineteen unless specific approval is given by the Council.".

So, the Law at the moment permits a child to stay in high school until he is 19 years and with special permission, to cater for those who have to take several steps to get their couple of 'O' and 'A' Levels, they could stay there until they are 22 years, with permission.

While I am dealing with this aspect of the Law, my argument was not that the Middle School necessarily took away the extra year from the school system, my argument was that this Education Law did it when it negatively introduced the age at which a child was supposed to enter the Middle School and the High School. My argument is that this law, written as it is, sets the objective for teachers to achieve and that, unless they achieve that objective, they are regarded as not performing their duties. Children who come in under those prescribed ages are regarded as backward. That was where the year disappeared. There is nothing wrong with my arithmetic, 12 + 3 = 15 in anybody's arithmetic.

I want to deal with this question of the behaviour in the schools and whatever else. Since 1984, no child, to the best of my knowledge, has been found with drugs in the High School. The time when the children were found with drugs in the High School was prior to that. That is a well documented fact. The times when children used baseball bats on other ones was before 1984, they are just getting a little more sophisticated now. They even used pocket knives but I happened to know that a student administered a baseball bat to the other one in school many years ago.

MR. PRESIDENT: I am sorry, I have to interrupt you if I may. I want to try to lay down the lines of this debate if we possibly can. The Motion is about extending the school leaving age. It is perfectly in order to dwell on the reasons for this and therefore also the reasons which are not being adduced in this case such as drugs and other disciplinary problems. But, I would ask Members not to go into the history of who did what or who is responsible for which. The argument in this Motion is about the consideration being given to extending the school age.

HON. BENSON O. EBANKS: I am well aware, Sir, of the argument but the argument has been adduced that it is not necessarily the age we are talking about it is the behaviour of the children and I was leading up to show that Government has taken effective steps for example, putting wardens on the busses was looked at as a negative impact. I think it has been a positive impact and has been hailed by the parents as a great thing.

MR. PRESIDENT; That matter was raised in the debate on the amending Motion, I must point out, hence what I just said about keeping to the confines of the Motion.

HON. BENSON O. EBANKS: Yes, Mr. President, but you are going to allow me to talk about availability of scholarships and all that though? As I said, the substantive Motion is very, very pertinent. I have no problem with it because, if Members read the Budget, they will see that provision is in there to allow us to put that year back on. And, before we get too far, you must be going to allow me Sir, to correct where the Member accused me of operating under a Constitution that was not in effect between 1962 and 1965? I fought my first election in November, 1965.

MR. PRESIDENT: I see every reason why you should deal with that point, notwithstanding that it was on the amendment.

HON. BENSON O. EBANKS: So, I can correct that, Sir? That is almost as bad as them asking the First Elected Member for West Bay why he did not go to the second World War which finished in 1945 and he was not born until 1955.

MR. PRESIDENT: I take it that is by way of comparison.

HON. BENSON O. EBANKS: Yes, Sir.

I have said and I maintain, that I hope that by September we can implement the extra year in the primary schools. The Third Elected Member for George Town seems to think that that is a retrograde step but I would remind him that under the present system of education, for the last two or three years, it has been the practice to keep children back in the Primary schools when they do not perform well in the National Achievements Test. That has proven to be an effective implementation, in other words, children do superior work on their second try, hence the reason for my saying that it does not take a Philadelphia lawyer to decide where this extra year should go.

Reference was made to overcrowding and insufficient space, the capacity of the schools and that I was in a dilemma. I am not in any dilemma, Sir, the only way I will be in a dilemma is if those Members really do not mean what they say and intend to vote against the measures in the Budget. Once they are implemented, I am home and dry. There is only one unknown factor in this whole equation, and that is, that when I was looking at Savannah as being the school that was overcrowded, I suddenly found that since September West Bay is becoming overcrowded. It appears that parents in West Bay have heeded the advice of the Third Elected Member for West Bay about sending their children where there is a lot of West Indian teachers. The children are moving from the private schools in West Bay like flies. He happens to be the Chairman of the Board, I believe, of one of those schools. But, that is not the only reason. It is because a change was made in the headship at that school which is now ticking like clock work. Parents see the results so I will have to put a rung, if not two, in the West Bay system in a hurry. That is why in the Budget we have "Savannah/West Bay", which I explained earlier.

Before I leave dealing with the Primary schools, I should say that it is true that we had money in the Budget last year for the purchase of land for the George Town Junior School which would relieve the congestion at the Primary School but unfortunately, no land was available in a suitable area at a suitable price. And, I do not want to hear any lecture about if one thinks education is expensively priced. Ignorance! I believe I demonstrated in my contribution to the amendment that we are now paying for ignorance and we do not wish to repeat it.

MR. PRESIDENT: Would it be convenient for us to break for lunch here?

HON. BENSON O. EBANKS: Yes, thank you, Sir.

MR. PRESIDENT: Proceedings are suspended until 2:15 P.M.

AT 12:50 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 2:23 P.M.

MR. PRESIDENT: Debate resumed, The Honourable Member for Education continuing.

HON. BENSON O. EBANKS: Thank you, Mr. President.

In continuing my debate, I said that I am unable to follow the logics of the Third Elected Member for George Town on this in that, he has not shown himself willing to have the extra year put on anywhere within the system, so, it escapes me how he can support the substantive Motion. Similarly, I have been castigated for not changing anything within the education system and in the next breath I am told that I dare not change without a hue and cry from the public. I have and I will continue to make improvements within the system wherever I see those improvements can be made.

In dealing with capacity of the schools, Sir, I missed one point. This is mentioned again by the Member further on, and I assure you I will not repeat it when I get there and that is, the reference to the Economic Development Plan and a statement made in 1986 in that Plan that the Middle School and the High School were both operating at capacity. Just to record that the Middle School this year has many more children less than it did in the last several years. This was a natural dip in the population figures which were pointed out to the Third Elected Member for George Town when he was going hell-bent on that horse called the Middle School. The population of those two schools is under control.

He quite rightly pointed out that there are plans to build a High School and a Middle School in the Frank Sound area to cater for the children from the eastern districts. He read quite correctly, that those schools would be on the same compound but administered by separate heads but apparently, that important fact has escaped his comprehension. I would also record that I stated previously and I state again, that I have no intention of dismantling the Middle School as a component of the secondary school system. I pointed out that what I intend to do is to make it into the animal that it was intended to be from the beginning.

On the question of scholarships perhaps the fact is that I was not able to get a Government scholarship - and had I gotten one I was going to repay it - has meant that I, more

than most, am able to sympathise and empathise with Caymanians who are unable to gain places into the secondary system or to get scholarships to go abroad. You see, Sir, unlike what was portrayed, there was not in my day even Government Secondary Schools in the Islands. I went to a fee-paying high school and unlike the Third Elected Member for George Town, I never got to high school until I was 15 plus years. There is a simple explanation. It was a fee-paying school, my father had for years, been at death's door and I could not afford to go because I did not know where the next term's fee was going to come from. It was not until my brother who went to sea the day after he was 16 years old, guaranteed my fee at the high school that I was able to attend high school. And even though I have to say so myself, there might be a lesson in that because even at that old age I got a better pass than the Member did years later. Tell him to go and check the records, I do not believe too many children have come out of high school with a better pass than I had. I had seven subjects of which I had four credits, two distinctions and one pass.

There were no scholarship funds available as such in my day. There was one scholarship around at the time and I had to be told about it. I went to the then Administrator and demanded that a public notice be put out and may the best man win. I applied one Friday and went back the Tuesday following and withdrew my application because I had decided to take banking for a career. I might go on to add that with the absence of a university degree and I do not want to be misunderstood about this because I will encourage any young person who has an opportunity to get a university degree, providing they have a good foundation under it, to go on to do so.

I have never in any public forum had to sit down and keep my mouth shut because I did not have a university degree. I have always been able to make a worthwhile contribution. You shall know the labourer by the fruits and I invite the Member to compare the fruit that has come from the two trees.

As I have said, that is why I am capable of sympathising and empathasing with people who wish to get an education. I would be the last person to stand in their way. I am going to remove every stone to see that they have that opportunity even if that stone happens to be that glorified Middle School. But as I have said, I do not see that as a stumbling block at this time.

It was also mentioned that public comment was invited from all quarters on that system. I invite the Member to tell the House and the country what happened to people like Mrs. Williams who dared to stand up and oppose the views who said an in-depth study was necessary before it was introduced.

MR. TRUMAN M. BODDEN: On a Point of Order here Sir, we seem to be going back into my debate on the amendment to the Motion. I have not said anything in the original part and we are getting back into the qualifications of personalities.

MR. PRESIDENT: I have said already about the debate on this particular Motion of having allowed it to range widely, it will go on widely. I am very conscious it is extremely wide. I can only repeat that any Member who speaks should try to keep it within the normal boundaries. I think it will be an impossible position for the Chair if I have to continue to interrupt speakers. It really will be quite impossible.

HON. BENSON O. EBANKS: Mr. President, I assure you, Sir, that I am going to try to make your job easy, and it is not easy for me to do that, but I am not going to use all of these notes that I have here although a lot of it is repetitious anyway. I just want to hit the salient points.

Mention was made of educational policies. This touches on the Motion because this is what the Motion asks that we examine all of those relevant things to decide whether any change is necessary and I believe some umbrage was taken at the fact that I had said that I was a better administrator than the Third Elected Member for George Town. We then got a lesson on Constitutional Law.

I know my constitutional position. I know where we are constitutionally in this country but the Member must accept that the responsibility of an Elected Member of Executive Council goes beyond legislating laws and not to see whether they come into force. The education policies, they are the laugh of the century. Any educator laughs at them but as I said, administration goes further than writing policies and then leave them for someone else to implement, only to find that the law is not in force or the policies do not make good sense. So, responsibility for the Portfolio goes a bit further. It goes into doing things like this Motion asks us to do, to look at the existing situation and see if we can improve on it.

I have given this House the undertaking and guarantee that education will be improved, that we will get this extra year, if they vote for the provisions in the Estimates. We do not need to put any time frame on this. The clock is already running on this and I assure the Member that it will be done in the course of this year not just in the life of this House.

And, Mr. President, if you would permit me, I would like to clear up one matter and that is the reference to the National Sports Award. I corrected what I had said and said that we made the presentation in 1986, 1987 and 1988. I went on to say that for those years we gave, I did not go on to explain but the truth is, we gave a cup and it was felt that a gold pendant or medal would be more appropriate. We have now purchased these which will be given to the earlier recipients as well as future ones. Not that it took me this long to get gold medals.

I want to make a few points and then I am going to sit down because I realise the difficulty the Chair is in on this Motion and the amendment. As I said, I am going to try to be as helpful as I can to the Chair as I always am but, the truth of the matter is that no child who finishes his 'O' Levels and displays the ability to benefit from further schooling is denied entry to the 'A' Level course. I want to make that abundantly clear. It is true that some children elect not to go in to the 'A' Level course because they consider that it

is unnecessary going to an American university. They depend on their 'O' Levels and their S.A.T. for entry and therefore they elect not to go. But after all, this is a free society and people have their choices. But, let me repeat, no child who displays the ability to benefit from further schooling is denied that benefit under today's system.

But, as I have said, we live in a democracy. The Juvenile Law permits young adults to work after their sixteenth birthday and there is nothing wrong with children who decided to go in to a profession where experience is important and continuing studies can take place at the Community College or even by correspondence. There is no substitute for experience.

In order to enlighten the Third Elected Member for West Bay, I would just like to say that it is true that a person under the age of majority cannot be criminally responsible for contracts and so on but that was also the case when the age of majority was twenty-one. When I joined Barclays Bank, my father had to sign my bond and contract with me. When I became a man, I put away childish things and did my own thing. I signed a new contract. It is a pity that those people who have reached the age of majority will not put away childish things and act like men.

I was accused - and I am going to sit down after I tell this little story if you will permit me to do so - of being a self-appointed educationist or something. I made it clear that I do not have to flap my wings about anything that I have done in this country. I have not done it for 54 years so I hardly see the necessity for it now. And now, if I might share a little joke or story with the House and which I think is relevant.

There was a commuter flight from Washington to New York with a pilot and four passengers comprised of the richest man in the world, a boy scout, a priest and the wisest man in the world. When they were half way to New York, the pilot come on the intercom and said, "Gentlemen, I have bad news for you. One engine has quit and the other is fluttering. The additional bad news is that we only have four parachutes. Somebody will therefore have to ride this thing down after I put it on auto-pilot. I am thirty-two years old, married with four children and a wife so I am going." And he took one parachute and he jumped. The richest man in the world said, "Well, the purpose of my trip to New York is to meet with the oil sheiks of the world to get this petroleum business on a sound footing and you know, if I do not get there to keep that appointment, the world's economy is going to be tossed into turmoil. I am taking one." and he jumped. Then the wisest man in the world said, "You know, I don't have to make any long statement, if the world is deprived of my knowledge, it is going to be a hell of a place, so I am going to take one." And he jumped. The priest then looked at the boy scout and said, "Son, I know what is passing through your mind, but let me put it at rest, I am an old man, I have lived a full life, I am at peace with my God, you take the remaining parachute and jump. I will ride it down and trust my luck." Whereupon the boy scout said, "Father, that is generous of you, but we both have a parachute, because the wisest man in the world jumped with my camping bag.".

That is the problem that we suffer from, Mr. President: people who believe that they are wise do not demonstrate it.

There is also a story of a very wise sage in my district who had a number of grandchildren. Two of them went to college and trained as teachers. When he was about to die, he called them around him and he said, "You know fellas, the two that got the education are in the worst state because they have no common sense to live by.". Those were the words of a wise sage.

With that, I would like to say that I am going to shut up. I do not want to make the job of the Chair difficult. I support the Motion brought by the First Elected Member for Bodden Town and seconded by the First Elected Member for West Bay. They know that they do not have to put me in irons to get results.

Thank you, Sir.

MR. PRESIDENT: It appears that no Member wishes to speak. The Third Elected Member for George Town.

MR. TRUMAN M. BODDEN: Thank you, Mr. President.

I rise to support this Motion. I think the one thing that has been clear in this Sitting is that when I and the other Members on this part of the House feel that things are right, we vote with it. When they are not, we vote against it and occasionally, as has been seen, when we do not all agree we have different votes - the sign of independent minds.

We have heard a lot of debate on this and I had hoped not to really have to reply in areas that seem to have arisen again, but, I find that if these things are allowed to go, as I did the first two days, then they are going to intensify and that is not what I wish to happen. The extra year or years, whatever it may come out to be, the increasing of the compulsory age in school, is not anything new. In fact, the 1983 Law reduced the compulsory age thereby extending the period of time that a child must compulsorily be in school. In that law which still stands in the form that it was passed in 1983, it was clearly pointed out that in Section 22(1)(c) which the Member for Education read, a teenager can go on until he has attained the age of 19 years. So, what has in effect been done by that new provision in the law is that children beyond the age of 15 years can remain in school and get their higher education. That provision therefore, if the necessary facilities are at the school, should not be a problem to make this compulsory increase of school age any problem in the September Session. It will be a problem if the facilities are not on hand to deal with it.

In relation to what the Member for Education said about the discipline in school, I only wish that when this had come out in the Newstar in March 1988, that some statement by him to that effect had been made. It could well have challenged what was set out there. The logic of what I have said is that instead of keeping a child by giving him an extra year in primary school and that has now been considerably qualified, is that the child should be permitted to do his 'O' Levels at 15 years and for the extra time

that he is to be kept in school then let him further his education by doing further technical or vocational subjects as well as the academic qualification, the 'A' Levels or the equivalent of that as he sees fit. We must get away from the fact that education stops at the 'O' Level, period. I feel it would be an injustice if increasing this age, children who were capable of passing the GCSE at 15 years are going to have to put in another year. I believe that the extra year could be spent doing some higher educational or vocational training course. I agree, keep the teenagers in there beyond 15 years but do not let them waste their time by wasting a year when they otherwise could achieve further education. Education does not stop at 'O' Levels in this day and age.

The other area that I would like to touch on is that part relating to... and after this I will get away hopefully, from having to reply to anything relating to personal qualifications again. I do not think there is anything further to reply to. I have been very careful not to stand up in here, nor has anybody else, to set out my academic and professional qualifications, but I do find it somewhat funny that the Honourable Member for Education forgets that with all what he has said about his 'O' Level passes and Cambridge Leaving Certificate, that I hold a Division 1 pass which I think only two other girls in this country held, and I am reasonably certain that it deals with a considerable amount of subjects. I do not remember what they are specifically, but I know I hold the Division 1 and wonder what Division the Member holds.

HON. BENSON O. EBANKS: Would you like me to reply?

MR. TRUMAN M. BODDEN: No.

MR. PRESIDENT: I wonder whether we could put this address by everybody not at the moment declaring what they have? Not at the moment.

MR. TRUMAN M. BODDEN: The last thing I found a little interesting was the little phrase of "the labourer by fruits". That should have been extended somewhere because I wonder whose fruits... and there one gets a problem of equivalence.

The dedication and the aim of increasing the school age is very clearly set out, Mr. President, in a section of my detailed Manifesto where I, in the election campaign, also dealt with this, said that I was for increasing the compulsory school leaving age. It is also set out in that of the Third Elected Member for West Bay. These are views that I held then and they are documented there but now we have the implementation of these and everyone seems to want to come in under who held the first view. It probably is irrelevant of what was done but what is very relevant is the timing of bringing in this amendment. I found it very interesting when the Member for West Bay said that no child is denied education under today's system. Very correctly. That system is Section 22 of the 1983...

HON. BENSON O. EBANKS: On a Point of Order, Mr. President, the Member must address me by my correct title.

MR. PRESIDENT: Well certainly, he should make it clear to which Member he refers. You did say the Member for West Bay which does not accurately describe anybody.

MR. TRUMAN M. BODDEN: I am sorry there, Sir, but the Member did refer to me as "the Member" for quite a while, I thought I would just point that out.

Just to recap, the system which permits children to remain in school to age 19 is the Education Law, 1983 which remains unchanged. I believe that when reference was made to keeping a child back one class that that should only be done when the child is not only backwards in his work, but when looking at the psychological effect also that it will have on the child to be kept back a year. What is totally unacceptable is to have children in general, kept back a year under this system. If a child is not progressing well, the duty then is to get extra teaching help for that child. Try to get the child back in the mainstream and moving on with the class generally. If that proves not to be correct. Then, provided that the psychological part of it relating to the child is taken into account, then the child can be kept back.

But, it also has a bad psychological effect, Mr. President, to keep back a child who is sufficiently bright to move on. That was the aim of the policies when these were introduced back in 1979 when I said in that at paragraph 4(c) that, only in exceptional cases should a student who is experiencing learning difficulties in basic skills be moved out of the general classes. But, I was happy to say that special education is something that was needed then, and it has been brought in and will continue to be needed, I believe, for time to come. So, if the holding back of a child is justified on educational and psychological grounds, then I think it is okay, but I do no think that it should be done on a whole scale basis, or it would be detrimental to children generally.

In summary therefore, I support the Motion and I hope that the debate will not cause any further decisions to be made based on what I have done, achieved or otherwise, which could be detrimental to the system and the children of the Cayman Islands. My other hope, Sir, is that the implementation will be swift because it is something which today, with the large amount of crime that has escalated in the past three years....

POINT OF ORDER

HON. BENSON O. EBANKS: Mr. President, on a Point of Order, Sir, can the Member substantiate that statement? He is making an erroneous statement. Crime has not escalated at the schools within

the last three years.

MR. PRESIDENT: It is a Point of Order alleging misrepresentation, if you would like to take it on that basis.

MR. TRUMAN M. BODDEN: Mr. President, I was talking about crime generally, I never said at the school. The justification for keeping the child in school is to keep the child away from crimes in the society.

MR. PRESIDENT: I think that explains what the Member had in mind.

MR. TRUMAN M. BODDEN: That was the reason why this was one of the things that was set out with solutions in relation to crime generally in my Manifesto. So with the increased crime in society, the increased problems that relate in society, I think it is good that children will be kept in school for longer periods so as not to cause them to be exposed to a society which is pruned to expose them to drugs, crime or whatever at that age.

I support the Motion Mr. President, and I hope that it will be implemented expeditiously.

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

CAPT. MABRY S. KIRKCONNELL: Mr. President, I rise to support the Motion.

There has been so much said about this Motion in the last couple of days, I think it would be appropriate if I read the Motion for the benefit of the members of the listening public, with your permission:

> "WHEREAS the school leaving age at the Cayman Islands High School (and I would mention the Cayman Brac High School as well) is fifteen plus years;
>
> AND WHEREAS it is thought desirable at this stage in the development of the Islands to increase the number of years a child is compulsorily in school;
>
> BE IT THEREFORE RESOLVED THAT Government investigate the need and examine ways and means of extending the school leaving age in the Cayman Islands.".

Mr. President, as I have said, I support this Motion but I note we must approach very cautiously in the second 'WHEREAS' where we see the compulsory year which a child has to attend.

As we know, there are children in different financial brackets whereas some are able to go as long as they want and others have to leave school at an earlier age to seek employment. All this we must consider. I feel it is very incumbent upon the Honourable Member for Education that he takes a very serious look at technical and vocational training. I would ask that they particularly look at our Cayman Brac campus because much emphasis is being placed on the upper 20 per cent of our school population which are academically acceptable to higher institutions or higher learning and for the other 80 per cent that really is not any incentive for them to go on for 'O' or 'A' Levels. They find themselves disillusioned and if they stay in school, they are not going to achieve anything because what they really need is to become auto mechanics and trades men and that facility is not available. I feel more emphasis should be taken in this regard. I think, the Member is saying that they are doing that and would thank him for that if that is correct.

I would like to take the opportunity of congratulating the First Elected Member for Bodden Town, on this being his first Private Motion since coming into this House. I think it is a good and necessary Motion, and I hope that all Members will support it. But, as I have said, in establishing a compulsory age at which a child must attend, we must give this very serious consideration and not just to establish that they must attend until age 17, 18 or 19 years and find later on that we have been breaking the law, because financially, they are not able to comply.

Mr. President, the Cayman Islands have been very fortunate in these years of prosperity. I feel it is incumbent upon us that we attempt not only to educate our children to the upper echelon of society but also that they be qualified to do what I call the blue collar jobs. In every other developed country we do not look down on those who actually do our blue collar work but it seems in the Cayman Islands we are becoming a society that unless you work in a bank, trust company or some other institution with a neck tie, you are not recognised. I do not subscribe to that society. I feel that all members of our society are necessary and more emphasis must be placed on equipping our children to fill all the needs of different trades in the Cayman Islands.

I thank you, Mr. President.

MR. PRESIDENT: Does any other Member wish to speak on this Motion? The Second Elected Member for the Lesser Islands.

MR. GILBERT A. McLEAN: Thank you, Mr. President.

As I have stated before, I support Private Member's Motion No. 1/89 which seeks to increase the school leaving age. I believe that the Motion is timely and necessary due to many factors, one of which, I myself campaigned for - an increase in the school leaving age - in the recent General

Election. Also, I have heard many parents express a wish that they would like their children to attend school beyond the years that are now required and permitted under the Law. I think we are fortunate, in that, children take 'O' Level GCE which is accepted more or less as a qualifying examination for entry into higher education although there is also the CSE and perhaps other examinations with which I am not even familiar. What comes in question is the level of maturity of students at that age.

At 15 plus years, a student is an adolescent and they are certainly within an appreciable amount of their physical development which I think most people agree, when their physical growth is at a high level, it does have effect on their mental growth and so, children attending school beyond the age that is now permitted, should lend itself to a situation where the children are more mature. Children below the age of 18 years cannot vote, below 17 years they cannot get a driver's licence as has been pointed out by other Members. Various responsibilities in terms of the law cannot be accepted by the students below the age of 18 years.

There are basically, two systems of education in the Cayman Islands. One is based on the British system of education and the other on the United States' system. To the best of my knowledge, in the United States system, the children who graduate from at least one of the schools that offer this high school education, their average age is around 17 -18 years which again, to the best of my knowledge, is the average age when in the United States high school students graduate. We have come a long way from the history of our education when all that we had was the primary all-age school and even then, parents in some instances at least, wished for their children to carry on into Standard Six or spend another year. However times, in those days were more likely to see at least a male student having to leave school to go to sea to earn a living and to help his family who had helped him to that age.

We are fortunate that the situation has changed for us in these Islands, and the economy allows us to live in a situation of over employment and the same harsh realities that existed in days of the all-age primary, really do not exist now. But certainly, one of the things that the buoyancy of our economy and the rapid development in these Islands has shown is that we need qualified persons to fill the jobs that are being filled now, in so many instances, by non-Caymanians. Here, I do not confine the concept solely to the area of academic studies because in all of the technical areas every single one that we can possible think of perhaps, we have a need for qualified and educated people in these areas.

I think the present system gives a reasonable basis on which we can build and as of now we have three levels of schooling, the Primary level, the Middle level and the High School. I am told that the three age limits are from 3.9 years of age to 9.9 when a child leaves the Primary School to attend the Middle School, 9.9 years to 12.9 years in the Middle School and 12.9 to about 16 years in the High School.

Mr. President, I could not stand here and suggest how it could be best achieved to bring in the compulsory age of 18 years. But I do believe that there should be enough expertise within the Portfolio and the Education Department that this can be worked out. What I do believe is, that to increase the age would have a positive advantage on the achievement by students and it is my belief that is what we hope to achieve.

We have accepted, at least in a general way, that GCE 'O' Level is what all students should aspire to. But I also believe that students should be given an opportunity of a High School education that is planned and so designed that it can take students up to approximately 18 years of age without necessarily giving them, repetitive studies which might bore them. They should be given chosen subject areas that would make them functional when they leave school and that they could cover a range and level of studies which could achieve this. Whether or not they take the GCE and pass it at 15 years, I personally believe that the students could go on to a progressive level above that and perhaps in the next year re-sit it or however it might be done. At the end of the day students would leave school with a level and scope of education that if even they do not go on to higher studies they would have achieved something with which they can go out into the world and earn a livelihood. Not least of all of these considerations is the fact that a maturity is necessary. It gives the students an opportunity of greater discipline because they would be required for a longer period of time to be under the discipline that school connotes.

Clearly we have a problem in this country and with the education system for whatever reasons, and our social conditions at this time and whatever else goes into play, we are not producing the number of persons that we need who are qualified to take up the various jobs that are available and who are qualified enough to go on to be higher trained. I believe that by an extension of the school leaving age it gives an opportunity for our slower learner to achieve and perhaps pass the examinations at 17 years that he could not pass at 15 years plus. It creates then in that person, a sense of achievement and hopefully, in a general way, it will produce a more productive person in the society.

I believe that to examine this situation right now is the right thing to do. We have heard in this Meeting of the Legislative Assembly about the large number of persons who are employed in this Island, and of course, the ready reason given in most instance is that there is not any Caymanians who are qualified. It is therefore, I feel, the duty of ourselves as Legislators to examine whatever areas there may be whereby we can achieve improvements in education.

I think that it is good that the Member who has brought this Motion has done so. I believe it has public acceptance, it certainly falls within the area of education that I stand for and feel personally moved to support. Accordingly Mr. President, I give the Motion my support.

MR. PRESIDENT: At that point we will suspend for fifteen minutes.

AT 3:36 P.M. THE HOUSE SUSPENDED

HOUSE RESUMED AT 3:37 P.M.

MR. PRESIDENT: Proceedings of the House are resumed.
The Second Elected Member For Bodden Town.

MR. FRANKILN R. SMITH: Mr. President, I rise to support Private Member's Motion No. 1/89 - School Leaving Age.

At this time in our development, we need more mature, productive and disciplined young people. We also need to be able to produce young people who realise that there is dignity in labour and that some attention should be given to technical and vocational educational training.

Some years ago, I opposed the training of young Caymanians in steam engineer and navigational officers mainly because I felt that the days of steam was over for the Cayman Islands. I believe that time has proven me right. I do believe that not many of those that were trained in that field in the Cayman Islands are now today holding a job in that field. I felt that all of the Caymanian engineers who sailed the sea at that time would be back in Cayman and that one day, if the need arose, those engineers with experience would first get whatever jobs are available, because of their experience and the newly trained officers would be left out. That also refers to the captains and mates.

I would have liked to have seen in those days that those officers who were trained in steam engineering, etcetera, were then given the opportunity to be trained as auto mechanics in diesel or gas, along with special diesel engineering, electrical engineering, heavy equipment operators, computer technicians, electrical appliance repair men, plumbers, carpenters, and refrigeration and air-condition technicians, because today, we are at the place where we are granting work permits to so many persons in the above fields. I feel that had our people been trained then, we would not have had the problem today with so many work permits being issued. I hope that the Honourable Member for Education has included these subjects at the Community College which will help the less fortunate students who have not been able to reach the higher educational brackets to achieve something in life.

So, with those few words Mr. President, I support the Motion.

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

MR. W. McKEEVA BUSH: Mr. President, I rise of course in support of the resolution before the House.

I believe that what we are trying to accomplish here today in the passage of this resolution, in spite of all that has been said, is what our society needs as far as our youth is concerned. With this proposed extension, I believe that secondary education for all children can be improved, not only for those capable of 'O' and 'A' Levels but for all students. It could be a new and good opportunity in education itself and also in the task of linking education with society as it is today. We think of the work experience programmes in the school and we realise that extending the school leaving age should greatly enhance that programme. This could accomplish a much improved basis for the transition from childhood to adulthood and in general, offer an improved introduction to and in preparation for responsible citizenship.

It would offer a more improved link between individual, school, education and society in a clear and realistic way. The questions, I believe, that should be posed and are pertinent today are, are the majority of children well directed by the education they are receiving? Are they well prepared for their adult lives in society for all the tasks and values of citizenship that they must face? Are they well equipped with standards of excellence for their reciprocal relationships of mutual interest and obligations with their fellows? As far as the majority of children are concerned in this country, the answer seems to be, no.

Mr. President, when this matter first appeared in the news media, a letter was written by a young concerned graduate and I would crave the indulgence of the House to put that letter on record, and I quote:

> "In reference to your front page story - "CHILDREN LEAVE SCHOOL TOO EARLY M.L.A. SAY" - in the 7th of February issue of the Caymanian Compass, keeping students in classrooms until they are better equipped to fit in with needs of our society is a good Motion and one that should be passed.
>
> I myself graduated from the High School and found it hard to get a job not because of my qualifications, but because employers feel that a fifteen or sixteen year old kid is not responsible enough to be placed to work in their office or firm. If one does receive a job, it is low paying or a job that they do not deserve to be put in with their qualifications (meaning they could have been given a better job). Most employers also prefer employees with reliable transportation and what transportation is more reliable than your own? But how can one get a car at age fifteen or sixteen when the banks do not give loans to people at these ages nor can one drive a car legally at this age?
>
> Kids come out of school every year whether they have passed their exams or not and where does this leave them? They have no role to play in the development going on around them. Without qualifications they are being left behind and eventually these teenagers may turn to drugs or prostitution as a means of making some money. I agree with Mr. Bodden, that the school leaving age should be raised to eighteen years and a wider range of courses

introduced with more technical and vocational training to fit into our society.

Good Motion!

A young concerned graduate.".

Maybe, and certainly we fervently hope that a reorganisation of the system to allow for a longer period of time in which a child is in school will help to address the problems expressed by that graduate. We live in very modern times. Our economy is very modern and when we think of our children leaving school at fifteen plus, we have to take many things into consideration.

For instance, our economy is a highly sophisticated instrument depending on a vast range of complexed skills and driven by certain human attitudes chief among which are the initiatives and a basically disciplined attitude towards work. Let us be frank with ourselves, we Caymanians are a highly ambitious people but are we satisfied that we have really understood the levels of skills on the one hand and the kind of attitudes on the other which are required to continue to build the kind of economy that will support our ambitions? It is precisely here that our educational system becomes the indispensable instrument by which we can move our society in the right direction both in terms of skills and attitudes. But, how can we accomplish this if we do not begin with the answers to fundamental questions?

Mr. President, here of late, many people, some politicians especially, seem to scoff at the idea that studies must be done on certain things but really, how do we know? How do we find out if we do not make studies and make projections from those studies? I would suggest that we make some serious studies in preparation for what this Motion asks or as an ongoing policy after the administration has implemented our request. I would like to suggest some steps which I believe need to be undertaken.

First, I believe that we need a five or ten year projection of our skilled manpower needs at every level and of every type in our country. This involves a hard-headed examination of our economic possibilities. We must do this because it is only this way that you can anticipate, for instance, teaching requirements and fields as widely separated as cost accounting and computer programming. We need to make, in my opinion, a scientific study of attitudes as they now exist in our society and among the young in particular so that an evaluation can be made as to how far the present complex of social, family, personal and educational relationships produce attitudes at variance with our long term objectives.

I believe, Mr. President, that we must also take the essential step of recognising that the teacher in our community is completely fundamental to the educational process. Let us not fool ourselves. The finest classrooms in the world are an empty gesture if the teacher/pupil ratio is bad or if teachers are under-trained, or if teachers, as a body, do not cover the full range of disciplines that need to be taught. We hear about local teachers' situations as against expatriates. I would venture to say that it is a tragic comment upon the total failure of fundamental planning in these Islands that we should still be importing teachers from abroad in the numbers that we do, but that is a fact of life. We have to. This probably cannot be blamed on any one Government and maybe society as a whole, should take the blame.

Over the years, we have built up tourism, we have built up banking and we have moved in other directions to make this country a stable one. We have done it but we did not put enough emphasis, in my opinion, on the training of teachers, for whatever reason. Many years ago, the teacher enjoyed the position of respect and status in the community equivalent to a senior civil servant as should be of members of a noble profession such as teaching. Today it would seem to be otherwise and leave is taken to more financially rewarding enterprises. The fact is that Cayman has to be made to face the inescapable realities that education is the only door through which a people can pass to progress. The teacher is the key to that door. This means that we need to reorder our social priorities. If it takes good salaries and working conditions to get enough of the best people into teaching, then Cayman must pay those salaries and provide those conditions not grudgingly but gladly as a very proud assertion of our determination to build a greater country.

And so, having got that realistic survey, a picture if we may call it, of our needs in terms of skills and attitudes, the teaching profession and the Government planners need to be involved in an exercise designed to restructure the system in terms of those needs. When that is done, an additional period in school gaining the where-with-all to bring them into society, our children will be able to handle the needs and the problems which those needs create and which a sophisticated and modern society, namely the Cayman Islands, will thrust upon them when they are out there.

We have heard quite a bit in this debate on the amendment to the substantive Motion and I am not going to muddle my contribution in trying to reply to some of the foolishness that went on here, but I think it is most appropriate for me to give credit where credit is due.

So much has been said about the Honourable Member for Education, my colleague, destroying the educational system. As I have pointed out so often in the past couple of months, the man must be given credit for the work in the field of education. I would ask the question of some people, where were they when the Honourable Member was labouring to bring into effect the Comprehensive system - a system to give all of us and our children a fair chance to get knowledge in this country?

What was the position before that Member came into Government in 1965? We had a situation that existed in this country that, for instance, we had a school on Eastern Avenue now called the Annex, where some children were sent and a selected few were given spaces at the High School, a social segregation if you may. I remember the system because I am one of those that went through that system. But the Member came along and changed all of that and everyone had a chance to better himself.

Today the people not in the know try to make the younger generation believe otherwise. The truth will always be there. We must give the devil his due. The Member has

played an important part in the educational development of this country. I would not get in to talk about if it got worst or under whose administration it got worst.

But another debate we hear which is so strange for those speakers, I have heard the Member being criticised that he was leaving out West Indian. If we go back in history, up until the Member left office in 1976, there were many, many West Indian and I would say, more West Indians than other nationalities in the system. If there has been an exodus of West Indians, it happened at another period. I heard the Member being accused of being a communist, trying to begin the Caribbean Examination Council's Examination (CXC). The question, Mr. President is, would West Indians not have been schooled in the CXC? Would they not have taught the CXC, in other words, raised in the CXC? Let the Members answer that themselves.

I think the Honourable Member for Education has done well for this country over the years seeing that the comprehensive system and the chance given to Caymanians to progress in that system is very young since the Member brought it in force in the 1970s or late 1960s. It is a very young system. This country has come a long ways and instead of us trying to get credit by destroying the Member, we should take cognisance of where we came from.

Obviously, and I am going to close in a minute, our country has changed in respect of needs and systems. Qualifications and standards are not in question here. What is in question is the maturity level of children coming out at the present school leaving age and what our children can actually accomplish in our society once they are released from the educational system as it is today.

I will not sit down, Mr. President before I pay tribute to my colleague, the Mover of the Motion. The education system lost a good man, a good teacher and a good administrator who, in my opinion, should have been the first Caymanian Principal at the Cayman Islands High School. If it were not for the vindictiveness of certain people who labelled him as communistic, education in my opinion, would have been better off today if Roy Bodden had stayed in the system. I welcome him to this House and trust that his tenure may be a long one.

Needless to say, Mr. President, as Seconder of the Motion, I support the Motion wholeheartedly.

MR. PRESIDENT: If no other Member wishes to speak...it appears not. The Third Elected Member for West Bay.

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

I would like to say that I support Private Member's Motion No. 1/89 entitled, School Leaving Age moved by the First Elected Member for Bodden Town.

Mr. President, this was an issue in my political campaign and was also a part of my Manifesto. To prove that, Sir, with your indulgence, I would like to refer to 11(c) of the said Manifesto which reads as follows: "Raise the legal school leaving age of our students from sixteen years to ensure a better educational background.".

This was an issue that I raised from the platform and I promised that once elected, I would see that something was done about it.

I feel that raising the compulsory school leaving age gives students a better chance to add to their educational background. By that I mean, gaining 'A' versus 'O' Levels or vocational or technical skills. It provides a more smooth transition into institutions of higher learning for those students who plan to go to higher education. It provides the students, I feel, with an opportunity to bring better skills to the job market. It also provides an opportunity for those students to add to their mental maturity to better equip themselves to go out and cope with the problems of the real world and the work place.

Although I support the Motion, I also second the opinion of the First Elected Member for the Sister (Lesser) Islands in that, this policy should definitely be flexible and should take into consideration the individual circumstances of each student. I think it is very important. We cannot all go on to become lawyers, doctors or accountants, there are other very important services to be provided in the blue collar area and the technical areas such as plumbing and electronics. I have always been an individual that can appreciate an individual regardless of his profession as long as he is earning his livelihood from an honest occupation.

I do not intend to get into the details as far as how the Motion or programme should be implemented. I leave that to the Honourable Member responsible for Education and his staff, but in closing, I would like to once again say that I support Private Member's Motion No. 1/89 entitled, School Leaving Age.

Thank you, Mr. President.

MR. PRESIDENT: There remain some five minutes before the normal closing time, I wonder whether the proposer of the Motion who now has the right of reply, could indicate to the Chair how long he might need?

MR. ROY BODDEN: Mr. President, I am not usually long-winded and I may just beg an extension of another ten minutes, if that is permissible.

MR. PRESIDENT: Would the Honourable First Official Member like to move the Motion now?

HON. THOMAS C. JEFFERSON: The debate may flow more smoothly, Mr. President, if I do.

SUSPENSION OF STANDING ORDER 10(2)

HON. THOMAS C. JEFFERSON: Under Standing Order 83, I move the suspension of Standing Order 10(2) to allow the Mover of the Motion to complete his reply.

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

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED. STANDING ORDER 10(2) SUSPENDED.

MR. PRESIDENT: The First Elected Member for Bodden Town replying to the debate.

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

I would like to begin to close the debate on this important Motion by addressing some of the concerns that were raised in the Editorial of the Caymanian Compass of Wednesday, 15 February 1989. That editorial began by saying:

> "The proposal to raise the school leaving age is one indication of a willingness to pay more than lip service to the problems of youth.".

It went on to remark that,

> "...such a proposal recognises the difficulties of employing young school leavers in today's complex labour market. It may also point to a need for more and better formal training schemes and for more vocational training courses.".

I would suggest that therein lies the meat and the essence of the Motion. It strikes me that our system could be better improved if we develop additional facilities for the development of vocational and technical education. But, I did not want to be presumptuous and suggest to the Honourable Member what should be done or to dictate to him the policies that he should lay down, that is his prerogative, Sir.

If my memory serves me correctly, I believe that I was one of those persons who were responsible for putting him there and perhaps I was most responsible. That means that I have every confidence in his ability and I note with cognisance his pledge to expedite the institution of such a Motion. I think it is timely. I would say from the position here, that I will be watching with interest.

I received a call from some teachers on the evening that this Motion was introduced and they were concerned that we as legislators, are not going to, as they put it, ram this down their throats because they expressed the observation that they, as teachers, needed time to prepare, to think, to examine and to study the directions that we need to move in. We are just at the introductory stage I believe, of going to a new examination. Some of our students may have sat the GCSE Examinations for the first or second time in the recent past.

As far as keeping up with my vocation, I believe that I am as current as current can be. I was reading a book published by one of the United Kingdom's authorities entitled 'The Common Policy for Education' which sharpened my concern because the author is arguing that the GCSE is going to further widen the gap between those students who are able to attain 'O' Level type qualifications and those who are not. Indeed, Sir, she says it is a disappointing anachronism which does not fit with vocational or pre-vocational criterion. She proposes the institution of other technical and vocational type of examinations which I think we in the Cayman Islands would do good to take a note of. Those such as the Certificate of Pre-vocational Education (CPVE), the Technical and Vocational Education Initiative (TVEI) and I myself, know of the City and Guilds (London) Institute. I believe that we should give some attention to this type of technical and vocational training.

I note with interest that it is the one Motion that we had such a large degree of agreement and consensus on. Every Member outlined their concern for the development of some technical and vocational education. I feel good because that is exactly the direction and the intention I wanted to illicit when I introduced the Motion. Some Members should be able to see the method in my madness. I was able to bring all of the disparate views in this House to some form of consensus without embarrassing anyone, without putting anyone on the spot and if I were a little defensive, I beg forgiveness. It was just that I thought I had to make a point or two explicitly clear.

My ideal belief is that eighteen is the best age for our children to finish High School but I will not attempt, and I do not think I would be successful in trying to impose them upon the Honourable Member for Education but rather, I would suggest that when he issues the directives to his department,

he ask them to be flexible and to be observant.

There were two or three other opinions expressed which were very close to mine and one came from the Second Elected Member for the Lesser Islands. I believe in listening to that Member's contribution, there was something in there which signified that at some stage he was a teacher. There were other contributions which were significant in that regard.

So, that leads me to say that what we are looking at here is what I mentioned at the beginning, education as an investment in human capital which, at the end of the day, must leave our society better off in the terms that we will have produced more productive, better socially adjusted and more disciplined young people.

With all due respect to us in here as Legislators, eminent as we are, if we do not have people outside taking up the reins, willing to make sacrifices and to work hard, we can legislate until the Good Master calls us home and it would be to no avail. We have to develop a system where everyone realises that there is dignity in labour and that all of us cannot be MLAs, all of us cannot be doctors, all of us cannot be lawyers but all of us can be honest, productive and conscientious citizens. This country needs people of varying abilities and varying skills. We are inter-dependent and I believe that this Motion realises that.

I would crave the indulgence of, not only the Members of this Honourable House but the parents, the teachers and indeed the students themselves. I was moved to elation when my colleague and the Seconder of the Motion, the first Elected Member for West Bay, read that letter because, Sir, it tells me that the young people themselves realise that there is a need which should be addressed and sooner rather than later.

I would also like to remark, Sir, that in the Canadian and the American systems, students graduate from High School at the age of eighteen years of age. Even if their formal education is terminal at this age, I would suggest that the maturational level of these students is of such that they are capable and can easily fit into the societal mold. I do not see where, if a student is not able to attend university until he or she is eighteen years old, it is going to be a significant detriment or disadvantage to them progressing or not progressing.

I would agree with the Third Elected Member for George Town that what we should do though, if they have to remain at school, is not to let them drift aimlessly but to give them some challenging tasks and set a programme for them to follow.

I feel a sense of satisfaction because I believe that when the question is put, it will be one which has near unanimity in this House. I hope, Sir, that Honourable Members can work together and perhaps by the time this week is over that we could shelve even temporarily, some of the negative elements of adversarial politics and that we can realise that there are bound to be some differences. Let us not seek to exaggerate the differences. Rather, let us seek to exaggerate the similarities because all of us here have made the declarations that we are working for a better Caymanian society.

Thank you, Sir.

MR. PRESIDENT: I shall put the question on Private Member's Motion No. 1/89. Those in favour please say Aye...Those against No.

AYES.

MR. PRESIDENT: The Ayes have it.

AGREED. PRIVATE MEMBER'S MOTION NO. 1/89 PASSED UNANIMOUSLY.

ADJOURNMENT

HON. THOMAS C. JEFFERSON: Mr. President, if we were in church we would now say Amen... but at this time I will say that I move the adjournment of this Honourable House until 10 o'clock tomorrow morning.

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

AYES.

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

AT 4:40 P.M. THE HOUSE STOOD ADJOURNED UNTIL 10:00 A.M., TUESDAY, 28TH FEBRUARY, 1989.